STATUTES OF CALIFORNIA

REGULAR SESSION
1967

Began Monday, January 2, 1967, and
Adjourned Friday, September 8, 1967

STATUTES OF CALIFORNIA

PASSED AT THE 1967 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

An act to validate, ratify, and confirm the legal existence, composition and organization of county committees on school district organization for the period July 1, 1966 to July 8, 1966, inclusive, and to validate, ratify, and confirm the acts and proceedings undertaken by those bodies during that period, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 24, 1967. Filed with Secretary of State January 24, 1967.]

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

SECTION 1. It was the intent and purpose of the Legislature, by the enactment of Chapter 146 of the Statutes of 1966 (First Extraordinary Session) to supersede, beginning July 1, 1966, the provisions of Section 3 of Chapter 1898 of the Statutes of 1965, which repealed the provisions of the Education Code relating to the legal existence, composition, and organization of county committees on school district organization. It was the further intent and purpose of the Legislature, by such 1966 enactment, the same being an urgency measure specifically made operative on July 1, 1966, that county committees on school district organization be continued in legal existence, without interruption, from and after July 1, 1966.

Chapter 146 of the Statutes of 1966 (First Extraordinary Session), which by its own terms is made operative commencing with July 1, 1966, shall, irrespective of its later final enactment on or about July 8, 1966, be given retroactive effect and shall be construed, interpreted and applied, and shall for all purposes be deemed, as having been fully effective and operative on and after July 1, 1966, and to have reenacted and continued in effect, without interruption, the statutory law governing the existence, composition and organization of county committees on school district organization, irrespective of Section 3 of Chapter 1898 of the Statutes of 1965.

SEC. 2. The continued legal existence, organization and composition of county committees on school district organization during the period of July 1, 1966 to July 8, 1966, inclusive, and all acts and proceedings undertaken by such com-

mittees during the said period pursuant to the Education Code or under any law or under color of any law, are hereby validated, ratified, confirmed and declared legally effective for all purposes.

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

By the enactment of Chapter 1898 of the Statutes of 1965, the Legislature repealed the statutory law providing for the legal existence, composition, and organization of county committees on school district organization, with the repeal to become operative in July 1, 1966. At the 1966 First Extraordinary Session it was determined by the Legislature that the county committees should be continued in existence and that the statutory law governing their legal existence, composition and organization should be continued in effect. To that end Senate Bill No. 105 was enacted into law as Chapter 146 of the Statutes of 1966 (First Extraordinary Session), an urgency statute to reenact the pertinent statutory law, with the same to be operative on and after July 1, 1966. By reason of the time consumed in the bill's course through the legislative process it was not finally enacted into law until on or about July 8, 1966. This delay has given rise to questions concerning the exact legal status of county committees during the period of July 1 to July 8, 1966, and the legal efficacy of acts and proceedings which may have been undertaken by them during that period. In order that any doubts concerning the legal existence of county committees and the validity of acts and proceedings undertaken by them during the period of July 1 to July 8, 1966 can be removed, and to the end that the important school district reorganization proceedings affected thereby may continue without interruption and without legal complications, it is essential that this act take effect at the earliest possible time.

CHAPTER 2

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

[Approved by Governor February 9, 1967. Filed with Secretary of State February 9, 1967.]

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

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

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water district improvement districts
California water districts
Cemetery districts
Citrous pest control districts
City general improvement district improvement districts
City general improvement districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County service areas
County sewerage and water districts
County water agencies
County water authorities
County water district improvement districts
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts

Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement district improvement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility district improvement districts
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies

Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage district improvement districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities.

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

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

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

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

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

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

board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

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

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

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

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

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

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

would be barred by any presently existing valid statute of limitations

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

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

SEC. 10. This act may be cited as the First Validating Act of 1967.

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

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

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

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

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

CHAPTER 3

An act to amend Section 15601 of the Elections Code, relating to school elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 10, 1967. Filed with Secretary of State February 10, 1967.]

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

SECTION 1. Section 15601 of the Elections Code is amended to read:

15601. An election board may adopt a system provided for in this chapter for any or all precincts within its jurisdiction, and for any portion or all of any elections. Such board may, from time to time, combine, rearrange, or enlarge the precincts for which such system is adopted, provided no precinct shall include more than 1,000 voters, and may abandon such system as to all or any precincts or elections.

The maximum of 1,000 voters for a precinct under this section shall not apply to elections held pursuant to the provisions of the Education Code.

SEC. 2. The provisions of this act shall be operative until April 19, 1967.

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

School elections which would be affected by this act are scheduled in 1967. In order that it may operate with respect to such elections, it is necessary that the act go into effect immediately.

CHAPTER 4

An act to amend Sections 7.1, 15, and 16 of, and to add Section 12.2 to, the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 23, 1967. Filed with Secretary of State February 23, 1967.]

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

SECTION 1. Section 7.1 of the Ventura County Flood Control Act (Ch. 44. Stats. 1944 (2nd Ex. Sess.)) is amended to read:

Sec. 7.1. In addition to the powers described in Section 7 of this act, the district shall have the power by ordinance or

resolution to prescribe, revise and collect fees and charges in any zone and in any special zone as a condition of development of land. Land to be developed within a special zone shall be subject both to the fees and charges of the zone in which it is located and the fees and charges of the special zone in which it is located. Development of land for the purposes of this section shall include, but not be limited to, subdivision development as governed by the Subdivision Map Act; construction of new buildings, structures and improvements for residential, commercial or industrial purposes; and any development of land requiring either zone variance or special use permit. The amount of fees and charges levied for each zone and for each special zone shall be determined separately and shall be based upon the need created by development of land for flood control facilities within the zone or special zone. The amount of fees and charges levied for any zone, other than a special zone, shall not exceed four hundred dollars ($400) for each acre or portion thereof of land to be developed. Fees and charges prescribed as a condition of development of land pursuant to this section shall be in addition to any other conditions imposed on such development by any other agency having power to prescribe such other conditions. Except as hereinafter provided, revenues derived from fees and charges prescribed for any zone may be used only for the acquisition, engineering, design, construction, reconstruction, maintenance or operation of flood control or storm drainage facilities within such zone, or within any special zone located in such zone, or used to pay the interest on or reduce the principal of any bonded indebtedness of such zone. At the discretion of the board of supervisors, all or part of fees and charges prescribed for any zone which are collected as a condition of development of land located within a special zone may be used to pay the interest on or reduce the principal of any bonded indebtedness of such special zone. Except as hereinafter provided, revenues derived from fees and charges prescribed for any special zone shall be used only for the acquisition, engineering, design, construction, reconstruction, maintenance or operation of flood control or storm drainage facilities within such special zone or used to pay the interest on or reduce the principal of any bonded indebtedness of such special zone. At the discretion of the board of supervisors, all or part of fees and charges prescribed for any zone or special zone need not be collected as a condition of development of land located within a protection district established under the Protection District Act of 1907 or if collected from such land, all or part of such fees may be remitted to the protection district to be used to pay the interest on or reduce the principal of any bonded indebtedness of such protection district. Whenever the development of land within any zone or within any special zone is made subject to fees or charges by the board of supervisors pursuant to this section, said board of supervisors may allow a credit against such fees for the acquisition, engineering, design, construction, reconstruction,

maintenance or operation costs of any flood control or storm drainage facility within such zone or special zone which has been constructed or paid for in connection with the development of land within such zone or special zone. The board of supervisors may also reduce fees or charges prescribed for any part of the land to be developed within such zone or special zone if they find that because of special circumstances the payment thereof would be inequitable or would cause undue hardship and the reduction of such fees would be in the public interest. No fees or charges shall be levied on the development of land located within the corporate boundaries of a city except upon the consent and approval of the legislative body of the city.

SEC. 2. Section 12.2 is added to the Ventura County Flood Control Act (Ch. 44, Stats. 1944 (2nd Ex. Sess.)), to read:

Sec. 12.2. In order to carry out the objects and purposes of this act, the board of supervisors of said district shall have the power in any year to levy an ad valorem tax or assessment upon all taxable property in Zone 3, according to the benefits derived or to be derived by said zone, to pay the interest on or reduce the principal of any bonded indebtedness of any protection district established under the Protection District Act of 1907 located within said zone; provided, however, that the aggregate taxes or assessments levied pursuant to this section and Section 12 of this act on the taxable property in Zone 3 for any one fiscal year shall not exceed the amount of taxes or assessments which may be levied pursuant to Section 12 of this act on the taxable property in Zone 3 for any one fiscal year. Said tax or assessment shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purpose. It is hereby declared that all property within said Zone 3 so taxed or assessed is equally benefited under this act.

SEC. 3. Section 15 of the Ventura County Flood Control Act (Ch. 44, Stats. 1944 (2nd Ex. Sess.)) is amended to read:

Sec. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work of improvement in any zone, the said board may by resolution, passed by unanimous vote of the entire board, determine and declare the amount of bonds in order to raise the amount of money necessary for such work of improvement and the maximum rate of interest of said bonds. Said work of improvement may be described by reference to the report filed pursuant to Section 10 hereof and no other description shall be necessary. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the

said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount determined in said resolution and for the purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said zone the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to describe such purposes, by reference to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work of improvement, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts As an alternative said ordinance may provide for the consolidation of said election with a statewide or other election in accordance with the provisions of the Elections Code governing consolidated elections.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause a map or maps to be prepared covering general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in said zone; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

SEC. 4. Section 16 of the Ventura County Flood Control Act (Ch. 44, Stats. 1944 (2nd Ex. Sess.)) is amended to read:

Sec. 16. If the issuance of the bonds is authorized at said election, the said board of supervisors may thereafter adopt a resolution or resolutions providing for the issuance of all or any part of the bonds authorized at said election. Said resolution shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the times of the maturities of the bonds. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series; provided, that the earliest maturity of each issue or series thereof, as the case may be, shall not be more than two years from the date of the bond of said issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. Every year beginning with the earliest maturity of each issue or series of bonds, as the case may be, not less than one-fortieth of the whole of the indebtedness evidenced by such issue or such series shall be payable.

The bonds may be issued in such denomination or denominations as the board of supervisors may prescribe, and each bond shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bond, which rate shall not be in excess of six percent (6%) per annum, and shall be payable annually or semiannually. Said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Ventura County, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the Auditor of Ventura County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes

the same as if such officer had remained in office until the delivery of the bonds.

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

Because of a recent legal interpretation of the Ventura County Flood Control Act and the outcome of a recent bond election, the provisions of this act are urgently needed to permit the Ventura County Flood Control District to take immediate action to call a special bond election to provide funds for work and improvement urgently needed for the preservation of the public health and safety.

CHAPTER 5

An act to amend Sections 427.2 and 427.6 of, to add Sections 427.11, 427.12, and 427.13 to, and to repeal Section 427.11 of, the Health and Safety Code, relating to alcoholism, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 28, 1967. Filed with Secretary of State February 28, 1967.]

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

SECTION 1. Section 427.2 of the Health and Safety Code is amended to read:

427.2. The State Department of Public Health, in cooperation with the Department of Rehabilitation, and through the Division of Alcoholism of the State Department of Public Health shall plan, promote, and assist in the support of alcoholism prevention, treatment, and control programs; shall conduct, sponsor, and support investigations and studies, including evaluation, of all phases of alcoholism; shall assist in the development of educational and training programs; and shall carry on programs to assist the public, and technical and professional groups, in becoming fully informed about alcoholism.

The department shall promote, develop, and financially assist, where necessary, alcoholism programs administered by local health departments within a comprehensive local plan, including, but not limited to, the following services as defined by regulations adopted by the State Board of Public Health:

(a) Services for individuals.

(1) Casefinding (including court screening).

(2) Diagnosis-evaluation-referral.

(3) Medical and counseling, both acute and continuing.

(4) Psychiatric.

(5) Vocational rehabilitation and employment.

(b) Services for the community.

(1) Continuing measurement of local problem and resources.

(2) Development and coordination of local program.

(3) Public information and education.

(4) Consultation and guidance to other local agencies and groups.

(5) Evaluation.

The department shall promote, develop, and financially assist such other services as may be required by the State Board of Public Health.

Local health departments conducting such programs shall maintain records and submit periodic reports as required by the State Department of Public Health.

SEC. 2. Section 427.6 of the Health and Safety Code is amended to read:

427.6. In order that maximum utilization be made of federal and other funds made available to the Department of Rehabilitation, the State Department of Public Health shall contract with the Department of Rehabilitation to provide vocational rehabilitation services for clients eligible for these services and may make available for this purpose state funds appropriated for administration of this article. Services provided by the Department of Rehabilitation may include individual rehabilitation services as defined in the statutes governing the Department of Rehabilitation, which will assist in the client's rehabilitation.

SEC. 3. Section 427.11 of the Health and Safety Code is repealed.

SEC. 4. Section 427.11 is added to the Health and Safety Code, to read:

427.11. The Division of Alcoholism of the State Department of Public Health shall formulate a plan for the complete evaluation of alcoholism programs developed under this article and other state and local government programs pertaining to alcoholism. The objective of the plan should be to determine if state and local programs are achieving the goal of this article, which is to lessen the extent and gravity of alcoholism and the misuse of alcoholic beverages in California. The plan shall be put into effect as soon as possible and the division shall submit a report on the plan and its progress in initiating it to the Legislature by January 1, 1968.

SEC. 4.5. Section 427.12 is added to the Health and Safety Code, to read:

427.12. This article shall be known and may be cited as the McAteer Alcoholism Act.

SEC. 4.6. Section 427.13 is added to the Health and Safety Code, to read:

427.13. This article shall terminate on June 30, 1968, unless the Legislature, on the basis of the report submitted under

Section 427.11, acts during the 1968 Regular Session to continue it.

SEC. 5. Any unencumbered balance of the amounts appropriated by Item 175 and Item 348 of the Budget Act of 1966 to the Department of Public Health for alcoholism prevention, treatment and control programs shall remain available for expenditure until July 1, 1967.

The Department of Rehabilitation may expend any federal funds received as a result of its participation in programs for alcoholic rehabilitation established pursuant to Article 10 (commencing with Section 427) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, but not to exceed six hundred seventy-five thousand dollars ($675,000).

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the present law, the alcoholism program would terminate on March 1, 1967. There continues to be great need for a program for investigation, prevention and control of alcoholism in the state, and it is of great importance that this program continue uninterrupted. It is therefore necessary that this act go into immediate effect.

CHAPTER 6

An act to amend Section 251 of the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1967. Filed with Secretary of State March 6, 1967.]

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

SECTION 1. Section 251 of the Revenue and Taxation Code is amended to read:

251. The board shall prescribe all procedure and forms required to carry into effect the veteran's, church, cemetery, orphanage, college, exhibition, and immature forest trees, or welfare exemption.

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

In 1966 legislation was enacted to require the State Board of Equalization to prescribe procedures for claiming the self-executing constitutional exemption from taxes of fruit and nut trees and vines. It is now clear that the assessors can administer the exemption without having a claim form filed be-

cause they have adequate procedures to learn of the new planting. Also the filing of exemption claim forms will be a burden on tree and vine owners and the county assessors without any expectation of additional revenue. Therefore, in order that the requirement can be eliminated for the 1967-68 fiscal year it is necessary that this act take effect immediately.

CHAPTER 7

An act to add Section 268.4 to the Revenue and Taxation Code, relating to the welfare exemption from property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1967. Filed with Secretary of State March 6, 1967.]

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

SECTION 1. Section 268.4 is added to the Revenue and Taxation Code, to read:

268.4. For the purposes of Section 268, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1966" includes property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year the articles of incorporation of any such nonprofit corporation provided that the nonprofit corporation contemplated the distribution of gains, profits or dividends to its members only upon dissolution or winding up, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor that the property of the nonprofit corporation was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation during the calendar year 1966 to provide that the property of the nonprofit corporation is irrevocably dedicated to charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes.

This section shall remain in effect until one year after the effective date of the enactment of this section at the 1967 Regular Session of the Legislature and shall thereafter be of no force or effect.

SEC. 2. Any organization receiving the exemption under Section 214 of the Revenue and Taxation Code for the fiscal year 1966–67 and which would have been eligible to receive the exemption for fiscal year 1967–68 had Chapter 147, Statutes of 1966, Section 23, not been enacted, shall be eligible to receive the exemption for fiscal year 1967–68.

This section shall remain in effect until the first Monday in March of 1968 and shall thereafter be of no force or effect.

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

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

SEC. 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 8

An act to add Section 1.2 to Chapter 74 of the Statutes of 1966, First Extraordinary Session, and to amend Section 186.95 of the Streets and Highways Code, relating to the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 7, 1967. Filed with Secretary of State March 7, 1967.]

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

SECTION 1. Section 1.2 is added to Chapter 74, Statutes of 1966, First Extraordinary Session, to read:

Sec. 1.2. The unexpended balance of the appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, and further amended by Chapter 20, Statutes of 1965, and the unexpended balance of the appropriation from the General Fund made by Chapter 20, Statutes

of 1965, shall also be available, without regard to fiscal years, for the purposes provided for in the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges; provided that the damage or destruction by storm and flood or flood conditions for which these funds shall be available has occurred between December 1, 1966, and June 30, 1967, and the local agency has applied to the Department of Finance for an allocation of funds on or before October 1, 1967.

SEC. 2. The funds made available by Section 1 of this act may also be expended for the purposes described in Section 54155 of the Government Code.

SEC. 3. Section 186.95 of the Streets and Highways Code is amended to read:

186.95. The Street and Highway Disaster Fund is hereby created in the State Treasury, to consist of the moneys referred to in Section 186.9.

The moneys in the Street and Highway Disaster Fund, which are appropriated by Section 186.9, shall be available for expenditure, transfer, and allocation, as follows:

(a) The money transferred to the fund pursuant to subdivision (a) of Section 186.9 shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5 of the Government Code), including the purposes provided for in Section 54160 of the Government Code, for damage or destruction to local streets, roads and bridges from storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965. Local agencies shall apply to the State Allocation Board for an allocation of funds on or before April 1, 1966. Notwithstanding any provisions to the contrary in the Emergency Flood Relief Law, the funds allocated pursuant to this subdivision may be used for the purpose of repairing, restoring or replacing such local streets, roads or bridges to present-day standards, such as those referred to in Section 186.8 of this code, and to accommodate present traffic.

(b) The money in the fund including the money received from the federal government as reimbursement to any city or county for the repair or restoration of any street, road or bridge which has been or will be repaired or restored in part or in whole by funds allocated pursuant to this section shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road or bridge damaged or destroyed by any disaster to present-day standards such as those referred to in Section 186.8 of this code, and to accommodate present traffic; and the use of such money shall not be limited to the repair or restoration of streets, roads or bridges damaged or destroyed by storm and flood or flood

conditions; provided, that no such money shall be allocated for expenditure in connection with any disaster, except the damage or destruction to local streets, roads or bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, unless and until specifically authorized by the Legislature.

(c) The money in the fund received from the federal government as reimbursement to the state for the repair or restoration of any state highway which has been or will be repaired or restored in part or in whole by funds transferred to the State Highway Fund pursuant to subdivision (b) of Section 186.9 or by funds expended pursuant to this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation by the California Highway Commission and expenditure by the Department of Public Works for the repair or restoration of any state highway damaged or destroyed by any disaster to present-day standards and to accommodate present traffic.

(d) Any money in the fund not necessary for immediate use for the purposes otherwise specified in this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Public Works of written demand from the Department of Finance, be returned from the State Highway Fund to the Street and Highway Disaster Fund upon determination by the Department of Finance of the necessity of such money for the purposes of this section within a period of not to exceed six months in such installments as may be agreed upon by the Department of Finance and the Department of Public Works.

(e) If the Department of Finance determines the cash balance of the money in the fund under subdivision (b) of this section is temporarily insufficient to make payments for purposes authorized under subdivision (b), and the Department of Public Works determines the cash balance of the money in the fund under subdivision (c) in an amount not to exceed two million dollars ($2,000,000) is not needed for immediate use for the purposes specified therein, the Department of Finance may transfer such amount to subdivision (b) for expenditure pursuant to that subdivision; provided, however, that such transfer shall not be made until the Department of Public Works and the Department of Finance have entered into an agreement providing that the Department of Finance, upon receipt of written demand from the Department of Public Works, shall repay all such amounts by transfer of money in the fund under subdivision (b) to subdivision (c) within a period of not to exceed six months in such installments as may be agreed to by the Department of Public Works and the Department of Finance.

(f) Notwithstanding any other provision of this section, money in the fund under subdivision (b) may be allocated by

the State Allocation Board for expenditure pursuant to Section 54155 of the Government Code.

(g) Income from investment of moneys in the fund and all payments by local agencies in reimbursement of moneys disbursed from the fund, including deferred payments with interest, pursuant to Government Code Sections 54160 and 54161, and all other moneys deposited therein, pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this section.

SEC. 4. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair or restoration of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions occurring between December 1, 1966, and June 30, 1967; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before October 1, 1967.

SEC. 5. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Government Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 4 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1965–66 fiscal year pursuant to subdivision (b) of Section 2110 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Annual storms and floods occurring in various counties of the state have caused and are expected to cause severe damage and destruction to essential local streets, roads and bridges, public facilities, and property in said counties, including public facilities supplying domestic water to inhabitants thereof. In order that funds may be made available immediately for the repair, restoration, or replacement of such local streets, roads and bridges, public facilities, and property, it is essential that this act go into immediate effect.

CHAPTER 9

An act to add Section 32516 to, to amend Sections 32907, 34064, 35222, 36634, 38152, 38931, 39471, 62006, 62007, 62301, 62308, and 62581 of, and to repeal Sections 34953 and 34954 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to milk products.

[Approved by Governor March 14, 1967. Filed with Secretary of State March 15, 1967.]

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

SECTION 1. Section 32516 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

32516. "Product of milk" means milk product as set forth in Section 32512 of this division.

SEC. 2. Section 32907 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

32907. It is unlawful for any person to sell, give away, deliver, or knowingly purchase or receive any milk or any product of milk which has been produced or handled in or by a dairy farm, milk products plant, carrier, store, or depot, that is in an insanitary condition.

SEC. 3. Section 34064 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

34064. Every person that uses any pasteurizing apparatus within the state shall date, preserve, and keep on file for not less than two months after they are made, all records which have been made by the recording thermometer. Such records shall, at all times, be open to the inspection of the director, and all state, county, and municipal officers who are charged with the enforcement of the laws and ordinances respecting milk products or the public health.

SEC. 3.2. Section 35222 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

35222. The fee for a license for any other product for which a license is required is ten dollars ($10) for the calendar year for which such license is issued. The fee for the renewal of any such license is ten dollars ($10), plus one dollar ($1) for each 100,000 pounds, or part of 100,000 pounds over and above the first 100,000 pounds, of milk fat which was purchased or received during the preceding year, ending the 31st day of December.

SEC. 3.4. Section 36634 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

36634. Any temporary definition or standard shall be such as will insure the quality and wholesomeness of the product.

SEC. 3.6. Section 38152 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38152. Milk fat or butterfat is the fat of milk. It shall have a Reichert-Meissl number not less than 24 and a specific gravity not less than 905/1000. In determining the specific gravity, milk fat at 40 degrees centigrade shall be compared with water at 40 degrees centigrade

SEC. 4. Section 38931 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38931. Imitation milk is any substance, mixture, or compound which is made in the imitation of, or which has the appearance or semblance of, milk, condensed milk, condensed skim milk, evaporated milk, evaporated skim milk, dried milk or dried skim milk, and which contains any edible oil or fat other than milk fat. Milk or skim milk when used in combination with chocolate is not imitation milk.

SEC. 4.5. Section 39471 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

39471. The following manufactured substances, mixtures, and compounds, with or without butter, milk, or cream, are "oleomargarine" or "margarine":

(a) All substances known prior to 1953 as oleomargarine, margarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral.

(b) All mixtures and compounds which contain any edible oils or fats except milk fat, that are made in imitation or semblance of butter, or which are intended to be sold as or for butter or as a butter substitute.

(c) All mixtures and compounds which contain milk fat that do not conform to the standard for butter, and which are made in imitation or semblance of butter, which are intended to be sold as or for butter or as a butter substitute.

SEC. 5. Section 62006 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

62006. If a distributor fails to pay any producer or producers for fluid milk or fluid cream in the manner which is required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producers that the distributor has failed to pay for fluid milk or fluid cream, together with the amounts which are due and owing to them and

each of them by such distributor, and shall request all such producers to file a verified statement of their respective claims with the director. The producer need only verify that he is owed an amount by the distributor. The actual amount may be as ascertained pursuant to this article.

SEC. 6. Section 62007 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

62007. After determining the claims of such producers, the director shall bring an action on the bond on behalf of such producers.

SEC. 7. Section 62301 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

62301. Each stabilization and marketing plan may contain provisions which authorize sales stimulation or consumer educational programs to be formulated and administered to increase the consumption of fluid milk and fluid cream, or other dairy products. Such programs shall be carried on without reference to a particular brand or trade name. No such sales stimulation or consumer educational program shall be carried on which makes use of false or unwarranted claims on behalf of such products or which disparages the quality, value, sale, or use of any fluid milk or fluid cream or any other agricultural commodity which it is lawful to market within such marketing area.

SEC. 8. Section 62308 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

62308. If, after public hearing and consideration of the testimony and evidence presented at the hearing, the director finds that a sales stimulation and consumer educational program will tend to effectuate the purposes of this chapter, he shall issue an order making effective such program. The order shall contain all of the following:

(a) The number of months the program shall continue in operation.

(b) The rate of assessment per pound milk fat or per gallon to be paid.

(c) The names, addresses, and business locations of the persons who are appointed to administer the program.

(d) Any other provisions which are necessary and incidental to the operation of the program.

SEC. 9. Section 62581 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

62581 All distributors shall make and file with the director at least once each month such reports as the director may require to enable him to enforce the provisions of this chapter.

SEC. 10. Section 34953 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 11. Section 34954 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 12. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture

and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 10

An act to amend Sections 402, 28061, 44791, 45631, 45633, 45663, 47826, 48031, 50631, 50651, 52651, 52681, 52682, 52712, 52742, 52982, 53562, 58654, 58780, 58784 and the heading of Article 2 (commencing with Section 52681) of Chapter 3 of Division 18 of, and to amend and renumber Sections 48055 and 48056 of, and to repeal Sections 41304, 44792, 45632, 48032, 48054, 48057, 50632, and 55842 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to agriculture.

[Approved by Governor March 14, 1967. Filed with Secretary of State March 15, 1967.]

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

SECTION 1. Section 402 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

402. The department shall prevent fraud and deception in any of the following:

(a) Packing or labeling, or in any phase of the marketing, of any agricultural product which is governed by this code.

(b) Labeling and marketing of any commodity that is governed by this code, which is sold to producers for use in the production of crops.

SEC. 2. Section 28061 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

28061. After June 1, 1966, every egg product which is intended for human consumption shall be pasteurized. Pasteurization is a process that shall consist of the uniform heating of egg products to a temperature of not less than 140 degrees Fahrenheit and of holding such products at such a temperature for not less than 3½ minutes. Such pasteurization shall be conducted in properly operated equipment and the product shall be cooled immediately to a temperature of 50 degrees Fahrenheit or below, except egg whites, which shall be cooled immediately to a temperature of 55 degrees Fahrenheit or below.

SEC. 3. Section 44791 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

44791. The standard containers and packs for asparagus, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in Article 5 (commencing with Section 44811) of this chapter.

SEC. 4. Section 41304 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 5. Section 44792 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 6. Section 45631 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

45631. The standard containers and packs for cantaloupes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in Article 3 (commencing with Section 45661) of this chapter.

SEC. 7. Section 45632 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 8. Section 45633 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

45633. The following counts of cantaloupes which are packed, are standard packs for the respective standard containers as follows:

Standard pack counts	Container number	Standard container name
27, 36, or 45	39	Standard cantaloupe crate
45 or 54	40	Pony cantaloupe crate
18, 23, 27, 36, 41, or 45	41	Jumbo cantaloupe crate
18, 23, 27, 36, 41, or 45	42	Cantaloupe crate
12, 15, 18, 24, or 30	43	Cantaloupe container
12, 15, 18, 24, or 30	44	Cantaloupe container
10, 12, 16, or 20	44B	Cantaloupe two compartment container.

SEC. 9. Section 45663 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

45663. All cantaloupes shall be packed in regular compact arrangement in standard container number 39, 40, 41, 42, 43, 44, 44B, or 44D. All such containers shall be closed and, except as otherwise provided in Section 45664, the number of cantaloupes in each container shall be one of the "standard pack counts" which is listed in Section 45633 for each such container.

This section does not apply to any of the following:

(a) Cantaloupes which are in a retail establishment in possession of a retailer for the purpose of resale directly to consumers.

(b) Cantaloupes which are sold by a producer regularly engaged in the production of cantaloupes directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the cantaloupes were produced.

SEC. 10. Section 47826 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

47826. Except as otherwise provided in Section 47827, the container number 38K is standard for grapes if the depth is $4\frac{1}{2}$ to $5\frac{3}{4}$ inches, the width is 14 or $14\frac{3}{4}$ inches, and the length is $16\frac{1}{8}$ inches.

This container shall be considered standard with or without a taper (up and in—down and in) at each corner.

SEC. 11. Section 48031 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

48031. The standard containers and packs for lettuce, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported or sold in any container, are as prescribed in Article 3 (commencing with Section 48051) of this chapter.

SEC. 12. Section 48032 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 13. Section 48054 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 14. Section 48055 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended and renumbered to read:

48054. Any head lettuce which is prepared for transportation or sale shall be packed in standard container number 45, 45A, or 45B, which is lidded except any of the following head lettuce:

(a) Head lettuce which is in a retail establishment in the possession of a retailer for the purpose of resale directly to consumers

(b) Head lettuce which is sold by a producer that is regularly engaged in the production of lettuce, directly to consumers on the premises where the lettuce is produced or lettuce at a retail stand which is operated by such producer near the point of production.

(c) Head lettuce which is prepared for transportation, transported, or sold by a producer or jobber of lettuce in containers which contain less than 18 heads of lettuce for sale to retail stores of not more than one such container per sale.

(d) Lettuce which is sold to the armed forces of the United States government or for export markets other than Canada or Mexico.

SEC. 15 Section 48056 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended and renumbered to read:

48055. Head lettuce, which is packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size which is marked. It shall be fairly tightly packed with the same numerical count of regularly arranged heads in each layer. None of the heads shall be placed outside of the regular arrangement of three uniform flat layers in standard container number 45 and two uniform flat layers in standard container number 45A or 45B. If, however, 2½ dozen heads of lettuce of the 2½ dozen size when fairly tightly packed in standard container number 45A or 45B are packed in such container six heads of the same size or dimensions as the heads which are contained in the upper and lower layers may be placed between such layers if the upper

and lower layers consist of 12 heads each and the total count in the container is 30 heads.

SEC. 16. Section 48057 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 17. Section 50631 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

50631. The standard container and pack for tomatoes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in Article 3 (commencing with Section 50651) of this chapter.

SEC. 18. Section 50632 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 19. Section 50651 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

50651. All green tomatoes which are not wrapped shall be in standard container number 22C, 53, 54, 55, 56, or 57.

SEC. 20. Section 52651 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52651. The director may maintain seed potato test plots, under such climatic conditions as he may deem necessary, where samples of seed potatoes which are produced within or outside of the state may be grown to determine the amount of virus or other diseases in such seed sources. In order to effectuate the purposes of this section, the director may enter into agreements with any person or agency interested in the production, improvement, or certification of seed potatoes, may acquire land by lease or purchase, and may accept contributions and collect fees for services performed under authority of this section.

SEC. 21. The heading of Article 2 (commencing with Section 52681) of Chapter 3 of Division 18 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

Article 2. Examination and Certification of Seed Potatoes

SEC. 22. Section 52681 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52681. The director shall promote and protect the potato industry of this state. The director shall establish and enforce such regulations as he deems necessary for the examination and certification of seed potatoes which are grown within the state, to produce improved varieties or a higher quality of seed potatoes.

SEC. 23. Section 52682 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52682. The director shall issue to each grower a certificate which shows the variety, quality, and freedom from insect pests and diseases of the seed potato crop which is examined. Each certificate shall also show the number of acres of seed potatoes which are so certified.

SEC. 24. Section 52712 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52712. If the director approves the application of such prospective grower of certified seed potatoes, he shall notify the applicant and also advise the commissioner of the county where the planting is to occur, and he may instruct the commissioner to make the necessary inspections and certification.

SEC. 25. Section 52742 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52742. Any person that willfully misbrands, adulterates, or otherwise misrepresents or interferes with the grade or quality of certified seed potatoes or that in any way changes the certificates which are issued by the director is guilty of a misdemeanor.

SEC. 26. Section 52982 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52982. The district attorney of the county in which any such nuisance is found, at the request of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance. Upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

SEC. 27. Section 53562 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

53562. The district attorney of the county in which any such nuisance is found, at the request of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance. Upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, or reconditioned, or released upon such conditions as the court in its discretion may impose to insure the nuisance will be abated.

SEC. 28. Section 55842 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC 29. Section 58654 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

58654. The purposes of this chapter are to do the following:

(a) Enable producers of this state, with the aid of the state, more effectively to correlate the marketing of their commodities with market demands for such commodities.

(b) Establish orderly marketing of commodities.

(c) Provide for uniform grading and proper preparation of commodities for market.

(d) Provide methods and means for the maintenance of present markets, or for the development of new or larger markets, for commodities which are grown within this state or for the prevention, modification, or elimination of trade

barriers which obstruct the free flow of such commodities to market.

(e) Eliminate or reduce economic waste in the marketing of commodities.

(f) Restore and maintain adequate purchasing power for the producers of this state.

SEC. 30. Section 58780 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

58780. In the preparation of the list of producers or handlers to be used in the formulation or amendment of any marketing order or marketing agreement, the director may omit from such list the name of any person that makes only casual sales of the product which is involved, or whose sales or marketings of such product are incidental to urban home ownership, or the result of activity other than a commercial farm or business venture. Any person that is excluded from such lists is not subject to the provisions, including the payment of any assessments, which are applicable upon producers, or handlers, as prescribed in any such marketing order or marketing agreement.

SEC. 31. Section 58784 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

58784. At any public hearing which is held in connection with the formulation or amendment of a marketing order or marketing agreement, the director shall receive testimony with respect to the establishment of the official producer or handler list which is applicable, and may thereafter issue regulations to effectuate the provisions of this section and of this chapter.

SEC. 32. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 11

An act to amend Sections 14261, 14506, 14559, 14586, 14902, 14903, 14905, 14931, 14961, 14962, 14964, 14965, 14966, 14981, 14982, 15001, 15021, 15051, 15052, 15057, 15102, 15104, 15105, 15106, 15107, 15110, 15112, 15113, and 15151 of, to amend the title of Chapter 6 (commencing with Section 14901) of Division 7 of, and to add Section 14906 to, the Agricultural Code, as proposed by Senate Bill No. 1, relating to commercial feed and fertilizer.

[Approved by Governor March 14, 1967. Filed with Secretary of State March 15, 1967.]

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

SECTION 1. Section 14261 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14261. This chapter does not apply to any of the following:

(a) Any livestock remedy which is sold exclusively to, and used exclusively by, or under the direction of, a licensed veterinarian, nor to any livestock remedy which is compounded by a registered pharmacist upon the prescription of a licensed veterinarian.

(b) Any drug or other preparation which is dispensed or compounded by a registered pharmacist at the request of the purchaser if such drug or preparation is sold at retail.

(c) Any commercial feed which is subject to the provisions of Chapter 6 (commencing with Section 14901) of this division, irrespective of the presence in such commercial feed of any ingredients which otherwise would constitute a livestock remedy.

SEC. 2. Section 14506 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14506. "Commercial fertilizer" means any substance, as defined in Section 14509, which contains 5 percent or more of nitrogen, available phosphorus pentoxide, or soluble potassium oxide, singly, collectively or in combination. It does not include manure, hay, straw, peat, or leaf mold.

SEC. 3. Section 14559 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14559. The chemical analysis of phosphate rock, and every other agricultural mineral the principal constituent of which is calcium phosphate shall state the percentage of available phosphorus pentoxide. If in addition a percentage of total phosphorus pentoxide is stated, the percentage of insoluble phosphorus pentoxide shall also be stated. The term and the percentage of available phosphorus pentoxide shall be shown as prominently as any other terms and percentages on the tag.

SEC. 4. Section 14586 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14586. If the analysis of a sample of commercial fertilizer shows a deficiency of not more than 0.5 percent of nitrogen, or not more than 0.7 percent of available phosphorus pentoxide, or not more than 0.5 percent of soluble potash, the statement of the producer, manufacturer, importer, agent, or dealer, as required pursuant to this chapter, is not false within the meaning of this chapter.

SEC. 5. The title of Chapter 6 (commencing with Section 14901) of Division 7 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

CHAPTER 6. COMMERCIAL FEED

SEC. 6. Section 14902 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14902. "Commercial feed" includes all feed and concentrates which are used for feeding livestock and poultry, except the following:

(a) Whole seeds or grains, if unmixed.

(b) Fresh green roughage and unprocessed liquid milk in all its forms

(c) Whole hays, straws, cottonseed hulls, corn stover, and wet citrus waste residue, if unprocessed and unmixed with other materials.

(d) Wet garbage.

(e) Salt, except in block or chunk form.

(f) Preparations which are sold as or represented to be primarily for the cure or mitigation of disease.

(g) Preparations which are sold for feeding domestic pets, such as dogs, cats, and birds.

SEC. 7. Section 14903 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14903. "Established plant, warehouse, or place of business" means any permanent office headquarters which is maintained by an importer, broker, seller, or authorized manufacturer's agent, or any permanent warehouse, building, or structure in or from which a legitimate permanent business is carried on as such in good faith and not for the purpose of evading this chapter, during the usual and customary business hours, and at which stocks of the commercial feed regulated by this chapter are sold, manufactured, processed, mixed, distributed, stored, or kept in quantities reasonably adequate and usually carried for the requirements of such business, and available for regular inspection by the director or his inspectors. It does not mean temporary residence, tent, temporary stand, itinerant truck or transportation vehicle, or other temporary quarters, occupied pursuant to any temporary arrangement to evade this chapter.

SEC. 8. Section 14905 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14905. "Special mix" means any commercial feed which is manufactured, processed, or mixed pursuant to specifications which are supplied by the purchaser.

SEC. 9. Section 14906 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

14906. "Toll milling" or "custom milling" means the grinding or mixing of commercial feeds for a fee where the only service performed is for the grinding or mixing of the feed.

SEC. 10. Section 14931 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14931. The director shall enforce this chapter and adopt and enforce such regulations relating to the sale of, and to the manner of making inspection tonnage tax payments upon, commercial feed as he deems necessary to carry into effect the full intent and meaning of this chapter.

SEC. 11. Section 14961 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14961. Except as otherwise provided in this chapter or by specific regulations of the director which declare that the state-

ment required pursuant to this article is not applicable to certain products, every lot or parcel of commercial feed which is sold or distributed within this state, shall have affixed to a conspicuous place on the outside of the lot or parcel a tag or label.

SEC. 12. Section 14962 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14962. The tag or label shall contain a legible and plainly printed statement which certifies all of the following:

(a) The net weight of the contents of the lot or parcel.

(b) The name, brand, or trademark.

(c) The name and principal address of the manufacturer or person that is responsible for placing the commodity on the market.

(d) The minimum percent of crude protein.

(e) The minimum percent of crude fat.

(f) The maximum percent of crude fiber.

(g) The maximum percent of ash.

(h) The recognized official name of each ingredient which is used in its manufacture.

(i) The percent of such ingredients as corncobs, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, if such materials constitute a portion of the lot or parcel.

(j) The maximum percent of mineral matter it contains.

(k) In the case of any mixed feed which contains more than 5 percent of mineral ingredients, the minimum percentage of calcium (Ca), of phosphorus (P), of iodine (I), and the maximum percentage of salt if salt is added.

(*l*) The maximum percentage of salt in any mixed feeds if more than 2 percent of salt is present or added.

(m) In the case of any commercial feed for which any special quality is claimed, such as vitamine potency, amino acid content, or protein quality, a definite guarantee relative to such quality.

(n) If any simple animal protein concentrate is sold or distributed, the quality index of such protein may be certified to in addition to the minimum percent of crude protein.

(o) In the case of any commercial feed which contains a nonnutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease or pest, or which is intended to affect the structure or any function of the animal body, the amount of such substance present, directions for use, and any necessary warnings against misuse.

SEC. 13. Section 14964 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14964. If a manufacturer, processor, or mixer of any commercial feed makes a claim or guarantee relative to the content of the commercial feed on or with the package which contains it, and the claim or guarantee is in addition to those required by law, he is responsible for maintaining the claim

or guarantee, and may be required to submit to the director information and records pertinent to the claim or guarantee.

SEC. 14. Section 14965 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14965. Any commercial feed which contains a substance that is toxic or poisonous if consumed in quantities greater than recommended by the manufacturer shall be so labeled that the user will be warned of the toxic or poisonous effects which result from feeding the excess quantity.

SEC. 15. Section 14966 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14966. Commercial feed is mislabeled if in any respect it is not as represented.

SEC. 16. Section 14981 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14981. The director shall by regulation fix the standards for commercial feed.

SEC. 17. Section 14982 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14982. The director, by regulation, may establish permissible tolerances for pesticide chemicals, chemical additives, and drugs in or on commercial feed. Tolerances which are so established shall be such as to insure the safety of livestock and poultry and the products of livestock and poultry which are used for human consumption.

SEC. 18. Section 15001 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15001. The director, his agents, and his inspectors shall have free access to all premises or conveyances which are used in the manufacture, transportation, importation, sale, or storage of any commercial feed. They may open any parcel which contains or is supposed to contain any commercial feed, and take samples and analyze them.

SEC. 19. Section 15021 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15021. Each of the following persons shall obtain a license from the director for each plant operated which authorizes him to sell, manufacture, process, mix, or distribute commercial feed before he engages in such activity:

(a) Any person that sells commercial feed except a person that makes only retail sales of commercial feed which bear the tag, stamp, or other approved indication that the commercial feed is from a licensed manufacturer or guarantor that has assumed full tax responsibility for the tonnage tax due under Section 15051.

(b) Any person that manufactures, processes, or mixes, for another, commercial feed.

(c) Any person that distributes commercial feed.

SEC. 20. Section 15051 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15051. Any manufacturer, importer, jobber, firm, association, corporation, or person that sells to the consumer-buyer

any commercial feed shall pay to the director an inspection tonnage tax at the rate of four cents ($0.04) for each ton sold. He shall also affix to each package or container of such commercial feed a tag, stamp, or other approved indication that the inspection tonnage tax specified in this article has been paid.

SEC. 21. Section 15052 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15052. If any commercial feed is sold in bulk, the person that sells it shall report the sale and make payment of the inspection tonnage tax upon such sale pursuant to the regulations of the director.

SEC. 22. Section 15057 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15057. Each tag shall both:

(a) Bear the inscription "California commercial feed tax paid."

(b) Indicate the number of pounds which are to be placed in the container to which the tag is to be attached and for which the tax is paid.

SEC. 23. Section 15102 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15102. It is unlawful for any person to sell or distribute in this state, any commercial feed unless:

(a) There is attached to the commercial feed the labels, tax stamps, tags, or other approved indication of tax payment.

(b) He furnishes to the purchasers of bulk feeds, at time of each delivery, such documents as are required by this chapter and the regulations which are adopted pursuant to it.

SEC. 24. Section 15104 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15104. It is unlawful for any person to sell or distribute in this state any commercial feed without complying with the provision of this chapter and the regulations which are adopted pursuant to it.

SEC. 25. Section 15105 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15105. It is unlawful for any person to sell or distribute in this state any commercial feed which does not conform to the analysis, guarantees, or any other representation made on the tag or label or on the invoice, sales slip, or weight certificate.

SEC. 26. Section 15106 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15106. It is unlawful for any person to fail to properly state the recognized official name of each ingredient used in the manufacture of any commercial feed.

SEC. 27. Section 15107 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15107. It is unlawful for any person to fail to properly state the percent in any commercial feed of such ingredients as corncobs, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, if such materials constitute a portion of

the package, lot, or parcel or the percent of grit or inert matter.

SEC. 28. Section 15110 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15110. It is unlawful for any person to make any false or fraudulent claim or representation, which relates to any commercial feed, on any label or invoice, or in any advertisement, or in any other manner.

SEC. 29. Section 15112 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15112. It is unlawful for any person to mix or adulterate any commercial feed with any substance injurious to the health of livestock or poultry.

SEC. 30. Section 15113 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15113. In addition to the penalty which is provided in Section 15101, such lot of commercial feed may, upon direction of the court, be seized, condemned, and sold. The court may, in its discretion, release the mixed or adulterated commercial feed so seized when the requirements of this chapter have been complied with, and upon payment of all costs and expenses which are incurred by the state in any proceedings connected with the seizure.

SEC. 31. Section 15151 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

15151. Any lot of commercial feed which is offered for sale in violation of any provision of this chapter shall, pursuant to regulations of the director, be removed from sale by the vendor of the commercial feed upon his receiving notice from the director of the violation. The vendor shall withhold the commercial feed from sale until the violation has been corrected.

SEC. 32. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 12

An act to amend Sections 29061, 29063, 29091, 29095, 29097, 29124, 29125, 29126, 29217 and 29218 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to beehives and appliances

[Approved by Governor March 14, 1967. Filed with Secretary of State March 15, 1967.]

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

SECTION 1. Section 29061 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29061. The director may establish by regulation and maintain and enforce a quarantine at the boundaries of, or within, the state, to protect the bee industry against the introduction or spread of any bee disease. He may make and enforce such regulations as may be necessary to prevent any bees, comb, used hives, or used appliances from passing over any quarantine line which is established and proclaimed pursuant to this article.

SEC. 2. Section 29063 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29063. If any quarantine is established pursuant to this article, it is unlawful for any person to move any bees, comb, used hive, or used appliance across the lines established by such quarantine, except pursuant to the regulations of the director.

SEC. 3. Section 29091 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29091. Except as otherwise provided in Section 29092, it is unlawful for any person to import or transport into the state any comb, bees on comb, package bees, or any used hive, or used appliance, unless each separate load, lot, or shipment is accompanied by a valid certificate which is as prescribed by this article, and unless such certificate is delivered to the commissioner of the county of destination or to the director, if there is no commissioner in the county, within 72 hours after the arrival of the load, lot, or shipment.

SEC. 3.1. Section 29095 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29095. Any shipment of bees on comb, package bees or queens, used hives, or used appliances arriving in this state which is not accompanied by, where required by Section 29091, a valid certificate and, if required by Section 29094, a declaration, shall be refused entry and returned to the shipper or destroyed, at the option and expense of the owner or person in charge of the shipment.

SEC. 4. Section 29097 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29097. If any bees, comb, used hives, or used appliances entering California are found to be diseased at the time of inspection in this state within 30 days after arrival, the inspector may hold such apiary, lot, or shipment. He shall give notice to the owner or bailee, as prescribed in Section 29064, that the apiary, lot, or shipment is held.

SEC. 5. Section 29124 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29124. It is unlawful for any person to transport any comb which is not occupied by a live bee colony within the state unless such comb is tightly enclosed so as to prevent access to the comb by bees.

SEC. 6. Section 29125 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29125. It is lawful for any person, except when prohibited by other provisions of this chapter, to do any of the following:

(a) Transport any diseased hive, together with its contents, to a suitable place for burning, or to a wax salvage plant licensed under the provisions of Article 7 (commencing with Section 29191) of this chapter, after he has killed the bees in such hive and sealed the hive to prevent the entrance of live bees.

(b) Transport diseased comb, including any frame associated with it, to a suitable place for burning, or to a wax salvage plant, licensed under the provisions of Article 7 (commencing with Section 29191) of this chapter if the comb is tightly enclosed so as to prevent access to the comb by bees.

SEC. 6.1. Section 29126 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29126. It is unlawful for any person to move or transport any bees, comb, used hives and used appliances, or colonies within the state which are diseased, except for abatement pursuant to this chapter, or for research pursuant to Section 29128.

SEC. 7. Section 29217 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29217. It is unlawful for any person to keep any comb which is not occupied by a live bee colony unless such comb is tightly enclosed so as to prevent access to the comb by bees.

SEC. 8. Section 29218 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29218. Any hive or appliance which contains any comb that is not occupied by a live bee colony and that is accessible to bees constitutes a public nuisance. It shall be subject to abatement in the same manner as is provided in Article 6 (commencing with Section 29151) of this chapter for abatement of disease.

SEC. 9. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 13

An act to amend Sections 16461, 16908, 17121, 17954, 20282, 21291, 21566, and 23121 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to livestock and poultry.

[Approved by Governor March 14, 1967. Filed with Secretary of State March 15, 1967.]

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

SECTION 1. Section 16461 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

16461. Any money in the Department of Agriculture Fund derived under any of the provisions of this part may be expended for the administration and enforcement of any of the provisions of the following portions of this code, notwithstanding any other provision of law limiting the expenditure of any such money to some specific purpose or to the administration or enforcement of some specific section, article, or chapter of this part:

(a) Part 1 (commencing with Section 16301) and Part 2 (commencing with Section 17401), Division 9.

(b) Division 10 (commencing with Section 20001).

(c) Division 11 (commencing with Section 23001).

SEC. 2. Section 16908 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

16908. It is unlawful for any person that owns or operates any motor truck, or motor truck and trailer, or semitrailer, to confine or permit to be confined, in such vehicle, any animal for a longer period than 28 consecutive hours from the time the animal was last fed and watered. Upon the written request of the owner or person in charge of the animal, the period of confinement may be extended to 36 hours. Before the expiration of the permissible period of confinement, the animal shall be unloaded in a humane manner by means of a chute or tailgate of sufficient size into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours.

The failure of a person to feed or water an animal within the time limit prescribed by this section is not a violation of this section if the feeding and watering of the animal is prevented by storm or other accidental or unavoidable causes which could not be anticipated or avoided by the exercise of due diligence and foresight.

SEC. 3. Section 17121 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

17121. A lawful fence is any fence which is good, strong, substantial, and sufficient to prevent the ingress and egress of livestock. No wire fence is a good and substantial fence within the meaning of this article unless it has three tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod

apart, one of which wires shall be at least four feet above the surface of the ground. Any kind of wire or other fence of height, strength and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this article. The term "lawful fence" includes cattle guards of such width, depth, rail spacing, and construction as will effectively turn livestock.

SEC. 4. Section 17954 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

17954. Any moneys in the Department of Agriculture Fund which were derived under any of the provisions of this chapter may be expended for the administration and enforcement of any of the provisions of this code stated in Section 16461, notwithstanding any other provision of law which limits the expenditure of any such money to some specific purpose or to the administration or enforcement of some specific section of this chapter.

SEC. 5. Section 20282 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

20282. Any money in the Department of Agriculture Fund derived under any of the provisions of this division may be expended for the administration and enforcement of any of the provisions of this code stated in Section 16461, notwithstanding any other provision of law which limits the expenditure of any such money to some specific section, article, or chapter of this division.

SEC. 6. Section 21291 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

21291. The fees which are provided by this article are maximum fees. The director may adopt a schedule of fees which are below the maximum fees which are established in this article and may adjust such schedule from time to time whenever he finds that the cost of administering and enforcing the provisions of this code stated in Section 16461 may be maintained with such below-maximum fees.

SEC. 7. Section 21566 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

21566. The fees which are provided by this article are maximum fees. The director may adopt a schedule of fees which are below the maximum fees that are established in this article and may adjust such schedule from time to time whenever he finds that the cost of administering and enforcing the provisions of this code stated in Section 16461 may be maintained with such below-maximum fees.

SEC. 8. Section 23121 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

23121. Any money in the Department of Agriculture Fund which is derived pursuant to this division may be expended for the administration and enforcement of any of the provisions of this code stated in Section 16461, notwithstanding any other provision of law which limits the expenditure of any such money to some specific purpose or to the administration

or enforcement of some specific section, article, or chapter, of this division.

SEC. 9. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 14

An act to amend Section 795.2 of the Agricultural Code, and to amend Section 46983 of, and to add Section 46989 to, the Agricultural Code, as proposed by Senate Bill No. 1, relating to tangerine standards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1967. Filed with Secretary of State March 15, 1967.]

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

SECTION 1. Section 795.2 of the Agricultural Code is amended to read:

795.2. As used in this section, the term "tangerines or mandarins" shall include all varieties and hybrids of the mandarin group (Citrus reticulata) and all varieties of tangelos. Tangarines or mandarins shall be (1) mature, (2) well colored, (3) free from serious damage by freezing or drying due to any cause, and (4) free from serious decay.

The following standards shall be applied in determining whether or not tangerines or mandarins meet the requirements of this section:

(1) Tangarines or mandarins are not mature unless the juice contains soluble solids equal to or in excess of 6½ parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water or crystallization).

(2) Tangarines or mandarins are not well-colored unless 90 percent, by count, of the fruits in any lot show a yellow, orange or red color on 75 percent or more of the surface of the fruit.

(3) Damage by freezing or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual fruit as are necessary.

(4) Decay is serious if any part of the fruit is affected with decay.

Not more than 10 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet

the requirements because of damage by freezing or drying due to any cause.

Not more than 5 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet the requirements because of serious decay.

No tolerance shall be allowed in determining whether any lot of tangerines or mandarins comply with the maturity requirements set forth in standard (1) of this section.

The diameter in inches of tangerines or mandarins in containers marked with one of the size designations tabulated in Column A, below, shall be between the measurements tabulated in corresponding lines of Column B and Column C; provided, however, that the diameter in inches of not more than 10 percent, by count, of the fruit in the container may measure less than the corresponding measurement in Column B, and not more than 10 percent, by count, of the fruit in the container may measure more than the corresponding measurement in Column C.

Column A	Column B	Column C
Super colossal	3.25	4.00
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

Containers of tangerines or mandarins which fail to meet the size requirement shall be considered as complying with this section if the container is marked with the words "irregular sizes."

Not more than one of the above size designations shall appear on any container.

SEC. 2. Section 46983 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46983. The standards which are prescribed by Sections 46984 to 46989, inclusive, shall be applied in determining whether or not tangarines or mandarins meet the requirements of this article.

SEC. 3. Section 46989 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

46989. Tangerines or mandarins shall be mature. Tangerines or mandarins are not mature unless the juice contains soluble solids equal to or in excess of 6½ parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water or crystallization).

No tolerance shall be allowed in determining whether any lot of tangerines or mandarins comply with the maturity requirements set forth in this section.

SEC. 4. Sections 2 and 3 of this act shall become operative only if the Agricultural Code as proposed by Senate Bill No.

1 is enacted by the Legislature at its 1967 Regular Session, at which time Section 795.2 of the Agricultural Code of 1933 as amended by Section 1 of this act is repealed.

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

To be assured the consumer will receive mature tangerines, minimum requirements as to soluble solids must be established.

To be assured the producer will have a continuing market for this increasingly important citrus fruit, immature fruit must be kept off the market. If this is not done, consumer satisfaction will not be provided, and developed markets will disappear.

In order to avoid the waste of tangerines, and at the same time properly protect the consuming public during the 1967 tangerine harvesting season, it is necessary that this act be in effect immediately.

CHAPTER 15

An act to repeal and reenact the Agricultural Code, and including therein codification of Chapter 89, Statutes of 1939, and to repeal Chapter 89, Statutes of 1939, relating to agriculture.

[Approved by Governor March 15, 1967. Filed with Secretary of State March 15, 1967.]

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

SECTION 1. The Agricultural Code is repealed.

SEC. 2. The Agricultural Code is enacted, to read:

GENERAL PROVISIONS AND DEFINITIONS

1. This act shall be known as the "Agricultural Code."

3. It is hereby declared, as a matter of legislative determination, that the provisions of this code are enacted in the exercise of the power of this state for the purposes of promoting and protecting the agricultural industry of the state and for the protection of the public health, safety, and welfare. In all civil actions the provisions of this code shall be liberally construed for the accomplishment of these purposes and for the accomplishment of the purposes of the several divisions of this code, and in criminal actions the rule of construction set forth in Section 4 of the Penal Code shall be the rule of construction for this code.

4. The provisions of this code, insofar as they are substantially the same as existing law, are restatements and continuations of existing law, and not new enactments. The enactment of this code shall not impair any privilege granted or right

acquired under any of the laws of this state prior to the date it takes effect.

5. All persons who, at the time this code goes into effect, hold office under any of the laws that are repealed by this code, which offices are continued by this code, continue to hold the offices according to their former tenure.

6. No action or proceeding which is commenced before this code takes effect, and no right which is accrued, is affected by any provision of this code, but all procedure thereafter taken in such action or proceeding shall conform to the provisions of this code so far as possible.

7. Any person in whom the enforcement of any provision of this code is vested has the power of a peace officer for the purpose of such enforcement.

8. The district attorney of any county in which a violation of any provision of this code occurs shall, upon request of any enforcing officer or other interested person, prosecute such violation. The prosecutor of any municipality has concurrent jurisdiction as to any violation which is committed within his territorial jurisdiction.

9. Unless a different penalty is expressly provided, a violation of any provision of this code is a misdemeanor.

10. Whenever any notice, report, statement, or record is required by this code, it shall be in writing unless it is expressly provided that it may be oral.

11. Whenever any notice, report, statement, or record is required by this code to be kept or made in writing, it shall be in the English language.

12. Unless otherwise specifically provided, whenever any document is required or permitted by this code to be recorded, it shall be recorded in the office of the county recorder of the county in which the property or thing which is affected is situated.

13. Whenever any power or authority is given by this code to any person, it may be exercised by any deputy, inspector, or agent who is duly authorized by him.

14. Wherever, pursuant to this code, any state department, officer, board, committee, or commission is authorized to adopt rules and regulations, such regulations shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, to the extent that that chapter is not specifically in conflict with the express terms of the provisions of this code which authorize the adoption of such regulations.

The authority to adopt any rule, regulation, or rule and regulation which is vested in any state department, officer, board, committee, or commission pursuant to this code includes the authority to amend or repeal such rule, regulation, or rule and regulation.

15. Whenever reference is made to any portion of this code or of any other law of this state, the reference applies to all amendments and additions to it.

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

17. If any provision of this code or its application to any person or circumstance is held invalid, the remainder of the code or the application of the provision to any other person or circumstance is not affected.

18. In all matters which arise under this code, the fact of possession by any person engaged in the sale of a commodity is prima facie evidence that the commodity is for sale.

19. Unless the context otherwise requires, the present tense includes the past and future tenses, and the future, the present tense.

20. Unless the context otherwise requires, the masculine gender includes the feminine and neuter.

21. Unless the context otherwise requires, the singular number includes the plural, and the plural the singular.

22. Inasmuch as the planned production of trees is distinguishable from the production of other products of the soil only in relation to the time elapsing before maturity, the production of trees shall be considered a branch of the agricultural industry of the state for the purposes of any law which provides for the benefit or protection of the agricultural industry of the state.

23. Inasmuch as the planned production of trees, vines, rose bushes, ornamental plants and other horticultural crops is distinguishable from the production of other products of the soil only in relation to the time elapsing before maturity, plants which are being produced by nurseries shall be considered to be "growing agricultural crops" for the purpose of any laws which pertain to the agricultural industry of the state.

24. It is hereby declared, as a matter of legislative determination, that the provisions of this section are enacted in the exercise of the power of this state for the purpose of protecting and furthering the public health and welfare. It is further declared that the floriculture and nursery industry of this state is affected with a public interest, in that, among other things:

(a) The production, processing, manufacture, and distribution of floriculture and nursery products constitute a paramount industry of this state which not only provides substantial and required revenues for the state and its political subdivisions by tax revenues and other means, and employment and a means of livelihood for many thousands of its population, but also furnishes substantial employment to related industries that are vital to the public health and welfare.

(b) Basic research and development for floriculture and the nursery industries contributes substantially to food production in this state which is essential to the welfare and health of its citizens.

It is also declared that the elimination of disorderly marketing of California floricultural and nursery products, and the development of new and larger markets through education, promotion and other means for these products, are affected with the public interest.

25. Unless the context otherwise requires, the definitions in the following sections govern the construction of this code.

26. "Commissioner" means any county agricultural commissioner.

29. "County" includes city and county.

32. "Department" means the Department of Agriculture.

35. "Director" means the Director of Agriculture.

38. "Person" includes firm, corporation, company, or association.

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

44. "Sell" includes offer for sale, expose for sale, possess for sale, exchange, barter, or trade.

47. "Shall" is mandatory, and "may" is permissive.

49. "Subdivision" means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.

DIVISION 1. STATE ADMINISTRATION

PART 1. THE DEPARTMENT OF AGRICULTURE

CHAPTER 1. ORGANIZATION

101. There is in the state government the Department of Agriculture.

102 The department is under the control of a civil executive officer known as the Director of Agriculture. He shall be appointed by, and hold office at the pleasure of, the Governor. The director shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars ($25,000).

103. Except as is otherwise provided in this chapter, the provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code govern and apply to the conduct of the department in every respect the same as if such provisions were herein set forth at length in this code, and whenever in that chapter the term "head of the department" or similar designation occurs, for the purpose of this code it means the director.

104. The director may appoint and in accordance with law fix the salaries of such assistants, deputies, agents, experts, and other employees as are necessary for the administration of the department.

105. The chief of the division of the department who has jurisdiction over livestock and poultry disease control, meat inspection and dairy inspection and control shall be a graduate

of a recognized college of veterinary medicine and be licensed to practice in this state.

CHAPTER 2. FISCAL DUTIES AND POWERS

Article 1. General Provisions

201. The department may expend in accordance with law all money which is made available for its use.

Article 2. Department of Agriculture Fund

221. The "Department of Agriculture Fund," which is a special fund, is continued in existence. Any money which is directed by law to be paid into the fund shall be paid into it and, unless otherwise specifically provided, shall be expended solely for the enforcement of the law under which such money was derived. The expenditure from the fund for the enforcement of any law shall not, unless otherwise specifically provided, exceed the amount of money which is credited to the fund pursuant to such law.

222. The director shall keep a separate record of the classes and sources of income which are credited to, and disbursed from, the Department of Agriculture Fund.

223. A sum not to exceed twenty-five thousand dollars ($25,000) may, upon approval of the Department of General Services, be withdrawn from the Department of Agriculture Fund to be used as a revolving fund by the department for the purposes for which the Department of Agriculture Fund may be used.

Article 3. Interdepartmental Expenses

241. The director may charge any bureau, division, board, or other agency of the department which is supported otherwise than by the appropriations from the General Fund its proportionate share of the administrative expense of the department, or a share in an amount which is computed to reasonably compensate the department for the administrative services which are rendered by it.

242. Apportionment of the expenses shall be made and determined by the director, subject to the approval of the Director of General Services. The proportionate or computed share so charged shall not, however, exceed 5 percent of the collections which are made by the department for the bureau, division, board, or other agency.

243. Any money which is charged and received by the department pursuant to this article shall be remitted to the State Treasury for credit to the current appropriation from the General Fund for the support of the department. The sum so remitted shall be available for expenditure for the support of the department.

Article 4. License and Registration

261. Unless otherwise specifically provided in this code, any license or registration which is issued pursuant to this code expires whenever the bond which is required of a licensee or registrant under this code lapses or is canceled. If, however, the bond is canceled as a result of the retirement from business of the bonding company and the director is satisfied that the licensee is solvent, he may continue the license or registration for a period of not to exceed 30 days to enable the licensee or registrant to secure a new bond.

Article 5. Collection

281. The director may direct suit in the name of the people of the state, as plaintiff, to be brought for the recovery of any license or other fee against any person required to take out a license or pay any fee pursuant to this code that fails, neglects, or refuses to take out such license or pay such fee, or that, without such license or payment of such fee, carries on or attempts to carry on the business or do any act for which such license or payment of such fee is required. In such case a writ of attachment may issue. The director may make the necessary affidavit for it. He need not, however, file any written undertaking in connection with the issuance of the writ.

282. In cases where the director may perform sampling, grading, testing, inspection, or certification services in relation to any agricultural product, or identification services in relation to root or top stock of any fruit or nut trees, and fix reasonable fees to pay the costs necessary to perform the services he may collect such fees in advance of performing the services. He need not, however, do so if, in his opinion, the benefit of such services would be lessened by advance payment.

283. In lieu of collecting fees in advance pursuant to Section 282, the director may, if he deems it necessary, accept a bond which guarantees payment of the fees. The bond shall be satisfactory to the director.

284. If the director finds that any amount not in excess of three dollars ($3) which is due pursuant to this code is so small as not to justify the cost of its collection or believes that its collection is improbable, he may remove the amount which is due from the records of the department He shall not, thereafter, be held accountable for its collection.

Article 6. Refunds

301. As used in this article, "fee" includes, but is not limited to, any application fee, license fee, permit fee, inspection fee, certification fee, registration fee, identification fee, analysis fee, or certificate fee.

302. The director may authorize the refund of any money which is received or collected by the department in the payment of any fee, assessment, or tax.

303. A refund may be made in whole or in part in any of the following instances:

(a) The purpose for a fee cannot lawfully be accomplished for the person that paid the fee through no fault of such person.

(b) A refund of a fee is requested by the payer before any examination or inspection has been performed or service rendered by the department for the payer.

(c) The payment of a fee, assessment, or tax represents an overpayment, payment in duplicate, payment in error in law, or payment through error of the payer or the department.

304. The fiscal officer of the department shall make payment of any refund pursuant to this article if the director prepares a voucher which sets forth the facts which pertain to the refund and authorizes its payment.

305. If any money which is to be refunded has been deposited in the State Treasury, the State Controller, upon receipt of a claim which is filed by the department, shall draw his warrant for the payment of the refund from the fund to which the money was credited.

306. If the director finds that the amount of any refund is less than three dollars ($3), he may retain such amount for use for the same purpose for which the original payment was made, unless demand for the payment of such refund is made within six months after the determination that a refund is due. If such demand is made, the refund shall be paid.

CHAPTER 3. OTHER POWERS AND DUTIES

Article 1. General Provisions

401. The department shall promote and protect the agricultural industry of the state.

402. The department shall prevent fraud and deception in any of the following:

(a) Packing or labeling, or in any phase of the marketing, of any agricultural product which is governed by this code.

(b) Labeling and marketing of any commodity that is governed by this code, which is sold to producers for use in the production of crops in accordance with common practices.

403. The department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

404. The department shall execute the provisions of this code, except as otherwise provided, and of other laws administered by it.

405. The department may distribute such insects as are useful in reducing the cost of crop production.

406. The department shall require reports from commissioners.

407. The director may adopt such regulations as are reasonably necessary to carry out the provisions of this code which he is directed or authorized to administer or enforce.

408. The director may enter upon any premises to inspect the premises or any plant, appliance, or thing which is on such premises.

Article 2. Services

431. The department shall collect and preserve books, pamphlets, periodicals, and other documents which contain information that relates to agriculture.

432. The department shall collect and prepare statistics, charts, films, photographs, and other illustrative or exhibit material and information which shows the actual condition and progress of agriculture in this state and elsewhere.

433. The department shall correspond with agricultural societies, colleges, schools, the commissioners, and with all other persons who are necessary to secure the best results to agriculture in this state.

434. The department shall issue and cause to be printed and distributed to the commissioners, and to such other persons as it may deem proper, bulletins, charts, photographs or other illustrative material or statements which contains all the information which is best adapted to advance the interest, business, and development of agriculture in the state. The department may broadcast by radio such portions of the illustrative material or statements as are adapted to give effect to this code. It may exhibit or display such data and material as have been collected or prepared, and may incur expenses which are necessarily incidental to the exhibit or display of such data and material.

435. The director may establish an identification record service for parent root and top stock of fruit and nut trees. He shall establish a reasonable schedule of fees for such service which is based upon the approximate cost of the service. Upon application of any person and the payment of the proper fees, the director shall assign to parent stock an identifying code number and make an appropriate record of such number.

436. Any money which is received by the department pursuant to Section 435 shall be paid into the State Treasury and be credited to the Department of Agriculture Fund. Any money in the Department of Agriculture Fund which was derived pursuant to such section may be expended for the administration and enforcement of any or all of the following which relate to nursery stock, notwithstanding any other provision of law which limits the expenditure of such money to some specific purpose or to the administration or enforcement of some specific section, article, chapter or law:

(a) Section 435.

(b) Article 7 (commencing with Section 5821), Chapter 8, Part 1 of Division 4.

(c) Chapter 1 (commencing with Section 6701), Part 3 of Division 4.

(d) Any other provision of Division 4, which relates to nursery stock, except any provision of Article 5 (commencing with Section 6001) of Chapter 9 or Chapter 10 (commencing with Section 6101) of Part 1, Part 5 (commencing with Section 8401), or Part 6 (commencing with Section 8801) of Division 4.

(e) Chapter 5 (commencing with Section 53301) of Division 18.

Article 3. Surveys and Investigations

461. The department may conduct surveys or investigations of any nursery, orchard, vineyard, agricultural commodity, agricultural appliance, farm, or other premises within the state liable to be infested or infected with any pest or disease for the purpose of detecting the presence of, or determining the status of, the pest or disease.

462. The department shall conduct a continuing investigation of the practice of artificial insemination of bovine animals in the state. The scope of the investigation shall be such as will, in the opinion of the department, disclose whether there is a need for statutory regulation of such practice. The director shall report the result of the investigation to the Governor and the Legislature at each general session, together with his recommendations as to any legislation on the subject which he deems necessary or desirable The report shall include such matters as the director considers to be relevant and shall include an estimate of the extent of the practice of artificial insemination as compared to natural insemination of bovine animals in this state.

463. The director may investigate the practice of artificial insemination upon animals other than bovine animals and report his findings and recommendations to the Governor and to the Legislature.

464. The director may maintain regional poultry and animal disease diagnostic laboratories for the purpose of making tests and examinations for, and diagnoses of, livestock and poultry diseases.

465. The director with the approval of the Governor, may appoint special committees of qualified persons to study and advise on special problems which affect the agricultural industry of the state and the work of the department.

Members of such special committees shall serve without compensation but are entitled to payment for necessary traveling expenses in the same manner as is provided by the State Board of Control rules for civil service officers and employees. Such expenses shall be paid out of appropriations made to the department.

All meetings of such committees shall be open to the public

Article 4. Intergovernmental Cooperation

481. The department may, with the approval of the Governor, cooperate with officials of the United States Department of Agriculture or with officials of other states in the conduct of pest or disease investigations outside of this state in the interest of the protection of the agricultural industry of this state from any pest or disease which is not generally distributed in this state.

482. The director may enter into cooperative agreements with individuals, associations, boards of supervisors, and with departments, divisions, bureaus, boards, or commissions of this state or of the United States for the purpose of eradicating, controlling, or destroying any infectious disease or pest within this state. He may enter into cooperative agreements with boards of supervisors for the purpose of administering and enforcing this code.

483. The director may arrange for the services of any individual employed by the United States, the state, or a county on a collaborative basis and allow him a reasonable fee and necessary expenses which are incurred when serving the department in a collaborative capacity.

CHAPTER 4. BUILDINGS OF THE DEPARTMENT OF AGRICULTURE

Article 1. Definitions and General Provisions

601. As used in this chapter, "fund" includes any account in a fund which consists of money derived from different sources for different purposes.

602 The department may, with the approval of the Department of General Services, purchase or otherwise acquire real property. It may construct and equip buildings upon such property and make improvements to such property, buildings, and equipment.

603. Any building or improvement which is constructed by the department pursuant to this chapter shall be primarily for the occupancy of commissions, divisions, bureaus, advisory boards, and services which are supported from the funds from which money is expended for the construction of the building or improvement

604. The building or improvement shall be administered and supervised by the department in accordance with rules and regulations which are established by the department and approved by the Department of General Services. Such rules and regulations shall be comparable to those for the administration and supervision of other state-owned buildings.

Article 2. Department of Agriculture Building Fund

621. The Department of Agriculture Building Fund is continued in existence.

622. When there are moneys available in the Department of Agriculture Fund, or in other funds which are subject to the jurisdiction of the director, not required to meet any demand which has accrued or may accrue against such funds, the Controller, upon executive order of the Director of Finance, shall transfer such sum as may be designated by the Director of Agriculture from the funds available in the Department of Agriculture Fund, or in such other funds, to the Department of Agriculture Building Fund.

623. All rentals which are collected pursuant to this chapter shall be deposited in the Department of Agriculture Building Fund.

624. All moneys in the Department of Agriculture Building Fund are appropriated without regard to fiscal years to carry out this chapter, including the costs of operation, maintenance, repairs, and other reasonable and necessary expenses of the buildings or improvements which are constructed or acquired pursuant to this chapter.

625. At least annually and oftener if the amounts collected as rentals should warrant, there shall be returned from the Department of Agriculture Building Fund to the Department of Agriculture Fund and to such other funds from which contributions were made to defray the cost of the buildings, equipment, and facilities which are constructed or acquired pursuant to this chapter, such amounts as are not necessary to meet the financial requirements of the Department of Agriculture Building Fund.

626. No money may be taken from the Department of Agriculture Fund, or other funds under the jurisdiction of the director, for transfer to the Department of Agriculture Building Fund if it will interfere with the administrative purposes for which the money was collected.

627. If any money from the Department of Agriculture Building Fund is used to purchase property or construct buildings and appurtenant facilities for the use of the department, either alone or with any other state agency, or for investment purposes in connection with such purchase or construction, the director may do any and all things which are necessary to protect the investment or use, including the purchase of insurance against the loss of, or damage to, the property, or the loss of its use and occupancy.

Any transaction which is entered into by the director pursuant to this section is subject to the approval of the Department of General Services.

628. Upon the completion of any buildings or improvements and the fulfillment of the obligation to reimburse the Department of Agriculture Fund, or other funds pursuant

to this chapter, any unused balances in the Department of Agriculture Building Fund shall, on order of the Controller and upon request of the director, be transferred to the General Fund.

Article 3. Leases and Rentals

651. Any building or improvement which is provided by the department pursuant to this chapter may contain space in excess of the requirements of the department. Until needed, such excess space may be leased or let by the department at such rental and upon such terms and conditions as are approved by the Department of General Services. The rentals charged shall be sufficient to provide a reasonable return to the Department of Agriculture Fund or other fund that is subject to the jurisdiction of the director for any contributions which are made for the cost of the construction of the building or improvement until the entire amount contributed, together with reasonable interest, has been returned.

652. The department, with the approval of the Department of General Services, shall determine the amounts which are returnable to the respective funds. The amounts shall not exceed the amount of the original contributions from the respective funds. Interest may, however, be paid on any contributions in the manner and amount which the department, with the approval of the Director of General Services, determines.

653. During the period of repayment, the department may contract with the Department of General Services to handle the rentals of any space over and above that which is required for the department and to furnish general supervision and maintenance in any building or improvement which is constructed pursuant to this chapter.

654. The director shall allocate space to the commissions, divisions, bureaus, advisory boards, and services which comprise the department or agencies that are subject to its jurisdiction which are supported from funds from which money is expended for the construction of buildings or improvements. He shall charge a rental for such space until such time as the contributions which are made from the Department of Agriculture Fund, or other funds subject to the jurisdiction of the director, have been repaid pursuant to this chapter.

655. The occupancy of any space which is not required by the department for the commissions, divisions, bureaus, advisory boards, and services which are mentioned in Section 654 shall be confined to that of other functions of the department, of other state agencies, of official agencies cooperating with the department under agreement, or of official agricultural agencies of the state or county. Rentals comparable to the rentals which are required by Section 654 shall be charged for such space.

656. When all funds have been reimbursed for contributions which are made for the construction and equipping

of any building or facility, the Department of General Services shall assume control of the operation and management of the building, improvement or facility. The Department of Agriculture shall have priority to occupy any space within any such building before the space is leased or let to any other agency at rental rates which are comparable to those charged to other state agencies for comparable facilities in other state-owned buildings.

PART 2. THE STATE BOARD OF AGRICULTURE

CHAPTER 1. ORGANIZATION

901. There is in the state government the State Board of Agriculture which consists of 13 members.

902. The members of the board shall be appointed by the Governor as follows:

(a) One from the Agricultural Sciences Division of the University of California.

(b) One from the agricultural department of one of the state colleges offering agriculture as a part of the curriculum.

(c) Two members shall be appointed from the state at large.

(d) Nine members, not more than one of whom shall be appointed from any one congressional district or from any one county.

903. The term of office of the members of the board is four years. The terms expire on January 15 of each year in the rotation which is presently established. Vacancies shall be filled by appointment for the unexpired term. On February 1 of each year the Governor shall designate one of the members of the board to serve as president.

904. The members shall be residents and citizens of the state and shall be specially qualified for this service through actual farm business or economic agricultural training. Except for the university and the state college members, each member of the board shall have a major interest in a separate branch of the agricultural industry.

905. The members shall serve without pay, but shall be allowed necessary traveling and incidental expenses which are incurred in the discharge of their duties. The expenses shall be paid from the appropriation for the support of the department.

CHAPTER 2. POWERS AND DUTIES

951. The board shall inquire into the needs of the agricultural industry of this state and the functions of the department in relation to such needs, and confer and advise with the Governor and the director as to how the agricultural industry may best be served by the department.

952. The board, and any member of it who is authorized by resolution of the board, may make investigations, conduct hearings, and prosecute actions concerning all matters and subjects which are under the jurisdiction of the department. For such purposes, the board and its authorized members shall have all of the powers and authority which are conferred upon a head of a state department by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

953. The board shall hold meetings at least once a month in the office of the director at Sacramento.

954. Meetings of the board shall be held within the week which precedes the regular monthly meeting of the Governor's Council. Special or adjourned meetings may be held at the place of regular meeting, or at any other place in the state which the president may deem necessary. Special meetings of the board shall also be called by the president at any time upon the written request of four members of the board.

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

PART 3. THE POULTRY IMPROVEMENT COMMISSION

CHAPTER 1 ORGANIZATION

1101. There is in the state government the Poultry Improvement Commission which consists of 10 members.

1102. Three of the members of the commission are ex officio members. They are:

(a) The Chief of the Poultry Division of the University of California.

(b) The Dean of the School of Veterinary Medicine of the University of California.

(c) The director.

1103. Seven of the members of the commission shall be appointed by the Governor for terms of four years.

The terms shall expire in the rotation which is presently established.

1104. Each appointive member shall serve for the term for which he is appointed and until his successor has been appointed and qualifies.

1105. In making appointments, the members shall be chosen so far as possible to give representation to the seven major poultry districts of the state.

1106. The members of the commission shall serve without compensation but may be reimbursed for their necessary traveling and other expenses which are incurred in the performance of their official duties.

CHAPTER 2 POWERS AND DUTIES

1201. The commission shall annually conduct a poultry testing project in the vicinity of Modesto, or at such other

place in the state as the commission may determine has similar qualifications as to central location, mild climate, and freedom from communicable diseases of poultry.

1202. The commission may provide for the collection of fees from exhibitors in such amounts as, in the opinion of the commission, will make the poultry testing projects self-perpetuating and self-supporting.

1203. The commission may do any of the following:

(a) Construct any necessary building.

(b) Employ necessary personnel.

(c) Disburse and receive funds for the purpose of conducting any poultry testing project.

(d) Prescribe regulations.

(e) Do any thing which is necessary for the conduct of any poultry testing project.

1204. Every state agency, service, and facility, including the University of California, the Department of Public Works, the State Printer, and the department, shall cooperate in providing such services in connection with the carrying out of this part as the commission may require.

1205. The poultry testing project fund in the State Treasury is continued in existence. All money which is received by the commission shall be paid into the fund and disbursed from the fund upon order of the commission for the purposes of carrying out this part.

1206. The commission shall make regulations which govern the payment of cash awards or premiums to exhibitors whose entries demonstrate the results of superior breeding. It may make such payments from the poultry testing project fund or any other money which is available for such purpose.

1207. All meetings of the commission shall be open and public.

1208. All records of the commission shall be open to inspection by the public during regular office hours.

DIVISION 2. LOCAL ADMINISTRATION

CHAPTER 1. COUNTY DEPARTMENT OF AGRICULTURE

2001. There is in each county government the county department of agriculture.

2002. The county department of agriculture is under the control of the county agricultural commissioner.

CHAPTER 2. COUNTY AGRICULTURAL COMMISSIONERS AND THEIR EMPLOYEES

Article 1. Qualifications

2101. The director shall examine persons who desire to become commissioners or deputy commissioners. He may prescribe regulations which govern such examinations. Successful

candidates shall be given a certificate of qualification which shall be valid for five years unless revoked.

2102. The director shall pass upon the qualifications of persons who desire to become county agricultural inspectors and shall issue certificates of qualification to successful candidates.

2103. The director shall issue a certificate of qualification, for any county which has a charter that provides for civil service examination of county agricultural inspectors, to any person who presents a certificate which shows that such person has passed the examination.

2104. A commissioner, deputy commissioner, or county agricultural inspector need not be a resident of the county for which he may be chosen.

2105. Prior to entering upon his duties, the commissioner shall file the oath of office which is prescribed for county officers and file an official bond in the sum of one thousand dollars ($1,000).

Article 2. Appointment and Employment

2121. The commissioner shall be appointed by the board of supervisors of the county. Any chartered county may, however, prescribe a different method of appointment.

2122. The term of office of the commissioner shall be four years from and after his appointment and until his successor is appointed. He may, however, be removed pursuant to this chapter.

2123. Except as otherwise provided in this chapter, a person shall not be appointed to the office of commissioner or deputy commissioner unless he has a certificate of qualification from the director. The certificate of any qualified incumbent shall be renewed without further examination.

2124. If the board of supervisors of such adjoining county consents, the board of supervisors of any county in which there is no commissioner may employ a qualified commissioner or a qualified deputy commissioner of the adjoining county to perform the duties of commissioner in the employing county.

A commissioner or deputy commissioner who is so employed shall have such authority and powers as are conferred upon a commissioner by this code. He is not required to comply with residence or other qualifications for office within the employing county.

2125. In any county in which no commissioner has served, the director shall perform the duties of commissioner in the same manner, to the same extent, and with the same authority as if he had been the duly appointed commissioner in such county.

2126. The commissioner may appoint deputy commissioners, inspectors, and clerks who shall serve at his pleasure.

2127. Deputy commissioners and inspectors shall be appointed from a list which is furnished by the director of persons who hold certificates of qualification for such office.

2128. If the position of deputy commissioner cannot be filled from the list, a temporary appointment may be made for a period not exceeding six months upon the written recommendation of the director.

2129. If the position of inspector cannot be filled from the list, a temporary appointment not exceeding six months may be made.

Article 3. Vacancies

2151. If a vacancy in the office of commissioner occurs, the director, upon learning of the vacancy, shall immediately transmit to the board of supervisors or other appointing power a list of persons who are certified by him to be eligible for the position.

2152. If within 30 days after the receipt of the list of persons who are certified, the appointing power fails to appoint a commissioner from the list, the director shall appoint a commissioner from the list.

2153. If there is no qualified person available for the office of commissioner, the appointing power may make a temporary appointment, for a period not exceeding three months, of a person who is recommended in writing by the director.

2154. If the appointing power does not make a temporary appointment of a commissioner and no person can be appointed from the eligible list by the director, the director may make a temporary appointment of a person who is competent to carry on the duties of the office for a period not exceeding three months.

Article 4. Removal

2181. Upon petition of 25 resident freeholders of any county, the principal business of each of whom is the production of agricultural commodities, or upon satisfactory evidence presented to the director that the commissioner of such county is guilty of neglect of duty, incompetence, or misconduct in office, the trial board which is selected, pursuant to this article, shall hold a hearing at such time and place as it shall specify.

2182. The director and the president of the voluntary association of commissioners of the state shall select an impartial third person who, with them, shall compose a county agricultural commissioner's trial board to determine whether the commissioner is guilty of the charges which are presented.

2183. At least 10 days prior to the date of the hearing the director shall give notice in writing to the commissioner of the time and place of the hearing and such information as to the nature of the charges as will enable the commissioner to present a defense to the charges.

2184. At the hearing the trial board shall hear the evidence which is offered.

2185. The trial board shall, within 30 days subsequent to the conclusion of the hearing make an order dismissing the charges or an order disqualifying the commissioner.

2186. If the order disqualifies the commissioner, the director shall revoke the commissioner's certificate of qualification and declare his office vacant. A copy of the order shall be immediately transmitted by the director to the board of supervisors and the auditor of the county in which the commissioner held office.

2187. The certificate of a deputy commissioner may be revoked in the same manner and for the same causes that a certificate of a commissioner may be revoked.

Article 5. Compensation

2201. The compensation provided for a commissioner, deputy commissioner, county agricultural inspector, or clerk who is employed by the year or by the month shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as county officers are paid. A commissioner and each deputy commissioner or inspector is entitled to receive his traveling and incidental expenses which are necessarily incurred in the performance of his duty. Such expenses and all compensation which is earned by a commissioner, deputy commissioner, inspector, or clerk who is not employed by the year or by the month are a county charge. The board of supervisors shall allow and pay them in the same manner as other claims are allowed and paid.

2203. The commissioner shall be paid his compensation and traveling and incidental expenses while he is attending the annual meeting of the voluntary association of the commissioners of the state and such other meetings as he is required by the director to attend, or while he is on any service that requires him to go outside the county if the performance of such service has been authorized by the board of supervisors or the director, or is authorized by this code.

2204. The compensation of a commissioner who is appointed by the director shall be paid in the same manner as if he were appointed by the board of supervisors.

2205. The rate and manner of payment of compensation for a commissioner who is employed pursuant to Section 2124 shall be fixed by the board of supervisors of the employing county. He is entitled to receive his traveling and incidental expenses which are necessarily incurred in the performance of his duty.

2206. The board of supervisors of any county in which the director is required by Section 2125 to perform the duties of commissioner shall, upon claim which is duly submitted, reimburse the department for all expenses which are incurred by the director in fulfilling his responsibilities in performing such duties. The amount of reimbursement shall not, however, be in excess of an amount which is established by an agreement between the board of supervisors and the director pursuant to Section 482 of this code or Section 25801 of the Government Code.

Article 6. Cooperative Salary Agreements

2221. For the purpose of this article the base salary of a commissioner is the salary, or if a salary range is established, the lowest step in such range, which was established for the position for the month of January, 1959.

2222. For the purpose of securing more uniform and adequate enforcement of this code throughout the state, the director may enter into cooperative agreements with the board of supervisors of any county which relate to the increase of the compensation of the county agricultural commissioner of the county, or which relate to compensation of the commissioner for services which are performed for the department.

2223. In the agreement the board of supervisors shall agree not to reduce the salary of the commissioner to less than the base salary. The director may agree to pay to the county a sum not to exceed three thousand three hundred dollars ($3,300) per year to be used to increase the salary of the commissioner, or to compensate the commissioner for services which are performed for the department. The amount which is paid to a county shall not, however, exceed two-thirds of the amount of the salary which is paid to its commissioner.

2224. The director may agree with the board of supervisors of any county in which no salary was established for the position of commissioner for January, 1959, that the state will pay not to exceed three thousand three hundred dollars ($3,-300) per year of the amount to be used for payment of the salary of a commissioner for such county, or of a commissioner who is employed pursuant to Section 2124. The amount which is paid the county shall not, however, exceed two-thirds of the amount of the salary which is paid to the commissioner.

Article 7. Offices, Equipment and Supplies

2241. As used in this article "commissioner" includes a commissioner who is employed pursuant to Section 2124.

2242. The board of supervisors shall provide a suitable office for the commissioner, and shall furnish and equip his office with all necessary furniture, supplies, and effects for the proper discharge of his duties.

2243. The board of supervisors may also provide the commissioner with all necessary field equipment for the proper discharge of the duties of his office.

2244. All expenses which are ordered by the board of supervisors for the office, furniture, supplies, effects, and equipment for the commissioner are a county charge. The board of supervisors shall allow and pay such expenses out of the general fund of the county.

Article 8. Powers and Duties

2271. The commissioner shall keep a record of his official acts.

2272. The commissioner shall make an annual report to the director on the condition of the agricultural interests in his county and on what is being done to eradicate, control, or destroy pests or to quarantine against pests. He shall also furnish from time to time to the director such other information as the director may require.

2273. The commissioner shall also make a monthly report to the board of supervisors if and when so required by the board.

2274. The commissioner shall learn about all pests that may exist, or are likely to exist, in his county.

2275. The commissioner, for the purpose of learning the best and most efficacious methods of performing his duties, shall attend the annual meeting of the voluntary association of the commissioners of the state, and such other meetings as the director shall require.

2276. The commissioner shall, for the purpose of becoming informed about new and dangerous agricultural pests, observing and learning new and better methods of pest control, and determining the best and most efficacious methods of conducting the work of his department, consult with staff members of the United States Department of Agriculture, the State Department of Agriculture, the University of California, and with agricultural commissioners of other counties. He shall make such trips outside of the county which are necessary for such purposes, if authorized by the board of supervisors.

2277. The commissioner shall, if directed by the board of supervisors, collect, prepare, and install exhibits for public information which illustrate the work of his department, depict the resources of the county, or display the products of the county.

2278. The commissioner may disseminate information which relates to pests that may exist in his county, or are likely to exist in it. The information may include life histories, habits, methods of detection, and methods of control of such pests.

2279. The commissioner shall compile reports of the condition, acreage, production, and value of the agricultural products in his county. The commissioner may publish such reports, and shall transmit a copy of them to the director.

2280. The director, when acting in person with a commissioner, has all the rights of such commissioner.

CHAPTER 3. COUNTY VETERINARIAN

Article 1. Appointment

2301. A county veterinarian may be appointed by the board of supervisors whenever the public welfare demands the services of such veterinarian.

2302. The veterinarian shall serve at the pleasure of the board of supervisors.

Article 2. Compensation

2321. The veterinarian shall receive a salary which is fixed by the board of supervisors. It shall be payable at the same time, in the same manner, and from the same fund as other county officers are paid.

Article 3. Powers and Duties

2341. The veterinarian shall act under the supervision of the director.

2342. The veterinarian shall enforce throughout the county all of the provisions of this code which relate to the health and sanitary surroundings of livestock, poultry, and rabbits. He shall enforce within unincorporated territory all orders and ordinances of the board of supervisors which relate to such subjects.

2343. The veterinarian may establish such quarantine, sanitary, and other regulations within his jurisdiction as he deems necessary.

2344. The veterinarian shall attend such meetings as are deemed necessary and advisable by the board of supervisors.

DIVISION 3. EXPOSITIONS AND FAIRS

PART 1. GENERAL PROVISIONS

CHAPTER 1. FREE ADMISSIONS

Article 1. Definitions

3001. Unless the context otherwise requires, the definitions in this article govern the construction of the chapter.

3002. "Courtesy pass admission" means any admission, without payment of the admission charge, to any state, county, district, or citrus fruit fair, except any of the following:

(a) Credential admission.

(b) Admission of any child under 12 years of age.

(c) Admission of any military personnel in uniform.

3003. "Credential admission" means any admission which is authorized by the board of directors of a state, district, or citrus fruit fair, or by the board of supervisors of a county for admission to a fair without payment of the admission charge when a service is rendered by the person who is admitted which is necessary for the conduct of the fair.

Article 2. Powers and Duties

3021. Every state, district, county, or citrus fruit fair which receives any money from the State Treasury shall permit the admission without payment of the admission charge of all children 12 years of age or under on at least one day, which is designated by the fair, during each fair period.

3022. If a charge is made for admission to enter a state, district, county, or citrus fruit fair, the following persons may be admitted to such fairgrounds without the payment of the established admission price:

(a) Persons with credential admissions.

(b) Persons with courtesy pass admissions.

(c) Military personnel in uniform.

3023. A credential admission may be issued to any individual, association, or body that does any of the following:

(a) Prepares or services any educational, commercial, industrial, livestock, agricultural, horticultural, or viticultural display or exhibit.

(b) Services, maintains, or operates any concession.

(c) Renders, through agreement with the fair, a service to fair patrons.

(d) Renders a necessary public service.

(e) Safeguards health.

(f) Provides for public safety.

(g) Participates in any parade or event which is necessary for the conduct of the fair.

3024. Credential admissions may, also, be issued to any of the following persons:

(a) Representatives of press, radio, and television personally engaged in obtaining and transmitting public information.

(b) Ambulance drivers.

(c) Firemen on duty.

(d) Repairmen who are necessary to service utilities.

(e) Employees of the fair.

(f) State officials in the performance of their duty.

3025. The words "credential admission" shall be printed on each ticket which is issued as a credential admission.

3026. The percentage of courtesy pass admissions to any state, county, district, or citrus fruit fair shall not exceed 4 percent of the gross paid admission to the fair in the preceding calendar year.

3027. A courtesy pass admission is not transferable.

3028. Each fair shall maintain complete records of the number of credential and courtesy pass admissions which are issued for each fair period.

3029. Each fair shall make an annual report to the department, as prescribed by the department, of the total number of credential and courtesy pass admissions issued and honored at the fair.

Chapter 2. Horserace Meetings at State or District Fairs

3101. The expenditure of funds for insurance which is authorized by this chapter is a public purpose and is in furtherance of the purposes for which state and district fairs are conducted.

3102. If the Board of Directors of the California State Fair and Exposition or the board of directors of any district agricultural association finds that, in order to conduct a successful horserace meeting with adequate competition and a sufficient number of competent jockeys and exercise boys, it is necessary that it purchase suitable accident and disability insurance for the benefit of the jockeys and exercise boys who are participating in the horserace meeting, it may purchase such insurance to protect them from the physical hazards of such participation.

3103. The accident and disability insurance shall be in addition to the workmen's compensation insurance which is required to be carried by licensed horse owners.

PART 2. STATE EXPOSITIONS AND FAIRS

Chapter 1. Definitions

3301. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

3302. "Board" means the Board of Directors of the California State Fair and Exposition.

3303. "Committee" means the California State Exposition and Fair Executive Committee.

3304. "Corporation" means a nonprofit corporation organized under the General Nonprofit Corporation Law, Part 1 (commencing with Section 9000), Division 2, of the Corporations Code.

3305. "Exposition" means the California State Exposition and Fair.

3306. "Exposition site" means the exposition site in Sacramento County adjacent to the American River.

3307. "Fair site" means the Stockton Boulevard site of the State Fair in Sacramento.

3308. "State Fair" means the California State Fair and Exposition.

Chapter 2. California State Fair and Exposition

Article 1. Organization

3401. There is in the Department of General Services the California State Fair and Exposition. It is a state institution and consists of a board of directors of 14 members.

3402. Twelve of the members of the board shall be appointed by the Governor for a term of four years from the expiration of the respective terms of the members of the board in office at the time this code becomes effective.

3403. The other two members of the board shall be members of the board of directors of a district agricultural association, or of a county fair board. They shall not, however, be members of the board of directors of the same district agricultural association, or county fair board. These two members shall be appointed annually by the Governor on February 1st of each year.

3404. The president of the board shall be designated annually by the Governor on February 1st from among the members of the board.

3405. If the name State Agricultural Society or Board of Directors of the State Agricultural Society is used in any statute, act, law, appropriation, budget, or other place, or in any section of this code, it means the California State Fair and Exposition or Board of Directors of the California State Fair and Exposition, respectively.

Article 2. Powers and Duties

3431. Except as otherwise provided in Article 3 (commencing with Section 3551) of Chapter 3 of this part, the board has all the rights, powers, and responsibilities of the committee with respect to the management and operation of the annual fair and exposition described in Section 3523 at the fair site until such time as the committee declares by resolution that the exposition at the exposition site is operationable. This section does not, however, impair the power of the committee to exercise any of its rights, powers, and responsibilities with respect to the exposition at the exposition site either before or after adoption of such resolution.

3432. The board may appoint all necessary marshals and police to keep order and preserve peace at the annual fair or exposition. The officers who are so appointed shall be vested with the same authority as peace officers for the preservation of order and peace at the fair or exposition.

3433. The board may pay membership fees, join, and participate in the affairs of associations which have for their purpose the interchange of information which relates to livestock, poultry, and other agricultural animals and products; the conduct and management of fairs; or the conducting of horse-racing meetings or similar associations which deal with subjects which relate to the powers and duties of the State Fair.

3434. All meetings of the board shall be open and public.

3435. All records of the board, except entries in events which are scheduled for future judging or overnight entries in races on which there is parimutuel wagering prior to such

events, judging times, or races, shall be open to inspection by the public during regular office hours.

3436. The state is not liable for any premium which is awarded or any debt which is created by the board.

Article 3. State Fair Fund

3461. The State Fair Fund is continued in existence.

3462. All money which is received by, or appropriated to, the State Fair shall be placed in the State Treasury to the credit of the State Fair Fund.

3463. All money which is received by the board shall be reported at least once a month to the State Controller.

3464. All money in the State Fair Fund is appropriated, without regard to fiscal years, to be expended in accordance with the law for the support of the activities of the board in conducting the State Fair, including construction and improvements and, with the approval of the Department of Finance, the purchase of land in connection with such construction and improvements.

3465. If the name State Agricultural Society Contingent Fund is used in any statute, act, law, appropriation, or other place, it means the State Fair Fund.

Chapter 3. California State Exposition and Fair

Article 1. Organization

3501. There is in the Department of General Services the California Exposition and Fair Executive Committee. It is a state institution.

3502. Three of the members of the committee first appointed shall be appointed by the Governor from the board for a period equal to the remainder of their terms on the board. The Director of Finance, the Director of General Services, the Director of Public Works, the Director of Agriculture, the State Controller and the president of the board shall be the remaining members of the first committee.

Upon the declaration by the committee that the exposition site is operationable, the membership of the committee shall be augmented by 10 additional members by adding the nonmembers of the committee then serving on the board to the committee, whereupon the board shall cease to exist. The members so added shall serve on the committee for the same period they would have been authorized to serve had they remained members of the board.

3503. Two Members of the Senate appointed by the Senate Committee on Rules and two Members of the Assembly appointed by the Speaker shall meet with and, except as otherwise provided by the Constitution, advise with the committee to the extent that such advisory participation is not incompat-

ible with their duties as Members of the Legislature. The members of the committee and the advisory Members of the Legislature serving with them are entitled to be reimbursed from the State Fair Fund for any actual and necessary expenses incurred in connection with the performance of their duties.

3504. All vacancies among the appointees of the Governor, or in the positions representing the 10 additional members added to the committee when the board ceases to exist, shall be filled by the Governor for a term of four years.

3505. The chairman of the committee shall be designated annually on February 1, by the Governor, from among the members of the committee.

Article 2. Powers and Duties

3521. Except as otherwise provided in Section 3431, the committee succeeds to all the rights, powers, and responsibilities of the board.

3522. Upon the declaration by the committee that the exposition site is operationable, the board is abolished.

The abolition of the board in the manner provided for in this section shall not, however, abridge the succession of the committee to the rights, powers, and responsibilities that the board possessed while in existence.

3523. The committee, subject to the approval of the Department of General Services, shall provide for and manage a permanent exposition as provided for in the California State Exposition and Fair Law, Article 3 (commencing with Section 3551) of this chapter, and an annual fair and exposition in one or more seasonal divisions in Sacramento County of the industries and industrial products of this state and commercial products exported and imported through the ports of this state. The exposition and fair shall be designated as the California State Exposition and Fair.

3524. If in any year during which an international exposition is held in this state which is conducted in whole or in part under the auspices of the state and endorsed by the United States government, and the committee deems it inexpedient to hold a State Fair, the funds which are available for the State Fair for that year only may be expended, with the approval of the Director of General Services, in cooperation with the management of the international exposition to provide for a proper exhibition of the industries of California at the international exposition. This section does not impair the power and authority of a nonprofit corporation to provide for and manage such exposition and fair pursuant to the California State Exposition and Fair Law.

3525. The committee, with the approval of the Director of General Services, may lease or license the use of any real or personal property under its jurisdiction and control to any

person or public body for whatever purpose may be approved by such committee and the Director of General Services. Any lease of the exposition site is, however, subject to the California State Exposition and Fair Law, Article 3 (commencing with Section 3551) of this chapter.

Article 3. California State Exposition and Fair Law

3551. This article shall be known as the "California State Exposition and Fair Law."

3552. It is the desire of the Legislature that the plan of organization for the exposition on the exposition site, as now or hereafter constituted, shall be put into effect through the provision of a corporation, subject to such changes, modifications, or augmentations in such plan as may be deemed advisable. It is the view of the Legislature that the implementation of the exposition requires such creative talents and flexibility of operation that it can be adequately and competently performed only through the medium of corporations.

3553. The committee may contract with a corporation for the construction, operation, and maintenance of the exposition on terms and conditions which it determines are in the best interests of the state. The contract between the committee and the corporation shall provide for all of the following:

(a) The lease to the corporation of all or such portion of the exposition site for such period of time as the committee deems advisable.

(b) The operation of a permanent exposition, and annual fair in one or more seasonal divisions.

(c) Construction on the exposition site of such exposition and fair facilities as are approved by the committee.

(d) The operation of such intermittent, seasonal, or continuous activities on the exposition site as the parties deem beneficial to the exposition.

(e) The development and operation of horse racing on the exposition site by the corporation.

(f) The preservation of appropriate records and documents pertaining to activities and expenditures of the corporation and their availability for examination by the committee, and audit by the Director of General Services at the expense of the corporation.

3554. The contract between the committee and the corporation shall also provide for all of the following:

(a) The terminability of the contract by the committee, with the approval of the Director of General Services.

(b) All revenues accruing from the operations of the exposition being deemed to be assets of the corporation to be used solely for the purpose of discharging its duties under the contract, subject to such budgetary controls as are required by this article.

(c) The utilization by the corporation of civil service personnel employed by the committee, who shall remain employees of the state, and the reimbursement to the state by the corporation of all costs connected with their employment by the state.

(d) Employment of personnel of the corporation, except such persons or categories as may be exempted by the committee, in accordance with a merit system embodied in rules and regulations of the corporation which are approved by the committee.

(e) Two members of the committee to serve as members of the board of directors of the corporation.

(f) Such other provisions as in the judgment of the state should be included in the contract, not inconsistent with this article or other provisions of law.

3555. Any contract or lease between the corporation and the committee, including any amendments to it, is subject to the approval of the Director of General Services.

3556. The State Personnel Board may contract with the corporation to furnish services to implement any merit system established by the corporation in a manner not inconsistent with the rules and regulations of the corporation that affect such system. The State Personnel Board shall charge the corporation what it deems is the fair cost of providing such service.

3557. The Director of General Services may lease for such term as he deems advisable, or sell, any portion of the exposition site for commercial or industrial development in areas of the exposition site which are designated in writing by the committee, subject to such consideration and other provisions as the Director of General Services deems will best serve the interests of the state. Any consideration which is received from sale or lease of the property shall be credited to the State Fair Fund, except to the extent any consideration from any such property which is leased is permitted, with the approval of the Director of General Services, to be assigned for value received by the corporation. The Director of General Services may make any conveyance which is necessary to effectuate and implement such sale or lease, including, but not limited to, any easement which is necessary to permit utilization of the property by a lessee or vendee.

3558. The corporation shall be deemed to hold any real or personal property received from the state or other sources, and any proceeds derived therefrom or through the use thereof, directly or indirectly, as trustee solely for the performance of its activities in connection with the exposition. Such real or personal property, and any possessory interest therein on the part of the corporation, is exempt from taxation to the same extent as other real or personal property which is owned and solely occupied by the state for governmental purposes.

3559. Except for any money of the corporation which is placed in demand or time deposits which are insured in full by an agency of the United States Government, all money of the

corporation, whether received from the state, the activities of the exposition, or otherwise, shall, until needed by the corporation, be invested, with the approval of the Director of Finance, only in bonds or other obligations specified in Section 16430 of the Government Code.

3560. Any contract entered into by the corporation for personnel or for the services of independent contractors, or for the hiring of equipment other than from the State Public Works Board, if in excess of, or which may be in excess of, two years, is subject to the written approval of the committee.

3561. The corporation shall not transfer, mortgage, pledge, or dispose of any real property on the exposition site. It may, however, with the written approval of the committee, dispose of surplus fixtures which are to be removed from the exposition site. In addition, it shall not assign, transfer, mortgage, pledge, hypothecate, or dispose of any anticipated assets or revenues, except with the approval of the Director of General Services. The corporation may dispose of personal property with the sole consent of the committee.

3562. The corporation shall submit an annual report to the committee which shall include a statement of its operations, receipts, and disbursements during the last preceding calendar year, within a reasonable period of time, as designated by the committee, after the conclusion of such calendar year. The corporation shall also submit to the committee special reports, analyses, or information requested by the committee.

3563. If state appropriations are disbursed to pay principal or interest on the revenue bonds which are referred to in Section 3574, the corporation may be required by the committee to repay such amounts to the state with such interest as the Director of Finance determines is the average interest which is being received by the state at the time the disbursements are made, as soon as funds above normal operating requirements, as determined by the committee, are available to the corporation.

3564. The persons constituting the board of directors of the corporation shall receive their actual expenses incurred in attending meetings or otherwise performing their duties, but shall receive no compensation or emoluments otherwise from the corporation in any capacity. Neither the directors nor members of the corporation, if any, nor their immediate families, shall have any interest in any contract made with the corporation. This section does not, however, prohibit any interest of a remote nature which is disclosed to the board.

3565. The board of directors of the corporation shall have sole authority to manage and operate the corporation. Neither the members of the corporation, if any, nor the board of directors of the corporation may limit the number of original directors or the terms of office of original directors. The board of directors may, however, remove any director for

good cause and shall have sole authority to fill any vacancy which occurs in the board. The corporation shall not be deemed to be an agency of the state.

3566. No member of the board of directors, officer, or employee of the corporation is liable in his personal capacity for any obligations of the corporation, nor is the state liable for any debts or obligations of the corporation, except as provided in this article.

3567. The corporation shall, at least 60 days prior to any calendar year, submit an annual budget to the committee in the form prescribed by the Director of General Services which shows estimated revenues and proposed expenditures from all sources during the ensuing calendar year for approval in writing by the committee and by the Director of General Services. Failure to obtain both approvals prior to the calendar year for which it is proposed constitutes, effective at the start of such calendar year, a cancellation and termination of all leases and contracts between the corporation and the committee. Expenditures by the corporation for any item or subitem in the budget during the calendar year for which it is approved shall be limited to the amount prescribed therein. Any person who incurs any expenditures in excess of such amount is personally liable for the amount of such excess. The committee and Director of General Services, both concurring, may (a) approve any amendment of the budget at any time, at the request of the corporation, or (b) direct such amendment in accordance with action initiated by either the committee or Director of General Services.

3568. The corporation shall provide such premiums or exhibits at the annual exposition, in amounts, and in accordance with policies, which are indicated in writing by the committee. In this regard, the corporation shall submit its proposals relating to premiums for review by the committee.

3569. The corporation shall provide at its own expense insurance in amounts and for purposes determined by the committee, covering improvements, equipment, and facilities on the site, and protecting the corporation and the state against liability to third parties arising out of the operation and maintenance of the exposition and the grounds of the exposition.

3570. The corporation may, with the approval of the committee, lease property on the exposition grounds proper for such period of time, consideration, and other terms and conditions, as are approved by the Director of General Services

3571 The corporation shall not at any time undertake any construction on the site unless the plans, specifications, and contracts therefor have been approved by the committee. This section does not, however, apply to any construction undertaken by the corporation on any part of the site leased, by virtue of authority given under other provisions of this

article, by the Director of General Services, or by the corporation with the approval of the Director of General Services.

3572. All contracts which are entered into by the corporation shall contain a provision that the successor or assignee of the corporation may enforce them.

3573. The corporation may receive any of the following:

(a) Such grants by the committee, State Public Works Board, and Director of Finance, in such amounts and under such terms and conditions as they deem appropriate, from funds available for use in connection with the exposition, or any activity thereof, which grants are hereby authorized.

(b) Grants and donations from any other source, public or private, not prohibited by law.

The corporation may utilize the grants referred to in subdivision (a) of this section for any purpose, relative to the exposition, for which the grantor could have utilized such grants.

3574. The State Public Works Board may, in lieu of undertaking such construction itself, authorize the corporation to undertake the construction which is provided for in Section 1 of Chapter 1072 of the Statutes of 1957. If it does so, the plans and specifications for the construction shall be subject to the approval of the State Public Works Board as provided in sections of Chapter 1072 of the Statutes of 1957, and to the provisions of Section 3571. In connection with such construction, the State Public Works Board may convey such easements on the exposition site as it deems necessary for the construction.

Notwithstanding any other provision of law, revenue bonds which are authorized to be issued by the State Public Works Board under Section 1 of Chapter 1072 of the Statutes of 1957 may be sold at public or private sale with or without competitive bids. Except as provided in this section, the State Public Works Board shall follow the requirements of such section as if the buildings and facilities had been constructed by it.

Nothing in this chapter shall be construed to impair any of the rights given the holders of bonds sold by the State Public Works Board pursuant to the State Building Construction Act of 1955, Part 10b (commencing with Section 15800), Division 3, Title 2 of the Government Code.

3575. If the corporation's contracts and leases with the committee are cancelled or terminated, or the corporation is dissolved after it has entered into a contract with the committee respecting the operation of the exposition:

(a) The assets of the corporation, of any kind whatever, shall ipso facto become the property of the state under the jurisdiction of the committee, and the corporation shall promptly execute any documents, and do any and all other acts deemed necessary or desirable by the committee, to fa-

cilitate the committee's receipt of such assets and the continuation of operations by the committee.

(b) The committee shall continue the operation of the exposition, in the absence of a further contract between the committee and another corporation therefor.

3576. While the committee is operating the exposition it shall:

(a) Have all rights, privileges, and grants which the corporation would have had if it had continued to operate the exposition and all of the powers respecting the operation of the exposition which the committee would have been authorized to grant pursuant to any contract with a nonprofit corporation.

(b) Assume by operation of law all the lawful obligations incurred by the corporation, including any rental payments which are due or to be due to the State Public Works Board. Such obligations shall, however, be discharged solely from such assets and revenues as would have been available to the corporation for the discharge of the obligations if it had continued to operate the exposition.

3577. If the contract between the committee and a corporation is canceled or terminated, the committee may enter into a contract with another corporation, and the provisions of this article shall apply as if a corporation so contracting had been the original contracting corporation.

3578. Any contracting corporation subsequent to the original contracting corporation shall assume by operation of law all remaining liabilities incurred by previous nonprofit corporations in connection with their operation of the exposition and the committee shall be relieved from such liabilities. The committee shall transfer to any subsequent contracting nonprofit corporation all the assets of the exposition, other than such title to real property of the exposition site and improvements situated on the exposition site as it may possess.

3579. The committee shall submit a report to the Legislature and Governor during the first 30 days of each general session of the State Legislature respecting the financial condition, present operations, and future planned activities of the exposition. It may require the corporation to furnish any information or material which is necessary to make such report.

3580. Section 19482 of the Business and Professions Code does not prevent the California Horse Racing Board from granting a license to a nonprofit corporation or other applicant for the operation of horseracing on the exposition site.

PART 3. DISTRICT AGRICULTURAL ASSOCIATIONS

CHAPTER 1. DEFINITIONS

3801. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

3802. "Association" means a district agricultural association which is formed pursuant to this chapter.

3803. "Board" means the board of directors of an association.

3804. "Director" means a member of the board of directors of an association.

3805. "District" means an agricultural district which is formed pursuant to this chapter.

CHAPTER 2. BOUNDARIES

3851. The state is divided into the agricultural districts which are prescribed by this article.

3852. District 1 is the County of Alameda.

3853. District 1a is the City and County of San Francisco and the County of San Mateo.

3854. District 2 is the County of San Joaquin.

3855. District 3 is the County of Butte.

3856. District 4 is the Counties of Sonoma and Marin.

3857. District 6 is all that portion of Los Angeles County which is not included in District 48 and District 50. District 6 shall be known and designated as the California Museum of Science and Industry.

3858. District 7 is the County of Monterey.

3859. District 9 is the County of Humboldt.

3860. District 10 is that portion of the County of Siskiyou which is not included in District 10a.

3861. District 10a is all that portion of Siskiyou and Modoc Counties which is described as follows:

Beginning at the intersection of west longitude 122 degrees 10 minutes with the Oregon-California boundary line, thence southerly along said line of longitude to north latitude 41 degrees 30 minutes, thence easterly along said line of latitude to the point where it intersects west longitude 121 degrees 10 minutes, thence northerly along said line of longitude to the Oregon state line, thence westerly along said state line to the point of beginning.

3862. District 12 is the County of Mendocino.

3863. District 13 is the Counties of Sutter and Yuba.

3864. District 14 is the County of Santa Cruz.

3865. District 15 is the County of Kern.

3866. District 16 is the County of San Luis Obispo.

3867. District 17 is the County of Nevada.

3868. District 18 is the Counties of Mono, Inyo, and Alpine.

3869. District 19 is all that portion of Santa Barbara County which lies east of Gaviota and south of the Santa Ynez Mountains.

3870. District 20 is the County of Placer.

3871 District 21 is the County of Fresno.

3872. District 21a is the County of Madera.

3873. District 22 is the County of San Diego.
3874. District 23 is the County of Contra Costa.
3875. District 24 is the County of Tulare.
3876. District 24a is the County of Kings.
3877. District 25 is the County of Napa.
3878. District 26 is the County of Amador.
3879. District 27 is the County of Shasta.
3880. District 28 is the County of San Bernardino.
3881. District 29 is the County of Tuolumne.
3882. District 30 is the County of Tehama.
3883. District 31 is the County of Ventura.
3884. District 32 is the County of Orange.
3885. District 33 is the County of San Benito.
3886. District 34 is that portion of the County of Modoc which is not included in District 10a.
3887. District 35 is the County of Merced.
3888. District 35a is the County of Mariposa.
3889. District 36 is the County of Solano.
3890. District 37 is all that portion of Santa Barbara County which is not included in District 19.
3891. District 38 is the County of Stanislaus.
3892. District 39 is the County of Calaveras.
3893. District 40 is the County of Yolo.
3894. District 41 is the County of Del Norte.
3895. District 42 is the County of Glenn.
3896. District 44 is the County of Colusa.
3897. District 45 is the County of Imperial.
3898. District 46 is the County of Riverside.
3899. District 48 is all that portion of Los Angeles County which is described as follows:

Beginning at the intersection of a southerly extension of the east line of Atlantic Avenue with the Pacific Ocean, proceed north to the east line of Atlantic Avenue; thence north along the east line of Atlantic Avenue to its intersection with the south line of Anaheim Street; thence west along the south line of Anaheim Street to Alameda Street; thence north along west line of Alameda Street to south line of Palmer Avenue; thence west along south line of Palmer Avenue to east line of Wilmington Avenue; thence north along east line of Wilmington Avenue to north line of Rosecrans Avenue; thence west along north line of Rosecrans Avenue to east line of Avalon Boulevard; thence north along the east line of Avalon Boulevard to its intersection with the south line of Slauson Avenue; thence west along the south line of Slauson Avenue to La Brea Boulevard; thence north along west line of La Brea Boulevard to north line of Exposition Boulevard; thence east along north line of Exposition Boulevard to west line of Crenshaw Boulevard; thence south along the west line of Crenshaw Boulevard to south line of Vernon Avenue; thence east along south line of Vernon Avenue to Main Street; thence north along west line of Main Street to

the north line of Valley Boulevard; thence east along the north line of Valley Boulevard to the east line of State Highway No. 39; thence south along east line of State Highway No. 39 to the Orange county line; thence south along the Orange county line to its intersection with the Pacific Ocean; thence west along the Pacific Coast to point of beginning.

3900. District 49 is the County of Lake.

3901. District 50 is all that portion of Los Angeles County which lies north of the south line of Township 5 North, San Bernardino base.

3902. District 52 is the County of Sacramento.

CHAPTER 3. ORGANIZATION AND ADMINISTRATION

3951. Fifty or more persons, who are residents of a district, may form an association to be known as and designated as the _____ District Agricultural Association, for the following purposes:

(a) Holding fairs, expositions and exhibitions for the purpose of exhibiting all of the industries and industrial enterprises, resources and products of every kind or nature of the state with a view toward improving, exploiting, encouraging, and stimulating them.

(b) Constructing, maintaining, and operating recreational and cultural facilities of general public interest.

3952. Copies of the articles of association shall be filed with the Governor, the Secretary of State, and the department.

3953. Each association is a state institution.

3954. Each association by its name has perpetual succession. It may have a seal. An association may be sued and, with approval of the department, may sue and may do any and all things necessary to carry out the powers and the objects and purposes for which the association is formed.

3955. Claims against an association shall be presented to the State Board of Control in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940), Division 3.6, Title 1 of the Government Code

3956. The officers of the association shall consist of a board of directors of nine members The directors shall be citizens and residents of the district.

3957. If two or more counties constitute a district, each county shall be represented on the board by at least two persons who are citizens and residents of such county.

3958. If, by reason of the formation of a new district, a director in one district becomes a resident of another district, his term of office as director expires 60 days after the formation of the new district.

3959. The directors shall be appointed by the Governor.

3960. The term of office of each director, except that of a member of the first board, is four years from the beginning of

the term for which he is appointed. Any vacancy shall be filled for the unexpired term.

3961. The term of office of each member of the first board shall be so fixed by the Governor that the terms of the directors of such board shall expire in three groups of two, and one group of three, on the 15th day of January of each year following the formation of the association.

3962. The directors are state officers.

3963. The directors shall meet at a place within the district and organize by the election of one of their number as president. The term of office of the president shall be one year and until his successor is elected.

3964. The directors shall also elect a secretary and treasurer from among persons who are not members of the board. One person may be both secretary and treasurer.

3965. The board may, with the approval of the department:

(a) Fix the term of office, the amount of bond, salary, and prescribe the duties of the secretary and of the treasurer.

(b) Manage the affairs of the association.

(c) Make all necessary bylaws, rules, and regulations for the government of the association.

(d) With the approval of the Department of General Services, arrange for and conduct, or cause to be conducted, or by contract permit to be conducted, by any other individual, institution, corporation, or association, upon its property at such time as it may deem advisable, any activity, notwithstanding any other provisions of the code.

(e) Delegate, as it may deem advisable, to its officers or employees any of the powers which are vested in the board under subdivisions (b) and (d) of this section. Any such delegation of powers may be revoked at any time.

3966. The board shall annually make to the department such report as such department may direct.

3967. All meetings of the board shall be open and public.

3968. All records of the board, except entries in events which are scheduled for future judging and for overnight entries in races on which there is parimutuel wagering prior to such events, judging times, or races, shall be open to inspection by the public during regular office hours.

CHAPTER 4. FISCAL PROVISIONS

4001. Any money which is received by any association, other than from the sale of real property or pursuant to a lease, easement, or agreement for the extraction of oil or gas from lands owned or controlled by it, shall be retained and used by the association for its:

(a) General use and purposes.

(b) Maintenance.

(c) Membership in livestock registry associations and fair associations.

(d) Support and operation.

(e) Acquisition, installation, maintenance, and operation of recreational and cultural facilities at its fairgrounds.

4002. The proceeds of the sale of any interest in real property which is owned by any association shall be paid into the Fair and Exposition Fund. The amount which is paid into the fund shall be available for expenditure by the association, with the approval of the department and the State Public Works Board, for any of the following purposes:

(a) Permanent improvements for fair purposes on the property of the association.

(b) Purchase of equipment for fair purposes.

(c) Acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for the permanent improvements.

The execution of any lease, easement, or agreement for the extraction of any oil or gas from lands owned or controlled by an association is not a sale of an interest in real property within the meaning of this section.

4003. Any money which is not expended within three years after being paid into the Fair and Exposition Fund pursuant to Section 4002 shall be added to and become a part of the amount available pursuant to Section 19630 of the Business and Professions Code for permanent improvements upon the property of the state, citrus, county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as may be allocated by executive order of the Director of Agriculture.

4004. All revenue which is received by any association pursuant to any lease, easement, or agreement for the extraction of oil or gas from any land that is owned or controlled by it shall be paid into the General Fund.

4005. The fiscal year for each association is from January 1 to December 31.

CHAPTER 5. POWERS AND DUTIES GENERALLY

4051. An association, with the approval of both the Department of Agriculture and the Department of General Services, may do any of the following:

(a) Contract.

(b) Purchase, acquire, hold, sell, exchange, or convey any interest in real or personal property and beautify or improve such property. Any acquisition of land or other real property shall be subject to the Property Acquisition Law, Part

11 (commencing with Section 15850), Division 3, Title 2 of the Government Code.

(c) Lease, let, or grant licenses for the use of its real estate or personal property, or any portion of such property to any person or public body for whatever purpose may be approved by the board.

(d) Use or manage its real estate or personal property or any portion of such property for any or all of the purposes of this section jointly with any lessee, sublessee or licensee, or otherwise use or manage the property in connection with such lease, sublease or license which is made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for any purpose which is beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the county or county fair association The joint fair is a district fair of the association.

4052. An association shall not lease its racetrack for running races of horses to any private person, firm, or corporation, except to a national or international exposition or its affiliated corporations or associations for the period of time which is now permitted by law for fairs.

This section does not apply to any existing lease or extension or renewal of any existing lease. This section also does not apply to the negotiating and issuing of a new lease to any private person, firm, or corporation by an association that is leasing its racetrack for running races of horses, on October 1, 1963, if such new lease complies with all of the following requirements:

(a) Contains terms more favorable to the association.

(b) Is approved by the California Horse Racing Board.

(c) Is not to become effective until at least three years after it is signed.

4053. The Director of Agriculture may make available for the use of any association any property of the state which is suitable for the purposes of the association, that has been obtained by the state by gift from any county or city, or otherwise, without cost to the state.

4054. If the board of an association, by resolution adopted by vote of two-thirds of all its members, finds and determines that the public interest and necessity require the acquisition of any building or improvement which is situated on property that is owned by the association, in trust or otherwise, or of any outstanding rights to such property, the association may, with the approval of the department, acquire such building, improvement, or outstanding rights by condemnation.

The use by the association of its property shall be considered a more necessary public use than the use of the property by any grantee, lessee, or licensee for the purposes which are specified in Section 4051 of this chapter.

4055. Associations, by majority vote of their respective boards, may cooperate in the holding of a fair in any of the districts.

4056. An association may pay membership fees, and join and participate in the affairs of any organization which has the following purposes:

(a) Interchange of information that relates to livestock, poultry, and other agricultural animals and products.

(b) Conduct and management of fairs.

(c) Conducting of horseracing meetings.

An association may also pay membership fees, join and participate in affairs of any similar organization that deals with subjects that are related to powers and duties of the association.

4057. The state is not liable for any premium which is offered or award that is made, or on account of any contract which is made, by any association.

CHAPTER 6. PROVISIONS REGARDING PARTICULAR ASSOCIATIONS

Article 1. California Museum of Science and Industry

4101. The Sixth District Agricultural Association shall be known as the California Museum of Science and Industry.

4102. The California Museum of Science and Industry, with the approval of the department, may build, construct, and maintain and operate a stadium or any arena, pavilion, or other building which is to be used for the holding of sports events, athletic contests, contests of skill, exhibitions, spectacles, and other public meetings. It may lease, let, or grant licenses for the use of such stadium, arena, pavilion, or other building.

4103. The California Museum of Science and Industry may establish a space age museum in its building at Exposition Park in the City of Los Angeles

4104. Any money which is collected or received by the California Museum of Science and Industry, shall be remitted monthly to the State Treasurer for credit to the "California Museum of Science and Industry Fund," which fund is continued in existence.

4105. Any money which is appropriated by the Legislature to the California Museum of Science and Industry shall be credited to the California Museum of Science and Industry Fund.

4106. All money in the California Museum of Science and Industry Fund is appropriated and is available for expendi-

ture, in accordance with the provisions of law, for any of the following purposes:

(a) Major and minor construction.

(b) Improvements, equipment, maintenance, and support of the buildings and grounds or other property of the California Museum of Science and Industry.

(c) Purchase of real or personal property.

Article 2. 1-A District Agricultural Association

4131. The City and County of San Francisco may appropriate and pay over to the 1-A District Agricultural Association for the general uses and purposes of the association such sums of money as the city and county may determine.

Article 3. 22nd District Agricultural Association

4151. The 22nd District Agricultural Association, with the approval of the department, may build, construct, and maintain and operate a stadium, arena, pavilion, or other building which is to be used for the holding of sports events, athletic contests, contests of skill, exhibitions, spectacles, and other public meetings. It may lease, let, or grant licenses for the use of such stadium, arena, pavilion, or other building.

4152. None of the funds which are expended by the 22nd District Agricultural Association to carry out the purposes of Section 4151, other than the proceeds of any revenue bonds which are issued for such purposes:

(a) Shall be considered to have been expended for the purpose of determining the need of the association for financial assistance pursuant to Section 19627 of the Business and Professions Code, but shall be considered money which is available to the association, or reserve funds of that association, for the purposes of Section 19627.

(b) Shall be considered to have been expended for the purpose of determining whether an allocation should be made to the association pursuant to Section 19630 of the Business and Professions Code.

4153. In the exercise of its powers pursuant to Section 4151, the 22nd District Agricultural Association shall not construct any facility on any part of that publicly owned park in the City of San Diego, which is commonly known as Balboa Park, unless such use of the park land is approved by the electors of the city at an election held by the city for such purpose. The election may be a special election or may be held in conjunction with any special or general election of the city. Such use shall be approved if a majority of the votes that are cast at the election on the question of such use are in favor of such use.

4154. If any land is acquired by the 22nd District Agricultural Association by eminent domain for use as a site for a

facility authorized to be constructed pursuant to Section 4151, the land shall not be used for any other purpose. If, after the acquisition of such land by eminent domain for such purpose, the land is not used for such purpose, the association shall dispose of such land. In such disposition, the association shall first, for a 30-day period, offer such land to the original owner of the land at the price which the association paid for such land.

Article 4. Former 51st District Agricultural Association

4181. The 51st District Agricultural Association is abolished. All property, both real and personal, of the association is transferred to the Department of General Services to be held by it until the Legislature determines, by appropriate act, that the property should be used to meet the educational needs of San Fernando Valley State College or devoted to some other urgent educational use. Pending the determination by the Legislature pursuant to this section, the Department of General Services may lease or otherwise use such property, on such terms and conditions as the Director of General Services deems are in the best interests of the state.

Article 5. Associations Representing More Than One County

4191. A city may not impose any tax, except a sales or use tax, on any association that represents more than one county and owns land in each of the counties it represents. A city may not, without the consent of the board of such an association, impose any tax, except a sales or use tax, on any of the concessionaires or rental contractors of the association as to events which take place on the property of the association

Chapter 7. War Memorials

4251. Any association and any county may jointly construct a building to constitute a war memorial. The war memorial may be used for any purpose for which real property of an association may be used.

4252. The war memorial may be constructed and managed under such terms and conditions as may be agreed upon by the board of the association, with the approval of the department, and the board of supervisors of the county. It shall be owned and used jointly by the association and county

4253. Any construction work which is done pursuant to an agreement shall be performed in accordance with, and subject to, the provisions of the State Contract Act, Chapter 3 (commencing with Section 14250), Division 3, Part 3, Title 2 of the Government Code.

CHAPTER 8. SALE OF TICKETS ON ASSOCIATION PROPERTY

4301. It is unlawful for any person to sell or engage in the sale, upon any property of an association, of any ticket of admission or any other evidence of the right of entry to a stadium or an arena, pavilion, or other building which is for holding sports arena events, athletic contests, contests of skill, exhibition spectacles, and other public meetings, places of amusement, or entertainment, contests or performances at any premium or price which is in excess of such maximum price that is printed or indorsed upon it, plus lawful taxes, unless he has first procured a written permit which is issued by such association.

PART 4. COUNTY AND DISTRICT AGRICULTURAL FAIRS

CHAPTER 1. STATE MONEY

4401. Subject to the limitations which are specified in Section 19627 of the Business and Professions Code, the department shall apportion any money which is appropriated by the state for the encouragement of county, district agricultural association, or combined county and district agricultural association fairs to the various agricultural fairs on the basis of the amount which each fair actually pays each year in premiums for agricultural, horticultural, mineral, and livestock exhibits, and exhibits of domestic arts, agricultural mechanics, and industrial education that are made or manufactured for other than commercial purposes.

4402. The amount of the premiums used in determining an apportionment shall be the amount of premiums which are paid by a county or district agricultural association in the calendar year which precedes the fiscal year in which the apportionment is made. The amount of any apportionment is, however, subject to the limitations which are specified in Section 19627 of the Business and Professions Code.

4403. Six thousand dollars ($6,000) shall be the maximum base of apportionment paid any fair for its first year of operation. In each subsequent year in which a fair is held, the maximum base of apportionment shall increase by 10 percent over the maximum base for the year in which a fair was last held.

4404. If the premiums which are paid for any year in which a fair is held are less than the maximum base of apportionment for that year, the base of apportionment for that year shall be the premiums which are paid for such year.

4405. For any fair that was operated prior to 1933 which received, or was qualified to receive, money from appropria-

tions for the support of agricultural fairs, the maximum apportionment bases may be increased 10 percent for each year in which a fair was held from the time the fair was first held. If, however, no fair was held by the county or district for a period of five or more years, the percentage of increase shall apply only from the year in which the first fair was held after that period.

4406. A fair which was held in the calendar years 1942 to 1946, inclusive, shall not be considered as a fair held for the purpose of determining the maximum base of apportionment.

4407. Any fair may pay premiums in an amount greater than that which is used as the base of apportionment to it.

4408. The county auditor of any county, or secretary of any association which conducts a fair that is eligible for, and desires an apportionment of, state money shall file with the department on or before December 31st, of each year, a sworn statement which sets forth the actual amount that was paid for premiums by the fair which was held in that year.

4409. If the audited total of the eligible premiums paid by any fair in any year differs from the total that is set forth in the sworn statement which is filed with the department, the amount of the apportionment which is made to the fair on the basis of such year shall be recalculated on the basis of the audited total of eligible premiums which were paid multiplied by the factor that was used in calculating the original apportionment.

4410. If the recalculated apportionment is less than the original apportionment, the amount of the difference shall be returned to the Fair and Exposition Fund and be added to and become a part of the funds which are appropriated for the encouragement of agricultural fairs by Section 19627 of the Business and Professions Code, during the fiscal year in which the difference is returned to the fund.

Chapter 2. Restrictions

4431. Except as otherwise provided in this chapter, on or after January 1, 1943, apportionments shall be made only to counties or district agricultural associations which received apportionments on the basis of the premiums which were paid at fairs held by them during the calendar year 1941.

4432. Merced, Madera, Santa Cruz, and Solano Counties may each receive an apportionment although they held no fairs in the calendar year 1941 and the agricultural associations of the agricultural districts which comprise such counties each received an apportionment during the calendar year 1941.

4433. Marin County may receive an apportionment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district

of which Marin County is a part received an apportionment during the calendar year 1941.

4434. A district agricultural association of a district created subsequent to January 1, 1943, may receive an apportionment.

4435. A district agricultural association which did not receive an apportionment on the basis of the premiums which were paid at a fair that was held during the calendar year 1941 may receive an apportionment unless a county whose area lies in whole or in part within the boundaries of the agricultural district received an apportionment on the basis of the premiums which were paid at a fair that was held during the calendar year 1941.

4436. A district agricultural association which did not receive an apportionment on the basis of the premiums which were paid at a fair that was held by it during the calendar year 1941, may receive an apportionment if the board of supervisors of each county which is in whole or in part within the boundaries of the agricultural district in which the association is formed and which received an apportionment on the basis of the premiums which were paid at a fair that was held during the calendar year 1941, by resolution, announces its intention to discontinue permanently the holding of fairs for which the county would be eligible to receive an apportionment.

4437. A certified copy of the resolution shall be filed with the department.

4438. After the board of supervisors adopts and files the resolution, the county is no longer eligible to receive any apportionment and the district agricultural association which thereby becomes eligible to receive an apportionment shall, for the purpose of determining its maximum base of apportionment, be entitled to receive credit for the fairs which were previously held by the county. They shall be considered as fairs which were held by the association in calculating the maximum apportionment base for the association.

4439. Within one year from and after the date the resolution is adopted, the county shall pay to the district agricultural association the unexpended balance of any money which was previously apportioned to the county.

4440. No apportionment shall be made for more than one fair in any one year in any county or district.

4441. A county or district agricultural association may contract with each other or with a county fair association to hold an agricultural fair without loss of any apportionment to which it otherwise is entitled separately. However, no county or district agricultural association may receive an apportionment for a joint or combined fair which is held by them.

4442. No fair for which a separate appropriation is made by the state shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural association fairs.

4443. If a district agricultural association fair is conducted in any county of the state, no county fair, except a county fair which received apportionments prior to September 9, 1953, shall be paid any apportionment

4444. No apportionment shall be made to any fair held in Sacramento County after January 1, 1948, other than a fair conducted by the California State Fair and Exposition, the California State Exposition and Fair Executive Committee or by a district agricultural association in Agricultural District 52.

CHAPTER 3. PAYMENT

4461. Any funds that are appropriated for the encouragement of county, district agricultural association, or combined county and district agricultural association fairs which, pursuant to law, are apportioned by the department shall be paid monthly to the several eligible counties and district agricultural associations in such amounts as the department determines during the fiscal year in which the apportionment is made. The aggregate of the monthly apportionments to each of the several counties and district agricultural associations shall not exceed the maximum apportionment for the year.

4462. The department, out of any money on hand to be apportioned, may advance to any county or district agricultural association, for the purpose of paying premiums, at any time during the year, any portion of the money to which, in the opinion of the director, the county or district agricultural association shall become entitled for that year.

CHAPTER 4. DEPOSIT AND EXPENDITURE

4481. The county or district agricultural association shall deposit in a bank account that is approved by the Director of General Services in accordance with Section 16506 of the Government Code any state money which is apportioned to it for the encouragement of the fair which it conducts.

The money which is so deposited may be expended for any of the following:

(a) Premiums.

(b) Capital outlay, including purchase of land, construction improvements, and equipment.

(c) Acquisition, installation, maintenance, and operation of recreational and cultural facilities at fairgrounds of the county or district agricultural association.

(d) Support of county or district agricultural association fairs.

4482. Any expenditure shall be made pursuant to a budget which is submitted to the Department of Agriculture and approved by the Department of Finance pursuant to Sections 13320 to 13324, inclusive, of the Government Code.

4483. Any expenditure by a county for construction and improvements is subject to Sections 25450 to 25463, inclusive, of the Government Code.

CHAPTER 5. DEPARTMENT OF AGRICULTURE SUPERVISION

4501. The department shall prescribe regulations for both of the following:

(a) The judging of exhibits.

(b) The maximum amount of premiums which may be offered and paid for all classes, sections, and types of exhibits.

4502. The regulations are exempt from provisions of Section 11380 of the Government Code. They may, however, be filed with the Secretary of State pursuant to Section 11385 of the Government Code.

4503. No fair shall receive any apportionment of funds pursuant to this part unless it complies with the regulations of the department.

4504. The department may at any time examine the books and records of any fair to determine the correctness of any statement or report which is filed with the department.

4505. Every county or district agricultural association that conducts a fair for which any apportionment is sought shall file a detailed statement of its operations in the previous calendar year with the department on or before the 20th day of January in each year. The content and form of the statement shall be prescribed by the department.

4506. The department shall review the statements of operation which are filed by the several fairs pursuant to Section 4505. It shall consider such reports, statistics and other information as to the conduct, operation, management of, and other matters which relate to such fairs.

4507. The department shall, from time to time, classify fairs which are required to file reports pursuant to Section 4505. In making classifications, it shall take into consideration all of the following:

(a) The type and class of agricultural, including livestock, industrial, and natural resources that are exhibited, and the amount of premiums which are paid in accordance with the approved premium list of the fair.

(b) Whether the fair is regional in nature, offers a special feature for agriculture, livestock, or industry, or is a sectional fair limiting exhibits to the region in which the fair is held, and such other characteristics and factors as the department deems necessary.

(c) The ratio of attendance at the fair to the population of the area which is served by it.

(d) The efficiency of management, including operational procedures, revenue from sources other than the state, quality of exhibits, and community interest in the fair.

(e) The extent and nature of interim utilization of fair property as promoted by the fair management.

(f) The need of the fair for money from state sources.

CHAPTER 6. FAIRS ALLOCATION AND CLASSIFICATION COMMITTEE

4531. The Fairs Allocation and Classification Committee is continued in existence. It consists of seven Members of the Senate and seven Members of the Assembly.

4532. To the extent that it is feasible, appointments to the committee shall be so made that there is one Member of the Senate and one Member of the Assembly on the committee from each of the following areas:

Area 1. Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, and Sierra Counties.

Area 2. Butte, Yuba, Sutter, Glenn, Colusa, Yolo, Sacramento, and Solano Counties.

Area 3. Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, and Marin Counties.

Area 4. El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Nevada, and Placer Counties.

Area 5. San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties.

Area 6. San Francisco, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties.

Area 7. Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, San Bernardino, Inyo, Mono, Alpine, and Riverside Counties.

4533. The committee shall, from time to time, elect its chairman and vice chairman. The committee may meet at any time, whether or not the Legislature is in session, and shall continue in existence until otherwise provided by law.

4534. The committee may investigate, study, and analyze any or all facts and matters relating to the operation and financing of fairs which are subject to Section 4505 and the effect and operation of the laws relating thereto.

4535. The committee shall report to the Legislature at the commencement of each regular session and may report to the Legislature at any time, including in such reports its recommendations, if any, as to necessary or desirable legislative action. The provisions of the Joint Rules of the Senate and Assembly, as they may exist from time to time, which relate to joint investigating committees apply to the committee.

PART 5. CITRUS FRUIT FAIRS

CHAPTER 1. DEFINITIONS

4601. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

4602. "Association" means a nonprofit corporation organized and existing under the laws of this state for the purpose

of and which engages in conducting and carrying on a citrus fruit fair.

4603. "Citrus fruit fair" means any citrus fruit fair or citrus fruit fair and exposition which satisfies all of the following requirements:

(a) Has been conducted and carried on by an association for not less than 10 nor more than 15 consecutive days during each calendar year for a period of not less than 20 consecutive years.

(b) Citrus fruits are exhibited for prizes and premiums at the fair. The fair has for its purpose the promotion and encouragement of the citrus fruit industry of this state.

Chapter 2. Benefits and Appropriations

4651. The fair shall be deemed to be a fair and association within the meaning of Chapter 1 (commencing with Section 4401), Part 4 of this division and the association so conducting and holding such citrus fruit fair shall be entitled to participate in the benefits and appropriations provided for in and by Chapter 1 (commencing with Section 4401), Part 4 of this division and shall receive aid, as provided therein and as otherwise provided by law for citrus fruit fairs, in the same manner as if such citrus fruit fair was being conducted and carried on in the manner provided in and under the previous provisions of Chapter 1 (commencing with Section 4401), Part 4 of this division.

4652. An association conducting a citrus fruit fair may receive and use, for the citrus fruit fair, any money which is appropriated for use of a "citrus fruit fair".

Chapter 3. Powers and Duties

4701. An association that conducts and carries on any citrus fruit fair which is eligible to receive apportionments pursuant to Section 19626 of the Business and Professions Code:

(a) Has the same power as a district agricultural association to construct, maintain and operate recreational and cultural facilities of general public interest.

(b) Is an instrumentality of the state for the purposes mentioned in subdivision (a) of this section and in Section 4603.

4702. Upon dissolution of any such association, all of its property, after payment of outstanding debts, shall escheat to the state.

4703. All property of any such association which is used exclusively in conducting citrus fruit fairs, and its recreational and cultural facilities which are of general public interest, are exempt from taxation. No affidavit need be filed to claim this exemption.

4704. An association which conducts and carries on a citrus fruit fair which is eligible to receive apportionments pur-

suant to Section 19626 of the Business and Professions Code shall file a detailed statement of operations in the previous calendar year with the department on or before the 20th day of January in each year. The content and form of such statement shall be prescribed by the department.

DIVISION 4. PLANT QUARANTINE AND PEST CONTROL

PART 1. GENERALLY

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

Article 1. Definitions

5001. Unless the context otherwise requires, the definitions in this article govern the construction of this division.

5002. "Appliance" means any box, tray, container, ladder, tent, vehicle, implement, or any other article which is, or may be, used in connection with the growing, harvesting, handling, or transportation of any agricultural commodity.

5003. "Crop seed" means the seed or seedlike fruit of grain, beans, flax, beets, onions, or any other crop, whether or not it is intended for planting purposes.

5004. "Noxious weed" means any species of plant which is, or is liable to be, detrimental or destructive and difficult to control or eradicate. It includes all species of primary noxious weeds and secondary noxious weeds which are listed in Sections 52257 and 52258, and such other species of plants as the director, after investigation and hearing, determines are noxious weeds.

5005. "Nursery stock" means any plant for planting, propagation, or ornamentation.

5006. "Pest" means any of the following things that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state:

(a) Any infectious, transmissible, or contagious disease of any plant, or any disorder of any plant which manifests symptoms or behavior which the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.

(b) Any form of animal life.

(c) Any form of vegetable life.

5007. "Plant" includes any part of a plant, tree, plant product, shrub, vine, fruit, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pit.

5008. "Shipment" means any article or thing which is, may be, or has been transported from one place to another place.

Article 2. General Provisions

5021. Unless otherwise provided, any treatment which may be required pursuant to this division is at the risk and at the expense of the owner or person in charge or in possession of the property which is treated at the time of treatment.

5022. This division shall not be construed to conflict with any other law which provides for the extermination or control of ground squirrels or other animal pests. If any proceedings are commenced, however, pursuant to this division, this division and no other law applies to such proceedings.

5023. The commissioner, whenever necessary, may enter and make an inspection of any premises, plant, conveyance, or thing in his jurisdiction.

5024. The director or the commissioner shall, during the maintenance of any quarantine established by the director pursuant to Article 1 (commencing with Section 5301), Chapter 5 of this part, inspect any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest. The person who conducts the inspection shall not permit any such plant or thing to pass over the quarantine line during the quarantine, except pursuant to a certificate of inspection and release which is signed by him.

5025. The Regents of the University of California may collect and, subject to the provisions of Section 6305, import into this state from foreign countries, parasitic and predaceous insects for use in the control of insect pests of horticultural and agricultural crops and of livestock. The regents may, for this purpose, employ and send abroad experts who shall be allowed, in addition to their compensation, their necessary subsistence, traveling, and other expenses incidental to the performance of their duties.

Chapter 2. County Administration

5101. Each commissioner is an enforcing officer of all laws and regulations which relate to the prevention of the introduction into, or the spread within, the state of pests. He is, as to such activities, under the supervision of the director.

5102. Each commissioner, deputy commissioner, or inspector who holds a valid certificate of qualification for the office to which he has been appointed, is a state plant quarantine officer for the following purposes:

(a) Certifying to the pest condition or pest treatment of shipments, if certification as a condition of movement or entry is officially required.

(b) Enforcing laws and regulations which relate to plant quarantine.

5103. Any interested person that is aggrieved by any action or order of a commissioner may appeal in writing to the director within five days after notice of action or order if no other time limit is prescribed within which to appeal from

such action or order. No appeal may be taken from any authorized summary action of the commissioner.

5104. The director shall hear any appeal from an action or order of a commissioner within 10 days after the receipt of the appeal upon notice to all interested parties. His decision shall be final.

5105. Pending decision after appeal, action by the commissioner on the case under appeal shall be suspended by the director. The refusal of any commissioner to carry out the orders and directions of the director which are issued in connection with any appeal is neglect of duty.

CHAPTER 3. CERTIFICATION OF PLANT SHIPMENTS

5201. As used in this chapter, "certificate" means the certification by a commissioner, deputy commissioner, or inspector of the pest condition or treatment of any shipment of plants.

5202. The board of supervisors of any county may establish a schedule of fees for any or all classes of certificates to be paid by shippers that request such certificates.

5203. No fee shall be charged for certification required by any law, regulation, or requirement of the United States or of this state or by any ordinance, regulation, or requirement of any county of this state.

5204. The schedule of fees for the certificates shall be based upon the approximate cost of the inspection.

5205. A commissioner shall make such inspections as may be necessary to determine the facts which are required by the state or country of intended destination and shall issue a certificate that states the facts which are determined upon receipt of the scheduled fee for a certificate or, if no scheduled fee has been established, upon request of the shipper.

5206. The board of supervisors of any county may designate any place within the county as a fumigation or treatment station for the purpose of enabling the commissioner to inspect plant shipments for certificates, if fumigation or other treatment is required by the state or country of destination as a condition of shipment to such state or country.

5207. If the board of supervisors designates a place as a fumigation or treatment station, the commissioner shall inspect plant shipments at the stations, for shipment to other states or countries which require fumigation or treatment as a condition of shipment.

5208. It is unlawful for any person to alter, deface, or wrongfully use a certificate issued pursuant to any provision of this division.

CHAPTER 4. NEWLY DISCOVERED PESTS

5251. Upon the discovery of any pest, the director shall immediately report the discovery to the commissioner of the county in which the pest is found.

5252. The director shall furnish to the commissioner a statement as to the best known means or methods for eradicating or controlling the discovered pest and advise him of the procedure or treatment to prevent the further spread of the pest.

5253. The commissioner shall disseminate all or any portion of the statement in whatever manner he may deem is best suited to inform persons that own or have charge or possession of any premises or appliances within the county where there is a probability of the presence of the pest.

5254. In any county where there is no commissioner, or if the director finds that the commissioner has failed or neglected to use all reasonable means to effect the control or eradication of any discovered pest, the director may undertake the control or eradication of the pest. He may exercise any power or authority which is conferred on the commissioner by this division.

5255. In any proceeding which is commenced pursuant to Section 5254, any duty, jurisdiction, or authority which is conferred on the commissioner by this division is conferred or imposed upon and transferred to the director.

CHAPTER 5. QUARANTINE REGULATIONS AND INSPECTION STATIONS

Article 1. General Provisions

5301. The director may establish, maintain, and enforce such quarantine regulations as he deems necessary to protect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

5302. The director may make and enforce such regulations as he deems necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

5303. All quarantine regulations which involve another state, territory, district, or foreign country shall be made by the director. The regulations shall be approved and proclaimed by the Governor.

5304. The proclamation shall be signed in duplicate. The original shall be filed in the office of the Secretary of State and a copy in the office of the department before the regulation takes effect.

5305. A quarantine shall not be established by one county, city, district, or other public agency, against another county, city, district, or public agency, on account of the existence of any pest, without the written consent of the director.

5306. It is unlawful for any person to refuse to comply with any quarantine regulation which is established by the director pursuant to this division.

5307. It is unlawful for any person, who is employed by any agency or institution that is supported or financed from public funds, willfully or knowingly to neglect or refuse to make a report to the commissioner of the county or to the director, or such person's immediate superior for the purpose of having such report transmitted to the commissioner of the county or to the director, of the presence in this state of any pest, as defined in Section 5006, which is new to, or not widely distributed in, the area or locality in which the pest exists, if the presence of such pest has been determined as a result of investigation, research, survey, or inspection which is made in behalf of the employing agency or institution.

5308. If there are any authorities or officers of the United States that are authorized to act with respect to any quarantine regulations that are established pursuant to this division, the director shall notify the authorities or officers and seek their cooperation as far as possible.

Article 2. Quarantine and Other Regulations for Pests Within the State

5321. If the director receives information of the existence of any pest which is not generally distributed within this state, he shall thoroughly investigate the existence and probability of its spread, and the feasibility of its control or eradication.

5322. The director may establish, maintain, and enforce quarantine and such other regulations as are in his opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in Section 5321.

5323. The regulations which are established pursuant to this article are not valid unless they are clearly consistent with a strict interpretation of this division and are necessary to effectuate the purpose of this division. The adoption of the regulations does not create any presumption of their necessity or validity.

Article 3. Plant Quarantine Inspection Stations

5341. To prevent the introduction into, or the spread within this state, of pests, the director shall maintain at such places within this state as he deems necessary plant quarantine inspection stations for the purpose of inspecting all conveyances which might carry plants or other things which are, or are liable to be, infested or infected with any pest.

5342. Plant quarantine officers at plant quarantine inspection stations may ascertain the origin, quantity, and kinds of meat and meat products, poultry and poultry products, eggs, and livestock transported into or out of this state through the stations. The operator of any vehicle which is transporting any such commodity into or out of the state through any plant quarantine inspection station shall stop and give this information upon request to a plant quarantine officer at the plant quarantine inspection station. Such request may be by a sign which is openly displayed at the station or by any other means which is deemed by the director as effective.

The director may accept, on behalf of the state, donations of money from any person to defray the costs of the department under this section. Any such money shall be paid into the State Treasury and credited to the Department of Agriculture Fund. The director may limit expenditures under this section relating to livestock to the amounts so donated for this purpose, and shall limit expenditures under this section relating to poultry and poultry products and eggs to the amounts so donated for this purpose.

5343. The director shall cause conspicuous signs to be erected at or near each inspection station which disclose the existence of the station.

5344. It is unlawful for the operator of any vehicle to fail to stop the vehicle at an inspection station or upon demand of a uniformed plant quarantine officer for the purpose of determining whether any quarantine which is established pursuant to any provision of this division is being violated.

5345. It is unlawful for any person to operate upon any highway in this state any vehicle which, in violation of Section 5344, was not stopped as required by that section, if the person who is operating such vehicle knows of such violation of Section 5344. The violation of this section continues unless and until one of the following occurs:

(a) A period of 24 hours has elapsed following the violation of Section 5344.

(b) The operator who violated Section 5344 has been apprehended and the vehicle which is involved has been inspected and released from quarantine by any authorized state plant quarantine officer. An operator who is so apprehended does not violate this section by reason of operating the vehicle en route to the closest inspection station immediately following his apprehension for violation of Section 5344, nor does any other person, who operates the vehicle for such purpose, violate this section.

5346. It is unlawful for any person to conceal any plant from any plant quarantine officer or to fail to present it or any quarantined article for inspection at the request of such officer.

CHAPTER 6. ABATEMENT, GENERALLY

Article 1. Authority

5401. Any premises, plants, conveyances or things which are infected or infested with any pest, or premises where any pest is found, are a public nuisance, and shall be prosecuted as such in all actions and proceedings. All remedies which are given by law for the prevention and abatement of a nuisance apply to such a public nuisance.

5402. It is unlawful for any person to maintain such a public nuisance. The remedies which are provided by this article are in addition to any other remedy by way of abatement which is provided in this division.

5403. If, after service of notice pursuant to this chapter a public nuisance is not abated within the time which is specified in the notice, the commissioner shall abate the nuisance by eradicating, controlling, or destroying the pest.

5404. If, after service of the notice pursuant to this chapter, the commissioner determines that the nuisance constitutes an immediate hazard to adjoining or nearby property, and that great or irreparable injury would result from delay until expiration of the time required by law for constructive notice, he may forthwith abate the nuisance by eradicating, controlling, or destroying the pest.

5405. The board of supervisors of any county may authorize the commissioner to contract with any state or federal agency, public corporation for municipal purposes, or person that owns, controls, or administers within the county any property or premises which are infected or infested with any pest, to eradicate, destroy, or control it on such property or premises. The contract shall not impose any cost or obligation on the county, unless the imposition of the cost or obligation upon the county is authorized by the board of supervisors.

Article 2. Notice and Expense of Abatement Generally

5421. If the commissioner finds, after inspection, that any premises, plant, conveyance, or thing in his jurisdiction is infected or infested with any pest, he may in writing notify the record owner or person in charge or possession of the premises, plant, conveyance, or thing, that it is infected or infested with a pest. He may, to his satisfaction, require the person to eradicate, destroy, or control, the pest within the time which is specified in the notice.

5422. The notice may be served upon the record owner or person having charge or possession of the premises, plant, conveyance, or thing infected or infested with the pest or upon the agent of either, in the same manner as a summons in a civil action if such persons can be found within the county.

5423. If no person upon whom service may be had, can, after diligent search be found within the county, the notice may be served by posting copies of it in three conspicuous places upon the infected or infested property or premises, and by mailing a copy of it to the owner at his last known address.

5424. If the address of the owner is not known, and cannot be ascertained by the exercise of reasonable diligence, a copy of the notice shall be mailed to him at the county seat of the county in which the property is situated.

5425. The commissioner may record a copy of any notice that is served and may mail a copy of the notice to the person that appears of record to be the owner of any encumbrance on the property, at his last known address.

5426. If the address of the encumbrancer is unknown to the commissioner, he shall state in the copy of the notice that the address is unknown to him and shall mail the copy, addressed to the encumbrancer at the county seat of the county in which the property is situated.

5427. If the eradication, control, or destruction of the pest is undertaken by the commissioner pursuant to Section 5403, the notice shall be recorded.

5428. The recorded notice is, from the date of recording, a lien against the property which is described in the notice for the expense that is incurred by the county subsequent to the recordation of the notice in the abatement of the nuisance.

5429. The expense of the abatement by the commissioner is a county charge which is payable out of county funds.

5430. If the notice to abate is recorded before the commissioner incurs the expense of abatement, the amount which is incurred or expended by the county in the abatement is a lien on the land against which the expense is chargeable. In a case pursuant to Section 5494, the total expense shall be prorated and chargeable against each parcel of land in proportion to the acreage of such parcel which is served by water from the canal or ditch that is involved.

5431. A notice which sets forth the amount expended shall be recorded within 30 days after the date of payment of the last item of expense of the abatement by the county. The amount is a lien from the date of the recording of the notice of abatement pursuant to Section 5427.

5432. If a copy of the notice to abate a nuisance is recorded and a copy is served upon or mailed to the holder of any encumbrance of record pursuant to this article, the lien is superior to all encumbrances, existing and future, except liens for taxes and assessments.

5433. If the sum which is secured by lien is not repaid to the county within 80 days from the recording of the amount of the lien, there shall be added to the sum a penalty of 15 percent. The penalty shall also be secured by the lien.

5434. Except as provided in Article 3 (commencing with Section 5461) of this chapter, the district attorney of the county which makes payment of the abatement expense shall, within 120 days after the notice which is required by Section 5431 is recorded, commence in the name and for the benefit of such county, an action to foreclose the lien.

5435. (a) If, after foreclosure, the property is sold, enough of the proceeds shall be paid into the treasury of the county which forecloses the lien as shall satisfy the lien, penalty, and costs.

(b) If there is any surplus, it shall be paid to the owner of the property, if he is known. If the owner of the property is not known, the surplus shall be paid into the court for his use at such time as he is ascertained.

5436. If no action to foreclose is commenced within 120 days subsequent to the recordation of the notice which is required by Section 5431, the lien ceases to exist.

Article 3. Notice and Expense of Abatement on Tax-Deeded Property

5461. If any pest is found to exist upon any property which has been deeded to the state for nonpayment of taxes, the notice of abatement shall be served by recording and mailing a copy of the notice to the State Controller, and either by personally serving or by mailing a copy of it, in the manner provided in Sections 5425 to 5428, inclusive, to the last owner of record prior to the deeding of the property to the state.

5462. If the expense of abatement becomes a lien on such property, as provided in Sections 5429 to 5432, inclusive, and the property is redeemed or sold to a private person at a tax sale, the action to foreclose the lien shall be commenced within 120 days after the redemption or sale.

5463. If no action to foreclose is commenced within 120 days subsequent to the redemption or sale of the property, the lien ceases to exist.

5464. If the property is acquired by the state, or by any municipal corporation or political subdivision, and the right of redemption is terminated, the lien terminates at the time the right of redemption is terminated.

Article 4. Notice and Expense of Abatement on Other Public Property

5491. If any pest is found to exist in any public park or along any street, highway, or other property which is subject to the control of a city or county, the notice of abatement shall be served on the chairman of the governing body of the city or county. If the eradication, control, or destruction of the pest is performed by the commissioner, the cost of the eradication, control, or destruction is a city or county charge,

as the case may be, and shall be paid from the general fund of the city or county.

5492. If any pest is found to exist in any park or along any street, highway, right-of-way, or other property which is subject to the control of any agency of the state, the director, upon receiving a report of the existence of the pest from the commissioner, shall notify the agency. He may instruct the commissioner to serve the notice upon the director or other executive officer of the agency. If the eradication, control, or destruction of the pest is performed by the commissioner, the cost of the eradication, control, or destruction is a charge against, and shall be paid from, the maintenance fund or from other funds for the support of the agency.

This section applies to a state highway right-of-way if any pest of the same kind has been, or is being, subjected to control, destruction, or eradication on other private or public property in the immediate vicinity of the right-of-way, either at the direction of the commissioner or voluntarily by the owner of such adjacent property.

5493. If any pest is found to exist upon any property which is subject to the control of any irrigation, drainage, flood control, reclamation, or levee district, or other political subdivision of the state, the notice of abatement shall be served upon the chairman of the governing body of the district or political subdivision. If the chairman is absent from the county, or for any reason cannot be served, the notice shall be served upon some other member of the governing body. If the eradication, control, or destruction of the pests upon the property is performed by the commissioner, the cost of the eradication, control, or destruction is a legal charge and shall be paid from the general maintenance or operating fund, as the case may be, of the district or political subdivision.

5494. If any pest is found to exist in or on any irrigation canal or ditch, including its lateral banks, which is not subject to the control of any district or political subdivision of the state, the notice of abatement shall be served upon all users of water from the irrigation canal or ditch that is described in the notice.

CHAPTER 7. ABATEMENT OF NEGLECTED OR ABANDONED CROPS

Article 1. General Provisions

5551. Any neglected or abandoned plant or crop is a public nuisance in any of the following circumstances:

(a) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any pest, in or on it.

(b) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any other condition than the condition described in subdivision (a).

(c) It is a host plant of, or provides a favorable or likely harbor for, any pest.

5552. Any cotton plant which is uncultivated or that is left from a previous season which is harboring or likely to harbor pests is such a public nuisance. If any such cotton plant is not destroyed to the satisfaction of the commissioner that has jurisdiction, by April 1st of any year, it is subject thereafter to all remedies which are or may be given for the prevention or abatement of nuisances.

5553. It is unlawful for any person to maintain any neglected or abandoned plant or crop which is a public nuisance.

5554. All remedies for the prevention or abatement of nuisances apply to any such nuisance.

Article 2. Institution of Proceedings

5571. If the commissioner of any county determines by inspection that there is a condition which constitutes a nuisance, as defined in Section 5551 or 5552, on any property or premises within his jurisdiction, he shall make a report of his inspection to the district attorney. The commissioner in the report shall do all of the following:

(a) Describe the property upon which the nuisance exists.

(b) Name the pest or other condition which in his opinion is dangerous to the agriculture of the county, district, or vicinity.

(c) State, if his findings justify such a statement, that the removal or destruction of the neglected or abandoned plant or crop will provide the best means for the elimination of the menace to the agriculture of the county, district, or vicinity.

5572. Whenever the district attorney receives a report from the commissioner, he shall, on the basis of the report, prepare a petition to the superior court of the county praying for an order to remove or destroy the neglected or abandoned plant or crop.

5573. The petition shall set forth all of the following:

(a) A description of the property.

(b) The name of the owner or person that is in charge or possession of the property.

(c) The name of the pest, or other condition which is a menace to the agriculture of the county, district, or vicinity.

5574. Upon the filing of the petition, the court shall issue a citation which requires that the owner or person that is in charge or in possession of the property appear at a time and place which is specified to show cause why the neglected or abandoned plant or crop should not be removed or destroyed.

5575. A copy of the citation, together with a copy of the petition, shall be served upon the record owner or upon the

person that is in charge or in possession of the property, or upon an agent of either, not less than 10 days before the date which is specified in the citation.

5576. A copy of the citation, together with a copy of the petition, may also be served upon any person that appears of record to be the owner of any encumbrance upon, or interest in, the property.

5577. If the property upon which the neglected or abandoned plant or crop exists has been deeded to the state for nonpayment of taxes, a copy of the citation, together with a copy of the petition, shall be mailed to the State Controller, and a copy of each shall be served upon the last owner of record prior to the deeding of the property to the state. A notice of the pendency of the action shall be recorded pursuant to Section 409 of the Code of Civil Procedure.

5578. The service of the petition and citation may be personal, by delivery to the party on whom service is required to be made.

5579. If the party upon whom service is required to be made resides within the county, service may be made by leaving a copy of the citation, together with a copy of the petition, at the residence of the party between the hours of eight in the morning and six in the evening, with some person who is not less than 18 years of age. If at the time of attempted service between such hours, no such person can be found at the residence of the party, service may be made by mail.

5580. If the party upon whom service is required to be made does not reside within the county, service of the petition and citation may be made by mail, if he resides or has his office at a place where there is a delivery service by mail. If there is no delivery service by mail, or if his residence is not known, service may be made by posting a copy of the citation, together with a copy of the petition, in a conspicuous place on the property on which the neglected or abandoned plant or crop is situated, at least 20 days before the date specified in the citation.

5581. Service of the petition and citation by mail shall be made pursuant to the Code of Civil Procedure.

Article 3. Hearing and Order

5601. On the day on which the citation is made returnable, the court shall hear the cause and decide whether or not the neglected or abandoned plant or crop shall be destroyed or removed. The hearing shall have precedence over all matters other than injunctions, older matters of the same character, and matters which are otherwise given precedence by law.

5602. If the court is satisfied that the conditions which are set forth in the petition exist on the property and that

the removal or destruction of the neglected or abandoned plant or crop is necessary and essential for the welfare of the agriculture of the county, district, or vicinity, it shall order the removal or destruction, within a certain time, of the neglected or abandoned plant or crop which is located upon the property described in the order.

5603. The order to remove or destroy the neglected or abandoned plant or crop shall be served by the commissioner, or by any person who is deputized by him for that purpose, as follows:

(a) If the owner of the property can, after due diligence, be found within the county, upon the owner.

(b) If the owner cannot, after due diligence, be found within the county, upon the person that is in charge or possession of the property.

(c) If neither the owner or person that is in charge or possession of the property can, after due diligence, be found within the county, by posting in a conspicuous place upon the property.

5604. If the order is not complied with within the time which is specified in the order, the commissioner shall cause the removal or destruction of the neglected or abandoned plant or crop which is mentioned in the order.

5605. Any person that fails to comply with any lawful order of the court which is made and served pursuant to the provisions of this article and Article 2 (commencing with Section 5571) of this chapter is in contempt of court and shall be punished accordingly. The punishment is in addition to any other penalty which is provided for in this code.

Article 4. Expense of Abatement

5631. If the removal or destruction of any neglected or abandoned plant or crop which is a public nuisance as defined in Section 5551 or 5552, is undertaken by the commissioner, he shall cause a notice of lien which describes the land on which it exists to be recorded.

5632. From the date of the recording, the land which is described in the notice is subject to a lien for any expense which is incurred by the county subsequent to the recording of the notice in the abatement of the nuisance which is referred to in the notice.

5633. The commissioner shall keep an account of the cost of the removal or destruction and shall render an itemized report of the cost to the board of supervisors.

5634. The expense of the removal or destruction is a county charge which is payable out of county funds.

5635. If the notice of lien is recorded before the expense of removal or destruction is incurred, the amount which is incurred or expended is a lien on the land against which the expense is chargeable.

5636. A notice which sets forth the amount which has been expended for the removal or destruction of any neglected or abandoned plant or crop which is a public nuisance, as defined in Section 5551 or 5552, shall be recorded within 30 days after the date of payment of the last item of expense incurred by the county, and such amount is a lien from the date of recording of the notice of lien.

5637. The lien is superior to all encumbrances, existing and future, except liens for taxes and assessments, if a copy of the notice of lien is recorded and a copy is served upon or mailed to the holder of any encumbrance of record, at the last known address of the encumbrancer.

5638. If the address of the encumbrancer is unknown to the commissioner, he shall state in the copy of the notice that the address is unknown to him and shall mail the copy addressed to the encumbrancer at the county seat of the county in which the property is situated.

5639. If the sum which is secured by the lien is not repaid to the county within 80 days from the recording of the amount of the lien, there shall be added to it a penalty of 15 percent. The penalties shall also be secured by the lien.

5640. Except as provided in Section 5643, the district attorney of the county which makes the payment for the expense of eradication or destruction shall, within 120 days after the lien is recorded, commence in the name and for the benefit of such county an action to foreclose the lien.

5641. (a) If, after foreclosure the property is sold, enough of the proceeds shall be paid into the treasury of the county which forecloses the lien as shall satisfy the lien, penalty and costs.

(b) If there is any surplus, it shall be paid to the owner of the property, if he is known. If the owner of the property is not known, the surplus shall be paid into the court for his use at such time as he is ascertained.

5642. If no action to foreclose is commenced within 120 days subsequent to the recordation of the notice of lien, the lien ceases to exist.

5643. If the expense of removal or destruction of any abandoned plant or crop becomes a lien on property which has been deeded to the state for nonpayment of taxes, as provided in Sections 5635 to 5637, inclusive, and the property is redeemed or sold to a private person at a tax sale, the action to foreclose the lien shall be commenced within 120 days after the redemption or sale of the property.

5644. If no action to foreclose is commenced within 120 days subsequent to the redemption or sale of the property, the lien ceases to exist.

5645. If the property is acquired by the state, or by any municipal corporation or political subdivision, and the right of redemption is terminated, the lien terminates at the time the right of redemption is terminated.

CHAPTER 8. SPECIAL QUARANTINE, CONTROL, AND ABATEMENT METHODS

Article 1. Hold Notices on Infested Properties

5701. If any pest exists on any premises, the director or the commissioner may hold any plant or other thing which is, or may be, capable of disseminating or carrying such pest. He shall notify the owner of the plant or other thing, or his agent, of such action, and the issuance of any shipping permit, intercounty nursery stock certificate, or certificate of inspection and release with respect to such plant or other thing shall be refused and any such permit or certificate which has been previously issued shall be revoked.

5702. If, in the opinion of the director or commissioner, the plant or other thing has been disinfected or cleaned so as to eradicate or control the pest, he shall in writing release it or issue the shipping permit, intercounty nursery stock certificate, or certificate of inspection and release, as the case may be.

5703. This article does not affect any other authority which is granted to a commissioner by Chapter 3 (commencing with Section 6501), Part 2 of this division.

5704. It is unlawful for any person to move any plant or other thing from the premises where the pest exists, except under the written permission of the director or commissioner and in accordance with the conditions which are stated in the written permission.

Article 2. Standards of Cleanliness

5721. If the director by regulation designates any plant, appliance, or other thing as liable to be infected or infested with any pest, and provides for notifying the commissioner of its arrival as required by Article 1 (commencing with Section 6501), Chapter 3, Part 2 of this division, he may include in the regulations standards of cleanliness for the plant, appliance, or other thing and provide for the certification by the commissioner of the county of origin of shipment that it conforms to the standards of cleanliness. The regulations may provide for the qualification of certain counties or certain areas where in the opinion of the director the standards of cleanliness are maintained in respect to all shipments of the designated plant, appliance, or thing. The regulations may also provide for shipments which originate in areas that are so qualified.

5722. The commissioner of the county of destination may waive the notification and holding for inspection of any shipment which bears a certificate of cleanliness or certificate of origin, issued pursuant to this article.

5723. This article is not applicable to seed which is intended for planting purposes or to other nursery stock.

Article 3. Prevention of Pest Dissemination by Movement of Appliances

5741. To prevent the dissemination of pests through the agency of appliances, the director may from time to time publish a list of such pests which may be carried through such agencies and designate any treatment which in his opinion would prevent their dissemination.

5742. Except as otherwise provided in Section 5744, it is unlawful for any person to ship or move any used appliances unless there is furnished to the commissioner of the county of destination such proof as he may require that the appliances either:

(a) Have not been exposed to infestation or infection by any pests.

(b) Have been treated immediately prior to shipment or movement in the manner which is designated by the director.

5743. The commissioner of the county of destination shall refuse entry of the used appliances until the proof required in Section 5742 is furnished.

5744. The used appliances may be moved to a place which is designated by the commissioner for treatment under his supervision.

Article 4. Eradication Areas

5761. The regulations which are adopted pursuant to Article 2 (commencing with Section 5321) of Chapter 5, Part 1 of this division may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

5762. Any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

5763. The director, or the commissioner acting under the supervision and direction of the director, in a summary manner or otherwise, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

5764. If an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment.

Any expenditures for the replacement nursery stock shall not exceed an amount which is budgeted for the purpose or approved by the Director of Finance.

Article 5. Host-Free Periods and Districts

5781. If the director determines that a particular pest, either within the state or from any area which is adjacent to the state, cannot be eradicated or effectively controlled by recognized ordinary means, or that it is impracticable to eradicate or control such pest without the destruction in whole or in part of uninfected or uninfested host plants, he may issue a proclamation which does all of the following:

(a) Declares a host-free period or a host-free district, or both.

(b) Describes any host and the district in which the planting, growing, cultivating, or maintenance in any manner of any plant which is capable of continuing the particular pest is prohibited during a specified period of time and until the menace from it no longer exists.

5782. During the existence of a host-free period or host-free district which is established by the proclamation of the director, any host which is planted, growing, or being cultivated or maintained within such host-free period or district is a public nuisance and is subject to all the laws which relate to the abatement of such nuisance.

5783. It is unlawful for any person to plant, grow, cultivate, or maintain any host which is described in any proclamation of the director that establishes a host-free period or host-free district, within such host-free period or host-free district after notice of the host-free period or host-free district.

Article 6. Grafts and Buds From Plants Generally Infected

5801. If the director, after investigation and hearing, determines that any kind or variety of plant is generally infected with a virus disease that is dangerous or detrimental to the production of fruit, nut, or vine crops in this state, he may adopt regulations which prohibit or restrict the budding, grafting, or otherwise joining of tissue of such kind or variety of plant with any kind or variety of fruit or nut tree or vine that is used in the commercial production of fruits or nuts.

5802. If a source of any prohibited or restricted kind or variety of plant has been demonstrated to be free of dangerous or detrimental viruses, the director shall, in the regulation, permit use of such source.

5803. It is unlawful for any person to bud, graft, or otherwise propagate or grow any fruit or nut tree or vine in violation of any regulations which are adopted pursuant to this article or to sell as nursery stock any plant which is so produced.

Article 7. Registries

5821. The director, for the purpose of promoting and protecting the agricultural industry of the state, may, upon request, inspect plants and the premises upon or near which they are growing and the records of their sources and qualities. He may upon the basis of the information thus determined, maintain registries of the plants which are found not to be infested or infected, or liable to become infested or infected, with pests.

5822. The director may do any of the following:

(a) Certify as to the pest freedom of plants which may have been inspected or registered or may certify as to the true pest condition of the plants.

(b) Issue tags, labels, or certificates in evidence of inspection or registry.

(c) Supervise or conduct any special treatments which may be necessary to insure the pest freedom of plants for propagation or planting purposes.

(d) Fix uniform fees to be charged for inspections, registrations, certifications, and special treatments. The fees shall be based upon the approximate cost of the service which is rendered.

5823. The director may also establish and enforce regulations which are necessary to carry out the purposes of this article.

5824. The cost of any service which is rendered pursuant to this article shall be paid from the Department of Agriculture Fund out of any money which is derived pursuant to this article and shall not be a charge against the General Fund.

5825. The services which are authorized by this article shall not duplicate services which are being rendered by commissioners.

5826. It is unlawful for any person to alter, deface, or misuse any statement of registry, certificate, label, or tag which is issued pursuant to this article.

5827. Any money which is received by the department pursuant to this article shall be paid into the State Treasury and be credited to the Department of Agriculture Fund. Any money in the Department of Agriculture Fund which was derived pursuant to this article may be expended for the administration and enforcement of any or all of the following which relate to nursery stock, notwithstanding any other provision of law which limits the expenditure of such money to some specific purpose or to the administration or enforcement of some specific section, article, chapter or law:

(a) Section 435.

(b) Article 7 (commencing with Section 5821), Chapter 8, Part 1 of Division 4.

(c) Chapter 1 (commencing with Section 6701), Part 3 of Division 4.

(d) Any other provision of Division 4, which relates to nursery stock, except any provision of Article 5 (commencing with Section 6001) of Chapter 9 or Chapter 10 (commencing with Section 6101) of Part 1, Part 5 (commencing with Section 8401), or Part 6 (commencing with Section 8801) of Division 4.

(e) Chapter 5 (commencing with Section 53301) of Division 18.

CHAPTER 9. SPECIFIC PEST CONTROL AND ABATEMENT PROVISIONS

Article 1. Citrus White Fly Districts

5901. To provide for the eradication of the citrus white fly, the director may by proclamation declare any portion of the state where the citrus white fly is known to exist to be a citrus white fly district.

5902. The proclamation shall state both of the following:

(a) The existence of the citrus white fly district.

(b) The description of the boundaries of the district.

5903. The director shall print a copy of the proclamation in one or more papers of general circulation in the infested district.

5904. Every plant within a citrus white fly district which is infested with citrus white fly or with the eggs, larvae, or pupae of the citrus white fly, or which there is reasonable cause to presume may be infested with citrus white fly, is a public nuisance.

5905. The existence of any known host plant of citrus white fly within the boundaries of the district is reasonable cause to presume the host plant is infested with the citrus white fly.

5906. The department and the commissioners may cause the destruction of any host plant of the citrus white fly in a summary manner.

5907. If, in the opinion of the enforcing officer, the host plant may be treated in a manner to destroy all citrus white flies or the eggs, larvae, or pupae of the citrus white fly which are or may be on the plant, the officer may in a summary manner cause such treatment to be given.

Article 2. Oriental Fruit Fly

5931. The prevention of the introduction or the spread within this state of the oriental fruit fly (Dacus dorsalis) is essential to the welfare of the agricultural industry of this state. Once introduced this pest is likely to spread very rapidly and inflict a calamitous loss on agriculture. It is, therefore, essential that all steps possible shall be taken to eradicate this pest before it obtains a foothold by finding and destroy-

ing the plants which are affected as soon as the pest is introduced.

5932. In order to encourage the owners of plants which might be infested with the oriental fruit fly to report the possibility immediately to the appropriate authorities and to minimize resistance to the destruction of plants which are found to be, or to be likely to be, infested, it is the policy of the state to provide for the reimbursement to the owners of plants which it is found necessary to destroy.

5933. Upon the discovery of the oriental fruit fly in any area of the state, and the inclusion of such area in an eradication area which is proclaimed pursuant to Article 4 (commencing with Section 5761) of Chapter 8 of this part, the director may, if he deems it necessary, destroy the host plant of the oriental fruit fly within the area. He may pay to the owner of any plant so destroyed, out of any money which is available for that purpose, the value of the plant as determined pursuant to this article.

5934. The director may establish a table of values for plants which are likely to be infested with the oriental fruit fly which, as to any type of plant, may vary in accordance with its stage of maturity or other conditions. Any value that is so established shall reimburse the owner of any such plant which is destroyed pursuant to this article for the loss.

5935. For the purpose of facilitating payments pursuant to this article, the director may establish as a revolving fund all or any portion of the money which is appropriated to carry out the purposes of this article. He may authorize withdrawals from the revolving fund for payments in accordance with this article.

Article 3. Black Currant

5951. The cultivated black currant (Ribes nigrum) and all other species of the genus Ribes, both wild and cultivated, when growing within any area which is subject to official state or federal quarantine orders or regulations, wherein such Ribes species have been designated as the intermediate host of white pine blister rust, are public nuisances.

5952. The director and the commissioners may abate the nuisance in a summary manner, or otherwise under the provisions of law which relate to public nuisances.

5953 It is unlawful for any person to grow, propagate, or distribute cultivated black currants (Ribes nigrum) or other blister rust host species of Ribes in those portions of this state designated in state or federal quarantine regulations.

Article 4. Meyer-Lemon-Free Districts

5981 As used in this article "Meyer lemon plant" includes each of the following:

(a) Any plant which consists entirely or partly of Meyer lemon plant tissue.

(b) Any plant to which Meyer lemon plant tissue has been joined at any time by any method of grafting.

5982. The prevention of the introduction or the spread within the commercial citrus growing areas of the state of quick decline in citrus is essential to the welfare of the agricultural industry of the state. It is therefore essential that all steps possible shall be taken to prevent the spread of quick decline virus into or within the areas of commercial production where the disease has not as yet appeared. It is the policy and intent of the state to limit the application of this article to the smallest possible areas required for sound and safe protection so that the removal or destruction of Meyer lemon plants can be kept to a minimum and not to require the removal or destruction of plants in home gardens outside the area of commercial citrus production.

5983. To provide for the removal or destruction of Meyer lemon plants in any area where citrus fruit is being produced commercially, and in which the director determines that the planting, growing, cultivation, or maintenance of Meyer lemon plants is, or is liable to be, dangerous or detrimental to the commercial production of other citrus fruits, the director may by proclamation declare the area to be a Meyer-lemon-free district. The proclamation shall prescribe and state the boundaries of the district.

5984. The director shall have printed a copy of the proclamation in one or more papers of general circulation in the Meyer-lemon-free district.

5985. All Meyer lemon plants within the boundaries of a Meyer-lemon-free district are a public nuisance and are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

5986. The director, or the commissioner acting under the supervision and direction of the director, in a summary manner or otherwise, may take such action, including removal and destruction, with reference to the public nuisance as he thinks is necessary.

Article 5. Cotton Pest Control

6001. It is hereby declared that the cotton industry of this state is threatened with the invasion of cotton boll weevil and pink bollworm of cotton. These two pests, if established in this state, will cause losses of several million dollars per year to this state's number one field crop. The purpose of this article is the prevention of the introduction of these two pests into this state and it is not intended to set a precedent, supersede, or change the normal methods of acting to control or eradicate newly established pests in this state.

6002. The director may contract with the United States Department of Agriculture for the purpose of controlling, suppressing, or eradicating cotton boll weevil or pink bollworm in this state, the State of Arizona, or the Republic of Mexico to prevent the entry and establishment of these pests in this state.

Article 6. Field Rodents

6021. If the director receives a report from the executive officer of the State Department of Public Health which states that field rodents in a certain area carry, or are likely to carry, any disease, insect, or other vector of any disease which is transmissible and injurious to humans, he shall forthwith advise the commissioner of the county in which such rodents exist.

6022. The commissioner shall cooperate in suppressing the rodents.

6023. The director shall cooperate by entering into an agreement pursuant to Section 482 for the purpose of suppressing the rodents on the reported areas and on neighboring areas, to prevent the spread of the rodents

6024. In order to carry out the purposes of this article, the director or commissioner may enter upon any and all premises within any reported area or neighboring area to bait. trap, expose chemically treated baits, or perform any act which he deems necessary for the purpose of suppressing, destroying, or repelling the rodents.

Chapter 10. Caprifigs and Caprifig Trees

Article 1. Definitions

6101. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

6102. "Blanks" means caprifigs which are devoid of Blastophaga insects or galls that contain Blastophaga insects.

6103. "Mamme" crop means the winter crop of caprifigs.

6104. "Matured pollen" means pollen in a powdery condition which can be dusted or shaken out from the anthers in appreciable quantities.

6105. "Profichi crops" means the crop of caprifigs which matures in June and July and is used to caprify or pollinate the main crop of the Smyrna type of figs.

6106. "Spent figs" means caprifigs from which all the female Blastophaga insects have issued.

Article 2. Enforcement

6131. The commissioner shall enforce this chapter.

6132. The commissioner may enter any place where caprifigs are produced, packed, stored, shipped, delivered for ship-

ment, or sold, and inspect them. He may seize and hold for evidence any caprifigs which are packed, shipped, delivered for shipment, or sold in violation of any provision of this chapter, and prosecute actions for any such violation.

6133. The board of supervisors of any county may receive and accept on behalf of the county, any contribution or donation of money from a person or from any agency of this state or of the United States for the purpose of enforcing this chapter. Any money which is so received shall be credited to the budget of the commissioner and shall be expended solely for such enforcement.

6134. It is unlawful for any person to willfully or otherwise interfere with the enforcement of any provision of this chapter.

Article 3. Caprifigs

6151. Caprifigs, unless properly treated, contribute to, and are responsible for, the transmission of endosepsis and other plant diseases by the blastophaga which the figs contain.

6152 Every person who owns, raises, uses, packs, ships, or delivers for shipment or sells any caprifigs of the mamme crop for use within the county, shall treat such figs by a method which is approved by the commissioner for the prevention or elimination of endosepsis or the transmission of endosepsis by the blastophaga in the figs.

6153. If any caprifigs of the mamme crop are to be shipped or used outside the county, the person that owns, raises, uses, packs, ships or delivers them for shipment shall notify the commissioner of the county within which the figs are to be used of all of the following:

(a) The shipment.

(b) The nature of the shipment.

(c) The name and residence of the consignee.

6154. After the notice, the commissioner shall require the consignee to properly treat the figs for the prevention or elimination of endosepsis before using them.

6155 It is unlawful for any person to violate Section 6152, 6153, or 6154.

6156. It is unlawful for any person to pack, ship, deliver for shipment, or sell in any container any caprifigs of the profichi crop which violate any of the following:

(a) Do not contain matured pollen.

(b) Do not contain living Blastophaga insects in the adult stage.

(c) Contain more than 25 percent of spent figs.

(d) Contain more than 10 percent of blanks.

6157. It is unlawful for any person to pack, ship, deliver for shipment or sell in any container any caprifigs of the mamme crop, which contain more than 25 percent of spent figs, or more than 10 percent of blanks.

Article 4. Caprifig Trees

6171. Caprifig trees, unless properly controlled and regulated under supervision, constitute a menace because they are a source of infection and pests.

6172. Except as otherwise provided by Section 6173, in the interest of the public welfare and general prosperity of the state and to provide for the control, eradication, elimination, and prevention of endosepsis and other plant diseases, all caprifig trees used for shade, ornamental, or decorative purposes, and caprifig trees in, or associated with, any fig orchard which produces calimyrna or other Smyrna-type figs that aggregate in number more than one and one-half percent of the fig trees in the orchard, are unlawful and a public nuisance.

6173. Every commercial grower of calimyrna or other Smyrna-type fig may maintain at least one caprifig tree in connection with his planting.

6174. The commissioner shall notify the owner of any fig tree which is a public nuisance under Section 6172 to graft or destroy it within a time which is specified in the notice.

He may furnish to the owner, at the time of serving the notice, instructions for application of methods by the owner which are best designed to accomplish the purposes of the notice.

6175. If the owner does not destroy or graft the fig tree within the time which is specified in the notice, the commissioner shall cause the grafting or destruction of the tree, at the expense of the owner, in a summary manner.

6176. A calimyrna grower, regardless of the size of his holdings, shall follow the standard procedures for cleanup of caprifig trees by picking the mamme caprifigs before the wasps begin to issue. He shall treat the mamme caprifigs which are picked with a fungicide, according to recognized procedures

6177. The presence of both mamme and set profichi figs in the caprifig trees at the same time is a public nuisance. The caprifigs, or the trees, or both, shall be destroyed at the owner's expense by the owner or by the commissioner, pursuant to this article, before the profichi caprifig crop matures

PART 2. SHIPMENTS

CHAPTER 1. GENERALLY

Article 1. General Provisions

6301. If any article is found to have been transported into this state from any other state, territory, or district of the United States, in violation of any provision of a quarantine which is established by the Secretary of Agriculture of the United States, the article is subject to seizure, destruction, or

other disposition to the same extent and in the same manner as if the article had originated in this state and was in violation of a provision of this division.

6302. If any shipment of plants or things which is passing through any portion of the state is, or is liable to be, infested or infected with any pest, and there exists danger of dissemination of the pest while the shipment is in transit in this state, the shipment shall be placed within sealed containers which are composed of metal or other material so constructed that they are not liable to be broken or opened while in transit so as to permit the pest to escape. The containers shall not be opened while within the state.

6303. It is unlawful for any person, except under written permission from a plant quarantine officer or under his specific direction, to move any lot or shipment of plants or other things to which a warning tag or notice has been affixed pursuant to any provision of this division, or to remove, alter, destroy, deface, or mutilate any such warning tag or notice.

6304. It is unlawful for any person to import into the state any English or Australian wild rabbit, flying fox, mongoose, or any other form of animal life which is detrimental to agriculture. Any such animal shall be refused entry and shall be immediately destroyed or shipped out of the state within 48 hours at the option and expense of the owner or bailee of the animal.

6305. It is unlawful for any person to import into or ship or transport within the state, any live insect, except honey bees of the species Apis mellifera, or any pest as such, except weeds for the purpose of identification, unless the shipment or transportation is authorized prior to shipment under written permit and the regulations of the director or the United States Department of Agriculture. Any shipment which is not authorized by this section shall be immediately destroyed unless it is determined by the inspecting officer that the nature of the contents of the shipment is such that no damage can be caused to agriculture in this state through its shipment out of the state or return of the shipment to the point of origin. In such case, the shipment out of the state or the return of the shipment to point of origin shall be allowed at the expense of the owner or bailee of the shipment within the time which is specified by the inspecting officer.

Article 2. Tephritidae Fruit Flies

6321. It is unlawful for any person to import into, or transport thereafter within, the state any plant, fruit, or vegetable which is known to be, or may become, a host of any species of the fruit fly family Tephritidae from any territory, state, or district where such species of Tephritidae is known to exist except under permit and regulation of the director if

the director finds that the species is harmless to agriculture or that an effective treatment of the hosts eliminates fruit fly risk.

6322. Any plant, fruit, or vegetable which is known to be, or which may become, a host of any species of the fruit fly family Tephritidae, together with its containers and packing, shall be refused entry or transportation within the state.

6323. Any plant, fruit, or vegetable which is known to be, or which may become, a host of any species of the fruit fly Tephritidae, which is imported into, or transported thereafter within, this state shall be immediately destroyed at the expense of the owner or bailee unless it is imported or transported under permit and in accordance with regulations of the director.

Article 3. Seed Pests in Shipments

6341. If anything brought into any county or locality of the state from another county or locality within the state, or from any other state or foreign country, is found to be infested with the seed of any pest that is not of common occurrence in the county or locality into which the shipment is brought, the director or the commissioner shall notify the owner or bailee of such shipment to return it to the point from which the shipment was made.

6342. The owner or bailee shall return the shipment to the point from which it was made within 48 hours.

6343. If the director or the commissioner determines that the pest seeds can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be given such treatment under the supervision of the director or the commissioner. After the treatment the shipment may be released.

6344. If the director or the commissioner determines that no adverse effect to agriculture would result from allowing the shipment to be stored in quarantine pending treatment or shipment out of the state, or from procedures incidental thereto, the shipment may be so stored for such a period of time in an approved place under such conditions as the director or commissioner may require.

Chapter 2. Interstate Shipments

Article 1. Notice of Arrival and Hold for Inspection

6401. It is unlawful for any person to transport, receive, or import into the state any plant or any thing against which a quarantine has been established, or any plant, unless he does both of the following:

(a) Notifies the director or the commissioner of the county in which the plant or thing is received, of the arrival of the plant or thing immediately after its arrival.

(b) Holds the plant, or thing for immediate inspection by the director or commissioner, without unnecessarily moving it, or placing it where it may be harmful.

6402. If there is no commissioner in the county where the plant or thing is received, the person that transports, receives, or imports the plant or thing into the state shall notify the director, who shall make immediate arrangements for its inspection.

6403. The officer who makes the inspection may enter at any time into any conveyance or place within the state where the plant or thing is located to ascertain whether it is, or is liable to be, infested or infected with any pest.

Article 2. Markings

6421. Each shipment of plants which is brought into this state shall have legibly marked upon it in a conspicuous manner and place all of the following:

(a) The name and address of the shipper or owner.

(b) The name of the person to whom the shipment is forwarded or shipped or the name of his agent.

(c) The name of the country, state, or territory where the contents were grown.

(d) A statement of its contents.

Article 3. Pest Findings

6441. If, after inspection, any plant or thing is found to be infested or infected, the owner or bailee shall, at his expense, disinfect the conveyance or place where the plant or thing may have been located, in such manner as to destroy all infection or infestation present, or that is liable to be present.

6442. The officer who makes the inspection shall not permit any article to be removed which has come in contact with the infested or infected plant or thing, if such article might convey infection or infestation, until after the infection or infestation is destroyed, except for the purpose of destruction or disinfection under the supervision of the inspecting officer.

Any article which is liable to be infested or infected shall be held until it has been thoroughly disinfected and the pest has been destroyed.

6443. The director may designate certain plants that are not for planting, propagation, or ornamental purposes within this state, which are arriving from certain areas, to be plants that may be released without inspection, if he finds, upon investigation, that such plants from such areas are not liable to cause the introduction of pests into this state.

Article 4. Abatement, Reshipment, or Treatment

6461. Except as otherwise provided in this article, if any shipment of plants, or any other things against which a quar-

antine has been established, is brought into this state and it is found to be infested or infected, or there is reasonable cause to presume that it may be infested or infected, with any pest, the shipment shall be immediately destroyed by, or under the supervision of, the officer who inspects it, at the expense of the owner or bailee of the shipment.

6462. If the nature of the pest is such that no detriment can be caused to agriculture in the state by the shipment of the plant or thing out of the state, the officer who makes the inspection may affix a warning tag or notice to the shipment. The officer shall notify the owner or bailee of the plant or thing to ship it out of the state within 48 hours. The owner or bailee shall ship the plant or thing out of the state within the time which is specified in the notice. The shipment is under the direction and control of the officer who makes the inspection and is at the expense of the owner or bailee.

6463. If the plant or thing is not shipped out of the state within the time which is specified in the notice, the inspecting officer shall immediately after the expiration of the time seize the plant or thing and destroy it at the expense of the owner or bailee.

6464. If the pest may be exterminated by treatment or processing which is prescribed by the director and it is determined by the inspecting officer that the nature of the pest is such that no damage can be caused to agriculture in this state through such treatment or processing or any procedure which is incidental thereto, the shipment may be treated or processed under the supervision of the inspecting officer at the expense of the owner or bailee in the manner, and within the time, which is specified by the inspecting officer.

6465. If, after the treatment or processing, the inspecting officer determines that the pest has been exterminated, the shipment may be released.

CHAPTER 3. INTRASTATE SHIPMENTS

Article 1. Notice of Arrival and Hold for Inspection

6501. Except as otherwise provided in Section 6502, 6503, or 6504, it is unlawful for any person to receive or bring into any county or locality of the state from another county or locality within the state any nursery stock, or any other plant, appliance, or thing which the commissioner or the director considers and designates to be liable to be infected or infested with any pest, unless he does both of the following:

(a) Notifies the commissioner of the arrival of the article immediately after its arrival.

(b) Holds it for immediate inspection by the commissioner, without unnecessarily moving or placing the article where it may be harmful.

6502. Any shipment of less than five pounds of field, vegetable, or flower seed, or comprised of packages of less than three pounds of each kind of such seed, is exempt from the requirements of this article. The shipping permit which would be required by Article 2 (commencing with Section 6921), Chapter 2, Part 3, of this division for such a shipment may be waived by the commissioner.

6503. Any shipment of nursery stock which is moved from one locality to another within the same county which carries a valid certificate of inspection and release or a valid intercounty nursery stock certificate issued by the commissioner of that county is exempt from the requirements of this article.

6504. Any shipment of nursery stock which is moved from one county to another county which carries a valid intercounty nursery stock certificate issued by the commissioner of the county of origin is exempt from the requirements of this article.

Article 2. Abatement, Return, or Treatment

6521. Except as otherwise provided in Sections 6523 and 6524, if any shipment of any nursery stock, plant, or container of any nursery stock or plant, or appliance, or any host or other carrier of any pest which is brought into any county or locality in the state from another county or locality within the state, is found to be infected or infested with a pest, or there is reasonable cause to presume that the shipment may be so infested or infected, the entire shipment shall be refused delivery and may be immediately destroyed by, or under the supervision of the commissioner, unless the nature of the pest is such that no damage or detriment can be caused to agriculture by the return of the shipment to the point of shipment.

6522. The officer who makes the inspection of a shipment which is described in Section 6521 may affix a warning tag or notice to the shipment and shall notify in writing the owner or bailee of the shipment to return the shipment to the point of shipment within 48 hours after such notification. The owner or bailee shall, at his own expense, return the shipment under the direction and control of the commissioner. If the owner or bailee fails to return the shipment within the time which is specified, the commissioner shall destroy it.

6523. If the pest may be exterminated or controlled by treatment or processing which is prescribed by the commissioner, and if the commissioner determines that the nature of the pest is such that no damage can be caused to agriculture through such treatment, processing, or procedure incidental thereto, the shipment may be treated or processed, under the supervision of, and in a manner and within a time satisfactory to, the commissioner. The treatment or processing shall be at the expense of the owner or bailee of the shipment. If

the shipment is so treated or processed, it may be released to the consignee.

6524. If the commissioner determines that only a portion of the shipment is infested or infected with a pest, or that there is reasonable cause to presume that only a portion of the shipment may be so infested or infected, only such portion of the shipment may be destroyed, returned to the point of origin, or treated or processed.

PART 3. NURSERY STOCK

CHAPTER 1. LICENSES

Article 1. General Provisions

6701. The director may publish in pamphlet form, as often as he deems necessary, a list of all persons that are licensed pursuant to this chapter. The pamphlet may also contain such additional information as the director deems advisable concerning the enforcement of laws and regulations which pertain to nursery stock.

Article 2. Issuance and Renewal of Licenses

6721. It is unlawful, for any person, except a person that is expressly exempted pursuant to Section 6742 or 6743, to sell any nursery stock unless such person holds a valid license for the fiscal year which is issued pursuant to this chapter.

6722. The director, upon receipt of the total license fee which is established pursuant to Section 6723, shall issue a license to sell nursery stock for the fiscal year to any person that sells or seeks to sell plants, as defined in Section 5007, for planting, propagation, or ornamentation. The applicant shall satisfy the director of his character and good faith in seeking to carry on the business of selling nursery stock.

6723. The minimum license fee shall be established by the director at an amount not to exceed thirty dollars ($30).

The director may fix the minimum license fee at an amount which is less than thirty dollars ($30) and may adjust the license fee if, after investigation and due notice, he finds that the cost of administering the provisions of this division and Chapter 5 (commencing with Section 53301) of Division 18, which relate to nursery stock can be defrayed from revenues which are derived from such license fee in combination with such sums as are provided by Sections 435 and 5882.

To the amount of the minimum license fee which is established by the director shall be added, as an additional license fee, an equal sum for each branch salesyard, store, or sales location which is owned and operated by the applicant in the state.

6724. The fees for the renewal of the annual license shall be paid between the 1st day of April and the 1st day of July of each year for the fiscal year beginning July 1st of such year. If the renewal license fee is not paid prior to the 11th day of July of each year, for the year ensuing, the license to sell nursery stock is forfeited.

6725. Any person whose license to sell nursery stock has been forfeited shall not be issued a renewal license except upon written application to the department.

6726. Except as otherwise provided in Section 6727, the application for renewal of a license shall be accompanied by the following sums:

(a) If no part of the regular license fee has been paid, a sum which is equal to the regular license fee and a restoration fee in an amount that is equal to the regular license fee.

(b) If a part of the regular license fee has been paid, an amount which is a sum equal to any portion of the regular license fee which is unpaid on the 11th day of July and a restoration fee in an amount which is equal to the unpaid portion of the regular license fee.

6727. No restoration fee is required of any person whose application for renewal of license is accompanied by his signed statement that prior to the date of his application he has not sold any nursery stock during any part of the fiscal year for which he applies for renewal of the license.

Article 3. Exemptions

6741. A person is not required to pay any license fee if all of the following facts exist:

(a) His sales of plants amount to less than five hundred dollars ($500) within any one fiscal year.

(b) He has reported to the commissioner his intention to make such sales.

(c) All plants which are sold by him are of his own production, and are sold for planting within the county in which the plants were grown.

6742. Any person that sells seeds and does not sell or ship any other kinds of nursery stock is exempt from the license requirements of this chapter.

6743. Any retail florist or other person that sells plants at retail for indoor decorative purposes only is exempt as to such plants from the license requirements of this chapter.

Article 4. Revocation and Suspension

6761. The director, after investigation and hearing, may refuse to issue or renew a license, or may suspend or revoke a license, if he determines that the licensee or the applicant has done any of the following:

(a) Has willfully refused to comply with the laws and regulations relative to nursery stock, or to any pest which might be carried by nursery stock.

(b) Was intentionally guilty of fraud or deception in the procurement of the license.

(c) Has been guilty of fraud or misrepresentation in the handling or sale of nursery stock.

(d) Has failed to maintain nursery stock produced or sold by him in accordance with the standards of cleanliness which are prescribed by the director.

(e) Has failed to comply with any lawful order which is issued by the director or commissioner.

6762. Any proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted in such chapter.

Article 5. Disposition of Fees

6781. Any money which is received by the department pursuant to this chapter shall be paid into the State Treasury and be credited to the Department of Agriculture Fund. Any money in the Department of Agriculture Fund which is derived pursuant to this chapter may be expended for the administration or enforcement of any or all of the provisions of the following portions of this code which relate to nursery stock, notwithstanding any other provision of law which limits the expenditure of such money to some specific purpose or to the administration or enforcement of some specific section, article, chapter, or law:

(a) Section 435.

(b) Article 7 (commencing with Section 5821), Chapter 8, Part 1, of this division.

(c) Chapter 1 (commencing with Section 6701), Part 3, of this division.

(d) Any other provision of this division, which relates to nursery stock, except any provision of Article 5 (commencing with Section 6001) of Chapter 9 or Chapter 10 (commencing with Section 6101) of Part 1, Part 5 (commencing with Section 8401), or Part 6 (commencing with Section 8801) of Division 4.

(e) Chapter 5 (commencing with Section 53301) of Division 18.

Chapter 2. Other Regulations

Article 1. Inspections and Standards of Cleanliness

6901. The director by regulation shall provide for periodic inspections of nurseries and may prescribe standards of cleanliness for nursery stock which is produced or sold within the state.

6902. The standards of cleanliness may:

(a) Provide that all nursery stock shall be kept free from pests of limited distribution or pests which are not known to be established in this state and commercially clean in respect to established pests of general distribution.

(b) Prescribe methods of treatment of various types of nursery stock for control of pests.

(c) Require isolation of infested or infected nursery stock pending treatment or other disposal.

(d) Make such other provisions as are reasonably necessary to insure the relative freedom from pests of all nursery stock which is produced or sold within the state.

6903. The commissioner shall inspect all nurseries within his jurisdiction when and as required by the regulations of the director.

6904. The commissioner shall issue such orders as may reasonably be necessary to insure compliance with the standards of cleanliness.

Any interested person, upon request, is entitled to a hearing before the director to review any order which is issued by a commissioner pursuant to this section.

Article 2. Shipment of Nursery Stock, Generally

6921. It is unlawful for any person to ship, or cause to be shipped, any nursery stock from one county or locality of the state to another county or locality within the state unless he has marked upon such nursery stock in a conspicuous manner and place both of the following:

(a) The name and address of the shipper, owner, or person that is forwarding the nursery stock.

(b) The name of the person, or his agent, to whom the nursery stock is forwarded.

6922. Except as otherwise provided in Section 6502, it is unlawful for any person to sell, deliver, or transport any nursery stock from one county to another county within the state unless he has affixed to such nursery stock in a conspicuous place one of the following which is issued by the commissioner of the county of origin:

(a) A shipping permit that warns that inspection at destination is required.

(b) A valid intercounty nursery stock certificate.

6923. Except as otherwise provided in Section 6502 or 6924, it is unlawful for any person to sell, deliver, or transport any nursery stock from one locality to another locality within the same county unless he has affixed to such nursery stock in a conspicuous place one of the following:

(a) A shipping permit.

(b) A certificate of inspection and release.

(c) An intercounty nursery stock certificate issued by the commissioner of the county which gives notice that inspection at destination is not required.

6924. A shipping permit or certificate of inspection and release need not be affixed to nursery stock if it is sold at retail for planting within the same county and delivered to the purchaser on premises where a certificate of inspection and release of a size which is suitable for display is exhibited in a manner and in such location as may be prescribed by the commissioner.

6925. It is unlawful for any person to sell, deliver, or transport any nursery stock, except nursery stock which is accompanied by a certificate of inspection and release or an intercounty nursery stock certificate, unless such person forwards, at or prior to the time of shipment, to the commissioner who has jurisdiction at the destination, a manifest which states all of the following:

(a) Name and address of the shipper.

(b) Name and address of the person to whom the shipment is being forwarded.

(c) Name and quantity of each kind of plant which is contained in the shipment.

(d) Name of the locality where each kind of nursery stock was grown.

(e) Name of the carrier by which the shipment is being transported, whether by freight, express, mail, truck, boat, airplane, or otherwise.

The requirement for a manifest does not apply to any shipment of seeds.

6926. It is unlawful for any person to alter any shipping permit, certificate of inspection and release, or intercounty nursery stock certificate or to use it in any manner other than as provided in this chapter.

Article 3. Certificates of Inspection and Release

6941. Certificates of inspection and release for shipments of nursery stock which is to be sold, transported, or delivered for planting within the county may be issued by the commissioner after he has determined that there is no likelihood of the dissemination by the shipment into any area of the county of any pest which is not already of general distribution in the area.

6942. The commissioner may issue regulations which govern the issuance or use of certificates of inspection and release. He may require an accounting of any certificate which is issued.

6943. The commissioner may revoke any certificate of inspection and release which is issued to any person that fails to render an accounting of any certificate of inspection and

release, or that fails to observe any of the regulations of the commissioner with respect to such certificate.

6944. A person shall, upon demand, deliver to the commissioner any unused or revoked certificate of inspection and release that may be in his possession.

Article 4. Intercounty Nursery Stock Certificates

6961. A commissioner may, with the approval of the director, enter into an agreement with the commissioner of another county for the purpose of issuing intercounty nursery stock certificates for use on shipments of nursery stock which are sold, transported, or delivered for planting in any other county which is designated in the agreement. He may thereafter, with the approval of the director, issue such certificates.

6962. The commissioner may issue to any nursery which is authorized to use intercounty nursery stock certificates a suitable display placard, in a form which is approved by the director, that indicates that the nursery is authorized to use such certificates.

6963. The commissioner may, with the approval of the director, issue regulations which govern the use within his county of intercounty nursery stock certificates which are issued by him. He may require an accounting of any such certificate which is issued.

6964. The director may issue regulations which regulate the issuance of intercounty nursery stock certificates and the use of such certificates between counties.

6965. The director shall approve the issuance of intercounty nursery stock certificates only if he determines that there is no likelihood of the dissemination by shipments of nursery stock into a designated county of any pest which is not already of general distribution in such county.

6966. The director shall, upon request of the commissioner of any county which is immediately concerned, reconsider any approval previously granted for the issuance and use of intercounty nursery stock certificates as to such county.

6967. The director shall withdraw the approval for the issuance and use of intercounty nursery stock certificates if he makes one of the following findings:

(a) By reason of issuance and use of the certificates there is danger of dissemination into any designated county of any pest which is not already of general distribution in such county.

(b) A commissioner has issued such certificates in disregard of any of the regulations of the director which regulate such issuance and use.

6968. The commissioner may revoke or suspend the right to use any intercounty nursery stock certificate which is issued to any person that fails to render an accounting of the certificate, or fails to observe any of the regulations which

govern the use of the certificates. The commissioner shall revoke the right of any person to use any certificate if he is notified by the director that approval for the issuance and use of the certificates has been withdrawn.

6969. The commissioner of any county, upon receiving notice from the director of withdrawal of approval for the issuance and use of any intercounty nursery stock certificates, shall immediately revoke the right to use any such certificate which was previously issued by him.

6970. It is unlawful for any person, whose right to use any intercounty nursery stock certificate has been revoked or suspended, to refuse to deliver to the commissioner, upon demand, any unused certificate, or to retain or have in his possession any such certificate.

PART 4. WEEDS AND PEST SEEDS

CHAPTER 1. WEEDS

Article 1. Weed-Free Areas

7201. The director, after investigation and practical survey, may by proclamation declare an area within this state to be practically free from any noxious weed, as defined in Section 5004, which is named in the proclamation.

7202. Any area which is declared by proclamation pursuant to this article to be practically free from any noxious weed named in the proclamation shall be known as a weed-free area, as to any noxious weed named in the proclamation. The name of the noxious weed shall be a part of the name of the weed-free area.

7203. The director may by similar proclamation change the boundaries of a weed-free area or declare the weed-free area free from any additional noxious weeds, naming the noxious weed.

7204. A proclamation pursuant to this article shall be under the seal of the department. It shall be published in a newspaper or farm journal of general circulation, published and circulated in the area which is to be affected by the proclamation, at least once a week for two successive weeks. If there is no such newspaper or farm journal, a copy of the proclamation shall be posted in one or more public places in the area.

7205. The director may adopt such regulations as may be necessary to carry out the provisions of this article. He, and the commissioners under the supervision and control of the director, shall enforce such provisions and regulations.

7206. It is unlawful for any person to sell, distribute, or transport into, or within, any weed-free area any seed of any noxious weed of which the area has been declared to be practically free.

7207. It is unlawful for any person that owns or possesses any land within any weed-free area to knowingly permit any noxious weed of which the area has been declared to be practically free, to mature upon his land and disseminate its seed or to propagate itself by other means upon such land, or on the land of another.

Article 2. Austrian Field Cress and Camelthorn

7301. Austrian field cress and camelthorn are public nuisances. They may be abated by summary action or otherwise pursuant to the law which relates to the abatement of public nuisances.

7302. The director shall eradicate Austrian field cress and camelthorn wherever they exist in this state.

7303. The expense incurred by the director in eradicating Austrian field cress or camelthorn shall be borne as follows:

(a) One-third by the state, to be paid out of any sum appropriated for such purpose.

(b) One-third by the county in which the land is located on which such Austrian field cress or camelthorn exists.

(c) One-third by the owner of the land.

7304. The board of supervisors may direct the commissioner to proceed with the abatement of the Austrian field cress or camelthorn pursuant to Chapter 6 (commencing with Section 5401), Part 1 of this division. If the commissioner does so, the board of supervisors shall allow and pay the share of the county and the share of the owner of the land out of the general fund of the county.

7305. The share of the expense of eradication which is required by Section 7303 to be borne by the owner of the land is a lien on the land against which the expense is chargeable. The provisions of Sections 5429 to 5436, inclusive, apply, insofar as possible, to such lien.

Chapter 2. Pest Seeds

Article 1. General Provisions

7501. It is unlawful for any person to disseminate the seed of any pest within this state.

7502. The enforcement of this chapter is under the supervision of the director. He shall make such regulations as he may deem necessary to properly carry out the provisions of this chapter.

7503. The provisions of this chapter are in addition to the requirements which are specified in the following provisions of this code:

(a) Article 1 (commencing with Section 5701), Chapter 8, Part 1 of this division.

(b) Article 2 (commencing with Section 5721), Chapter 8, Part 1 of this division.

(c) Article 3 (commencing with Section 5741), Chapter 8, Part 1 of this division.

(d) Article 3 (commencing with Section 6341), Chapter 1, Part 2 of this division.

(e) Chapter 3 (commencing with Section 6501), Part 2 of this division.

(f) Articles 2 (commencing with Section 6921), 3 (commencing with Section 6941), and 4 (commencing with Section 6961), Chapter 2 of Part 3 of this division.

(g) Chapter 2 (commencing with Section 52251) of Division 18.

Article 2. Certificates

7531. To prevent the dissemination of the seed of any pest through the medium of crop seed for planting, the commissioner of each county may issue certificates which state that the crop seed is free from the seed of any pest.

7532. The commissioner may issue the certificate if all of the following requirements are complied with:

(a) The applicant is the grower of any crop seed within this state.

(b) The applicant notifies the commissioner who has jurisdiction where such crop seed is being grown of his intention to harvest the crop seed for planting purposes not less than 10 days prior to the date of harvest of such crop seed.

(c) The applicant, after notice to him of such requirement, has complied with any requirement of the commissioner with respect to the removal of any pest which is growing in the crop and which may be harvested with the crop seed.

7533. The commissioner, upon receipt of a notice from any person who is the grower of any crop seed within the commissioner's jurisdiction of such person's intention to harvest crop seed not less than 10 days prior to the date of harvest, may cause a field inspection to be made of such crop. If any pest is found growing in such crop, the seed of which may be harvested with such crop seed, the commissioner shall serve a notice which specifies the particular pest that is growing in such crop and the methods to be used in removing the pest which is found in the crop.

7534. It is unlawful for any person to alter, deface, or otherwise misuse a certificate which is issued pursuant to this article.

Article 3. Seed Screenings and Cleanings

7571. Except as otherwise provided in Section 7572, it is unlawful for any person to move any seed screenings or cleanings from crop seed from the place where they may be unless one of the following first has been done:

(a) The seed screenings or cleanings have been inspected by the commissioner and found to be free from the seed of any pest.

(b) The seed screenings or cleanings have been processed under the supervision of, and to the satisfaction of, the commissioner by grinding, or otherwise, to render the seed of any pest incapable of reproduction.

7572. The commissioner may permit the movement of seed screenings or cleanings for the purpose of destruction or processing.

7573. If, upon inspection by the commissioner, any seed screenings or cleanings from crop seed are found to contain the seed of any pest, the commissioner shall give notice in writing of such fact to the person in possession of the screenings or cleanings. The notice shall order that the screenings or cleanings be processed or destroyed, as provided in this article, within 60 days.

7574. If the person that is notified by the commissioner is not the owner of the screenings or cleanings, the person so notified shall forthwith transmit the notice to the owner. He shall cause the screenings or cleanings to be processed or destroyed, as directed by the owner, pursuant to the provisions of this article.

7575. If the owner fails or neglects to direct the disposition of the screenings or cleanings within 10 days after the notice has been transmitted to him, the person in possession of the screenings or cleanings, at his option, may do one of the following:

(a) Cause the screenings or cleanings to be processed and return to the owner the value of the screenings or cleanings less the cost of handling.

(b) Destroy the screenings or cleanings. He is not liable to the owner for the destruction of such screenings or cleanings.

7576. Any lot of seed screenings or cleanings from crop seed which contains the seed of any pest, together with its containers, is a public nuisance. If such lot is not disposed of pursuant to this article, it is subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction.

7577. The district attorney of the county in which the nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance.

7578. Upon judgment and by order of the court, the lot which is a nuisance shall be handled in one of the following ways:

(a) Condemned and destroyed in the manner directed by the court.

(b) Denatured or otherwise processed.

(c) Released upon such conditions as the court may impose to insure that the nuisance will be abated.

7579. If the owner fails to comply with the order of the court within the time which is specified in the order, the court may order disposal, or sale, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal, or constable.

7580. If the court orders the sale of any of the seed screenings or cleanings from crop seed, or containers, which can be salvaged, the cost of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

7581. In actions which arise pursuant to this article:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less.

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

Article 4. Crop Seed Cleaning Business

7601. Every person, before engaging for hire in the business of cleaning crop seed, shall obtain a permit from the commissioner to operate each separate portable seed cleaner which is being used for the first time in the county.

7602. Upon application by the owner or if the commissioner deems it necessary, the commissioner may cause an inspection to be made of the cleaner of each permittee.

7603. The permit may be suspended or revoked by the commissioner at any time the permittee does not comply with any of the provisions of this division, or any regulations which are adopted pursuant to this division by the director relative to preventing the dissemination of the seed of any noxious weed pest.

PART 5. CITROUS PEST DISTRICT CONTROL LAW

Chapter 1. Definitions and General Provisions

8401. This part shall be known as the Citrous Pest District Control Law.

8402. It is the purpose of this part to make available a procedure for the organization, operation, government, and dissolution of districts for the more effective control and eradication of citrous pests.

8403. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

8404. "Board" means the board of directors of a district.

8405. "Citrous acreage" means any parcel, tract, or lot of land with 25 or more citrous trees of any age growing on it, except a parcel, tract, or lot which is used as a nursery.

8406. "Citrous pest" includes any infectious, transmissible, or contagious disease, any form of animal life, or any form of vegetable life infesting citrous trees or citrous fruits.

8407. "District" means a citrous pest control district organized pursuant to this part.

8408. "Number of trees per acre of average planting," for the purpose of assessment pursuant to this part, shall be 100 trees per acre.

8409. "Owner" includes joint owner, coowner, guardian, executor, administrator, or any other person that holds property in a trust capacity under appointment of court.

CHAPTER 2. FORMATION OF DISTRICTS

8451. Proceedings for the formation of a district within any county shall be commenced by a petition which is signed by the owners of 51 percent by area of the land in the proposed district within the county devoted exclusively to the growing of citrous fruits. The petition shall be addressed to and filed with the board of supervisors of the county.

8452. The petition may be filed in sections each of which shall comply with all the requirements for a petition, except that a section need not contain the total number of signatures required for the petition.

8453. Signatures to the petition may be withdrawn at any time before it has been acted upon by filing with the clerk of the board of supervisors a declaration signed by the petitioner which states that it is the intention of the petitioner to withdraw his signature from the petition.

8454. The petition shall state the name of the proposed district and shall set forth its boundaries or describe the lands to be included in it.

It is a sufficient designation of the boundaries of a proposed district to recite that all the citrous acreage in the county is to be included in the district, or that all the citrous acreage in a designated area within the county is to be included in the district.

If either such designation is used, the outside boundary of the area so designated is the boundary of the district and the district shall include all area within the outside boundary, if the district is formed pursuant to this part.

8455. Upon the presentation and filing of a petition, the board of supervisors shall fix a time and place for the hearing of the petition and shall refer the petition to the commissioner for investigation and report.

The hearing shall not be less than 20 days, nor more than 40 days after such presentation and filing.

8456. The board of supervisors shall order the county clerk to give notice of the time and place fixed for the hearing upon the petition.

8457. The notice of hearing shall do all of the following:

(a) State the name of the district and that it is being formed for the eradication and control of citrous pests.

(b) State the petition is available for inspection at the office of the clerk of the board of supervisors.

(c) Designate the boundaries of the proposed district in substantially the same way that they are described in the petition.

(d) State the time and place for the hearing.

(e) State that at such hearing protests will be considered by the board of supervisors.

(f) State that requests in writing for the exclusion from or the inclusion of lands in the proposed district will be heard and considered by the board of supervisors.

8458. Notice of the hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.

8459. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

8460. At the hearing, the report of the commissioner shall be received and protests may be made orally or in writing by any person interested in the formation of the proposed district. Any protest which pertains to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities and defects to which objection is made. All written protests shall be filed with the clerk of the board of supervisors on or before the time fixed for the final hearing. The hearing may be continued from time to time not exceeding 60 days.

8461. At the hearing, any owner of citrous acreage in the proposed district may present to the board of supervisors a request in writing for the exclusion of such land or any part of such land, and any owner of citrous acreage outside the proposed district may present to the board of supervisors a request in writing for inclusion of such land in the proposed district.

8462. If the board of supervisors determines that the petition does not comply with the requirements of law, the matter may be dismissed without prejudice to the right to present a new petition covering the same matter. A finding by the board of supervisors in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the state in a proceeding brought by the Attorney General within one year of the date of the making of the order establishing and describing the boundaries of the district.

8463. If the board of supervisors determines that the project is feasible and for the interest of the citrous growers of the county, the board of supervisors shall, by order entered in its minutes, declare the district duly organized under the name designated in the petition for the formation of the district.

The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include land pursuant to Section 8465, it is a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition. A copy of the order duly certified by the clerk of the board of supervisors shall be filed for record in the office of the county recorder of the county in which the district is situated.

8464. Any district formed prior to March 2, 1961, in which the order of the board of supervisors adopted the description in general terms as it appears in the petition is hereby validated.

8465. In determining the boundaries of the district, the board of supervisors shall exclude from the district any citrous acreage which it finds will not be benefited by the proposed project, and it may include in the district any lands which it finds will be benefited if it also finds it will be to the interest of the district to include such lands. Such inclusion may be upon application of the owner or, without such application, upon giving him notice of the proposed inclusion and an opportunity for a hearing on it.

Notice of inclusion shall be mailed, postage prepaid, by the clerk of the board of supervisors, to the address of the owner of such land as shown by the last equalized county assessment roll, and to any person that has filed with him his name and address and description of land in which he has either a legal or equitable interest. The notice shall describe the land proposed to be included, and shall state the time and place at which objections to such inclusion will be heard.

Chapter 3. Organization of Districts

8501. Upon the adoption of the order of organization, the board of supervisors shall immediately appoint a board of directors of five members to administer the affairs of the district.

8502. In order to be eligible to hold the office of director of the district, a person shall be a citizen of the United States and of this state, and an owner of lands within the district which are devoted in whole or in part to the growing of citrous fruits.

8503. Upon his appointment, each director shall, in the manner provided by law, give such official bond for the faithful performance of his duties as shall be fixed by the board of supervisors and shall subscribe the oath of office and such bond and oath shall be filed with the county clerk.

8504. From and after the filing for record of the order of the board of supervisors declaring the district organized, and the appointment and qualification of its first board of directors, the organization of the district is complete.

8505. Immediately after the organization of the district, the directors shall meet and organize as a board and shall

elect a chairman, a vice chairman, a secretary, and an assistant secretary, from among their own number.

The chairman shall call and preside at all meetings of the board, sign all warrants drawn on the county treasurer and all contracts and other documents, and the minutes of all meetings at which he is present. In case of his absence from a meeting, the vice chairman shall act as chairman pro tempore for him. The vice chairman has the authority to sign warrants in place of the chairman if the chairman is absent from a meeting or unavailable.

The secretary shall give notice of and keep the minutes of all meetings and prepare and have custody of all records and papers, and have custody of the seal of the district. He or the assistant secretary shall attest all warrants drawn on the county treasurer, all contracts and other documents and shall sign the minutes of all meetings at which he is present. He shall prepare the annual reports and any other reports required by the board and shall prepare all notices and all calls for bids. In case of his absence from a meeting, the assistant secretary shall perform his duties.

8506. The members of the board shall serve for terms of four years and until the appointment and qualification of their successors.

The terms of the members of the first board appointed by the board of supervisors shall divide themselves by lot and one member shall serve for a term of one year, one member shall serve for a term of two years, one member shall serve for a term of three years, and two members shall serve for a term of four years.

8507. Upon the expiration of the term of any member of the board, the board of supervisors shall appoint his successor.

Vacancies shall be filled by the board of supervisors for the unexpired term.

8508. The members of the board are not entitled to any compensation for their services, but may be reimbursed for their actual and necessary expenses, when claims for such expenses have been approved by the board.

CHAPTER 4. POWERS AND DUTIES OF THE DISTRICT

8551. The district shall have perpetual succession and may do all of the following:

(a) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(b) Adopt a seal and alter it at pleasure.

(c) Take by grant, purchase, gift, devise, lease, or otherwise, and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers.

(d) Cause taxes to be levied, as provided in Chapter 5 (commencing with Section 8601) of this part, for the purpose of paying any obligation of the district, and to accomplish the purposes of the district in the manner provided in this part.

(e) Make contracts, and employ, except as otherwise provided in this part, all persons, firms, and corporations necessary to carry out the purposes and the powers of the district, and at such salary, wage, or other compensation as the board of directors shall determine.

(f) Eradicate, remove, or prevent the spread of any and all citrous pests.

(g) Enter into or upon any land included within the boundaries of the district for the purpose of inspecting and treating the citrous trees and other host plants and fruit growing on them.

(h) Perform any and all acts either within or outside the district necessary or proper to fully and completely carry out the purposes for which the district was organized.

8552. Every district formed pursuant to this part has all of the powers prescribed by Section 8551 and other sections of this part, including the power to eradicate, remove, or prevent the spread of each and every citrous pest, regardless of any language in the petition for formation for any district or in any of the proceedings leading to formation which might seem to limit the power of the district to the control or eradication of one or more citrous pests in particular.

8553. A district may pay limited compensation to the owner of any citrus tree infected with quick decline (tristeza) which is removed by the district or by the owner within 60 days after written notice of such infection to the owner by the district, and prior to March 1, 1967. Such limited compensation shall not exceed the following payment schedule with the age of the tree being conclusively established as of the time written notice of such infection is first given to the owner.

The schedule of payments is as follows:

Age of trees	Maximum payment
1 year	$5 per tree
2 years	7.50 per tree
3 years	10 per tree
4 years	14 per tree
5 years	17.50 per tree
6 years	20.75 per tree
7 years or older	25 per tree

For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.

The written notice referred to above shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of such infected trees, their location, and that they should be removed forthwith.

For the purposes of determining the age of infected citrus trees under this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and shall be deemed one year older on the January 1st of each succeeding year.

8554. In order to expedite the elimination of the source of quick decline (tristeza) virus, if it appears to the board that the cost of testing, indexing, or retesting trees to determine infection may exceed the cost of removal, plus the payment of limited compensation, a district may, with the consent of the owner, remove and pay limited compensation pursuant to Section 8553 for trees which have not been determined to be infected with quick decline (tristeza).

8555. Any payment made to the owner or owners of citrous trees removed pursuant to Section 8553 or 8554 shall in no event exceed the sum of three thousand dollars ($3,000) per geographical acre.

8556. The commissioner of the county in which the district is located shall, upon request of the board and without fee or charge, supervise and direct, in accordance with the best known and accepted methods as determined by the board, all activities undertaken by the district for the control or eradication of citrous pests.

8557. The board shall immediately after their qualification formulate an effective plan based on the best known and accepted methods for the control and eradication of the citrous pests within the district.

8558. After the final adoption of the plan, the board shall make or cause to be made an estimate of the cost of operating the plan for the next fiscal year beginning not sooner than 90 days thereafter.

8559. Within 30 days after the receipt of the estimate, the board shall adopt a preliminary budget of expenditures for such fiscal year.

8560. Upon the adoption of the preliminary budget, the board shall fix a time and place for holding a hearing thereon.

The hearing shall not be less than 20 days, nor more than 40 days, after the adoption of the preliminary budget.

8561. The board shall give notice of the time and place fixed for the hearing upon the preliminary budget by publication in a newspaper of general circulation published and circulated in the district.

8562. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

8563. The notice shall contain all of the following:

(a) A summary of the proposed budget and shall refer to the original on file with the board for further particulars.

(b) State that it is the intention to raise the amount of money required to meet the proposed budget by levying a tax upon the assessed value of the citrous trees within the district in accordance with the provisions of this part.

(c) A statement of the day, hour, and place, when and where any and all persons interested may appear and object to the adoption of the budget or to any item in it.

8564. At any time not later than the hour set for hearing objections to the proposed budget, any owner of citrous acreage in the district may make written protest against the budget or any item in it.

8565. At the time set for hearing protests, the board shall proceed to hear and pass upon all protests so made and its decision on the protests shall be final and conclusive.

8566. At the conclusion of the hearing, the board shall by resolution entered on its minutes make such changes in the proposed budget as it finds are proper and advisable. The tentative budget as so changed or modified shall be the budget of the district for the forthcoming fiscal year.

8567. There may be added to the budget for the first fiscal year of the operation of the district an amount not in excess of 20 percent of the total amount of the budget to cover the preliminary expenses of the district and for the expenses of operation up to the beginning of the first fiscal year.

8568. For each fiscal year subsequent to the first year of operation of the district, the board shall adopt the final budget therefor in the same manner and at the same time that the budget for the first fiscal year was adopted.

CHAPTER 5. LEVYING AND ASSESSING TAXES FOR DISTRICT PURPOSES

8601. The county assessor in making the annual assessment of property in each and every year after the organization of the district, shall assess any parcel of real property with 25 or more citrous trees on it and enter as a separate item on the assessment roll for each such parcel of real property included in the district, the value, as improvements on the parcel, of all citrous trees which are growing on it.

For the purpose of this part, the county assessor shall assess all citrous acreage at a uniform value per acre. Such assessment shall be upon an acreage basis and the number of acres shall be determined conclusively, except as otherwise provided in this section, by the assessor counting such trees and dividing the total number by the number of trees per acre of average planting. The county assessor in counting the citrous trees shall not, however, count any more than 200 trees

on any one acre of land, and for any citrous acreage which has from 70 to 100 trees per acre the number of acres to be determined by the county assessor shall be the actual acreage of the parcel.

Upon completing the assessment roll of the county in each year, the assessor shall separately compute and certify to the board of supervisors, the total assessed value, as shown by the assessment roll, of all such citrous trees in the district.

8602. Whenever acreage within the district is planted with citrous trees in such a fashion as to qualify as citrous acreage, such acreage is subject to taxation as provided in this part.

8603. Whenever any citrous trees have been removed from any parcel of land included in the district, the owner of such parcel of land may file with the board an affidavit particularly describing the parcel of land, and setting forth the fact of the removal therefrom of such trees. Thereupon, the board shall cause an investigation of the parcel of land to be made and, if the board finds the allegations of the affidavit are true, the board shall immediately certify this fact to the county assessor and the amount of citrous acreage removed shall not be assessed on the next assessment roll.

8604. The board shall, on or before the first Monday in July of each year, file with the board of supervisors the final budget which sets forth all estimated expenditures of the district for the fiscal year commencing on the first day of such month of July. A copy of the budget shall also at the same time be filed with the auditor of the county.

The board of supervisors shall annually, at the time of levying other county taxes, levy a tax upon all the citrous trees planted or growing in the district, regardless of age, as assessed by the assessor pursuant to this part. The board of supervisors shall determine the rate of such tax by deducting 10 percent for anticipated delinquencies from the total assessed value of such trees in the district as it appears on the assessment roll of the county, and dividing the sum reported by the board as required to be raised, by the remainder of such total assessed value. If a fraction of a cent occurs on a valuation of one hundred dollars ($100), it shall be taken as a full cent.

8605. The tax authorized to be assessed and levied is hereby declared to be in the nature of a special assessment, and the Legislature hereby finds that the owners of all citrous trees will be benefited by the district to the same extent and in the same manner regardless of the age of the trees. The taxes or special assessments authorized by this chapter to be assessed and levied on such trees shall be assessed and levied on all citrous trees regardless of their age.

8606. The tax so levied shall be computed and entered upon the assessment roll by the county auditor, and if the supervisors fail to levy the tax as required, the auditor shall do so. The tax shall be collected at the same time, and in the same manner as, and together with and not separate from, general

county taxes, and when collected shall be paid into the county treasury for the use of the district.

8607. The general provisions of the laws of this state, prescribing the manner of levying and collecting county taxes and the duties of the several county officers with respect to levying and collecting county taxes, are, so far as they are applicable and not in conflict with the specific provisions of this part, hereby adopted and made a part of this part. The several county officers thus referred to shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this part.

8608. The county treasury shall be the repository of all the moneys of the district. The county treasurer shall receive and receipt for all such moneys, and place the same to the credit of the district. He shall be responsible upon his official bond for the safekeeping and disbursement, in the manner provided in this part, of all moneys of the district so held by him.

8609. If a consolidated district includes parts of two or more counties, the repository of all money of the district shall be the county treasury of the county in which is located the largest area of the district. Money collected for the use of the district in any other county in which a part of the district is located shall be transferred by the county treasurer upon warrant of the county auditor of the county in which the money was collected to the county treasurer of the county serving as repository for the district, in the same manner as prescribed for the disbursement of money held for a local district. Money derived from any county in which the district is located may be expended in any part of the district for the purposes authorized by this part, notwithstanding any other provision of law limiting the expenditure of any such money to a specific area or county.

8610. The county treasurer shall pay out money of the district only upon warrants of the county auditor drawn upon the order of the board of directors of the district signed by the chairman or vice chairman and attested by the secretary or assistant secretary. The county treasurer shall report in writing on the first day of July, October, January, and March of each year, to the board the amount of money he then holds for the districts, the amount of receipts since his last report, and the amounts paid out. Each such report shall be verified and filed with the secretary of the district to whom it is addressed.

Chapter 6. Inclusion of Lands

8651. Lands devoted exclusively to the growing of citrus fruits within a tract of land outside the district but in the county wherein the district is located may be annexed to the district.

CHAPTER 7. CONSOLIDATION

8701. Any two or more districts organized or existing under this part may be consolidated, whether or not the boundaries are coterminous and whether or not the districts are located in the same county.

8702. Proceedings for consolidation may be initiated by the filing of a petition for consolidation with the board of each district to be consolidated. Each petition shall be signed by the owners of 51 percent by area of the citrous land in the district. Upon the filing of such a petition, the board of directors shall adopt a resolution which recites the fact of receipt and the willingness of the district to consolidate, and shall then send copies of the petition and resolution to the board of directors of each of the other districts. The board shall send the original petition and a certified copy of the resolution to the board of supervisors of the county in which is located the largest area of citrous acreage of the proposed consolidated district, and a copy of the petition and resolution to the board of supervisors of each of the other counties in which is located any part of the proposed consolidated district.

8703. Upon presentation and filing of the petitions of two or more districts proposing consolidation, the board of supervisors of the county in which is located the largest area of citrous acreage of the proposed consolidated district shall fix a time and place for hearing the petitions. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district pursuant to Chapter 2 (commencing with Section 8451) of this part.

8704. If the board of supervisors determines that the consolidation is feasible and for the best interests of the citrous growers of the respective districts, it shall by resolution duly adopted declare the districts consolidated into one district, giving the consolidated district a name which name shall include the term "consolidated." Certified copies of the resolution shall be filed with the Secretary of State and, for record, with the county recorder of each county in which is located any part of the consolidated district. Upon such filing, the districts are consolidated into a single consolidated district with all the rights, privileges, and powers of a district The consolidated district shall succeed to all the funds and other property, and is subject to all the indebtedness, bonded and otherwise, of the several districts consolidated. Each district which is included in the consolidated district shall continue in existence for the purpose of representation on the board of the consolidated district, and for the purpose of levying, assessing, and collecting taxes for district purposes The board of the consolidated district is, however, the board of each district which is included in the consolidated district.

8705. Upon the adoption of a resolution consolidating two or more districts, the board of supervisors shall immediately appoint a board of directors of at least five members, including at least one member from each of the districts which are included in the consolidated district. If any of the districts which are included in the consolidated district includes more than 15,000 acres of citrous acreage, the board of directors shall be increased to a number equal to the number of districts which are included in the consolidated district, plus one additional director for each 10,000 acres, or major fraction of 10,000 acres, in any one district which is included in the consolidated district.

8706. The board of a consolidated district has all the duties, powers, purposes, responsibilities, and jurisdiction of the board of any other district. The members of the board shall be appointed in the same manner and serve for the same term as the directors of any other district. If, however, the number of directors is increased to more than five, as provided in Section 8705, the sixth member of the first board shall serve for three years, the seventh for two years, and all in excess of seven for one year each.

8707. Any district which has been included in a consolidated district may withdraw from the consolidated district and be reconstituted as a separate district by filing with the board of directors of the consolidated district a petition for withdrawal which is signed by the owners of 51 percent by area of citrous land in the district The board of directors of the consolidated district shall send the original petition to the board of supervisors of the county in which the withdrawing district is located, and a copy of the petition to the board of supervisors of each of the other counties in which is located any part of the consolidated district. Upon receipt of a petition for withdrawal, the board of supervisors of the county in which the withdrawing district is located shall fix a time and place for hearing the petition. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district under Chapter 2 (commencing with Section 8451) of this part. Upon withdrawal of a district, all moneys collected from such district for the use of the consolidated district and all property purchased with such moneys shall remain the property of the consolidated district. All moneys collected from a district after it withdraws from a consolidated district shall be held for the use of such district.

CHAPTER 8. DISSOLUTION OF DISTRICTS

8751. Upon the filing of a petition with the board of supervisors, signed by the owners of 60 percent by area of the citrous acreage in the district, requesting the dissolution of the district, the board of supervisors shall set a time and place for

hearing on the petition, which shall not be less than 20 days, nor more than 40 days, after the filing of the petition.

8752. The board of supervisors shall give notice of the time and place fixed for the hearing upon the petition for dissolution.

8753. The notice of hearing shall state all of the following:

(a) That a petition has been filed requesting the dissolution of the district.

(b) That the petition is available for inspection at the offices of the board of supervisors.

(c) The time and place for the hearing.

(d) That at such hearing protests against the dissolution of the district shall be considered by the board of supervisors.

8754. Notice of such hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.

8755. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

8756. If at the hearing a majority of the members of the board of supervisors find that the dissolution of the district will benefit the citrous industry of the county, it shall by resolution dissolve the district.

8757. The board of supervisors shall cause a certified copy of the resolution to be recorded in the office of the county recorder and shall file a certified copy of the same with the Secretary of State. Thereupon, the district is dissolved for all purposes.

8758. Upon dissolution, the right, title, and interest to property owned or controlled by the district which is situated within the corporate limits of any city shall vest absolutely in such city. If such property is situated without the corporate limits of the city, it shall vest in the county in which the property is situated.

8759. The board of supervisors is ex officio the governing body of the dissolved district. It may levy such taxes and assessments and perform such other acts as may be necessary to wind up the affairs of the district and to raise money for the payment of any outstanding indebtedness.

PART 6. PEST CONTROL COMPACT

8801. The Pest Control Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

PEST CONTROL COMPACT

Article I. Findings

The party states find that:

(a) In the absence of the higher degree of cooperation among them possible under this compact, the annual loss of

approximately seven billion dollars from the depredations of pests is virtually certain to continue, if not to increase.

(b) Because of varying climatic, geographic and economic factors, each state may be affected differently by particular species of pests; but all states share the inability to protect themselves fully against those pests which present serious dangers to them.

(c) The migratory character of pest infestations makes it necessary for states both adjacent to and distant from one another, to complement each other's activities when faced with conditions of infestation and reinfestation.

(d) While every state is seriously affected by a substantial number of pests, and every state is susceptible of infestation by many species of pests not now causing damage to its crop and plant life and products, the fact that relatively few species of pests present equal danger to or are of interest to all states makes the establishment and operation of a fund, from which individual states may obtain financial support for pest control programs of benefit to them in other states and to which they may contribute in accordance with their relative interests, the most equitable means of financing cooperative pest eradication and control programs.

Article II Definitions

As used in this compact, unless the context clearly requires a different construction:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) "Requesting state" means a state which invokes the procedures of the compact to secure the undertaking or intensification of measures to control or eradicate one or more pests within one or more other states.

(c) "Responding state" means a state requested to undertake or intensify the measures referred to in subdivision (b) of this article.

(d) "Pests" means any invertebrate animal, pathogen, parasitic plant or similar or allied organism which can cause disease or damage in any crops, trees, shrubs, grasses or other plants of substantial value.

(e) "Fund" means the Pest Control Fund established pursuant to this compact.

(f) "Governing board" means the administrators of this compact representing all of the party states when such administrators are acting as a body in pursuance of authority vested in them by this compact.

(g) "Executive committee" means the committee established pursuant to Article V (e) of this compact.

Article III. The Fund

There is hereby established the Pest Control Fund for the purpose of financing other than normal pest control operations which states may be called upon to engage in pursuant to this compact. The fund shall contain moneys appropriated to it by the party states and any donations and grants accepted by it. All appropriations, except as conditioned by the rights and obligations of party states expressly set forth in this compact, shall be unconditional and may not be restricted by the appropriating state to use in the control of any specified pest or pests. Donations and grants may be conditional or unconditional, provided that the fund shall not accept any donation or grant whose terms are inconsistent with any provision of this compact.

Article IV. The Fund, Internal Operations and Management

(a) The fund shall be administered by a governing board and executive committee as hereinafter provided. The actions of the governing board and executive committee pursuant to this compact shall be deemed the actions of the fund.

(b) The members of the governing board shall be entitled to one vote each on such board. No action of the governing board shall be binding unless taken at a meeting at which a majority of the total number of votes on the governing board are cast in favor thereof. Action of the governing board shall be only at a meeting at which a majority of the members are present.

(c) The fund shall have a seal which may be employed as an official symbol and which may be affixed to documents and otherwise used as the governing board may provide.

(d) The governing board shall elect annually, from among its members, a chairman, a vice chairman, a secretary and a treasurer. The chairman may not succeed himself. The governing board may appoint an executive director and fix his duties and his compensation, if any. Such executive director shall serve at the pleasure of the governing board. The governing board shall make provision for the bonding of such of the officers and employees of the fund as may be appropriate.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, or if there be no executive director, the chairman, in accordance with such procedures as the bylaws may provide, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the fund and shall fix the duties and compensation of such personnel. The governing board in its bylaws shall provide for the personnel policies and programs of the fund.

(f) The fund may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation.

(g) The fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation, gift or grant accepted by the governing board pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the fund. Such report shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender.

(h) The governing board shall adopt bylaws for the conduct of the business of the fund and shall have the power to amend and rescind these bylaws. The fund shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

(i) The fund annually shall make to the Governor and Legislature of each party state a report covering its activities for the preceding year. The fund may make such additional reports as it may deem desirable.

(j) In addition to the powers and duties specifically authorized and imposed, the fund may do such other things as are necessary and incidental to the conduct of its affairs pursuant to this compact.

Article V. Compact Fund Administration

(a) In each party state there shall be a compact administrator, who shall be selected and serve in such manner as the laws of his state may provide, and who shall:

1. Assist in the coordination of activities pursuant to the compact in his state; and

2. Represent his state on the governing board of the fund.

(b) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the governing board of the fund by not to exceed three representatives Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, but no such representative shall have a vote on the governing board or on the executive committee thereof.

(c) The governing board shall meet at least once each year for the purpose of determining policies and procedures in the

administration of the fund and, consistent with the provisions of the compact, supervising and giving direction to the expenditure of moneys from the fund. Additional meetings of the governing board shall be held on call of the chairman, the executive committee, or a majority of the membership of the governing board.

(d) At such times as it may be meeting, the governing board shall pass upon applications for assistance from the fund and authorize disbursements therefrom. When the governing board is not in session, the executive committee thereof shall act as agent of the governing board, with full authority to act for it in passing upon such applications.

(e) The executive committee shall be composed of the chairman of the governing board and four additional members of the governing board chosen by it so that there shall be one member representing each of four geographic groupings of party states. The governing board shall make such geographic groupings. If there is representation of the United States on the governing board, one such representative may meet with the executive committee. The chairman of the governing board shall be chairman of the executive committee. No action of the executive committee shall be binding unless taken at a meeting at which at least four members of such committee are present and vote in favor thereof. Necessary expenses of each of the five members of the executive committee incurred in attending meetings of such committee, when not held at the same time and place as a meeting of the governing board, shall be charges against the fund.

Article VI. Assistance and Reimbursement

(a) Each party state pledges to each other party state that it will employ its best efforts to eradicate, or control within the strictest practicable limits, any and all pests. It is recognized that performance of this responsibility involves:

1. The maintenance of pest control and eradication activities of interstate significance by a party state at a level that would be reasonable for its own protection in the absence of this compact.

2. The meeting of emergency outbreaks or infestations of interstate significance to no less an extent than would have been done in the absence of this compact.

(b) Whenever a party state is threatened by a pest not present within its borders but present within another party state, or whenever a party state is undertaking or engaged in activities for the control or eradication of a pest or pests, and finds that such activities are or would be impracticable or substantially more difficult of success by reason of failure of another party state to cope with infestation or threatened infestation, that state may request the governing board to authorize

expenditures from the fund for eradication or control measures to be taken by one or more of such other party states at a level sufficient to prevent, or to reduce to the greatest practicable extent, infestation or reinfestation of the requesting state. Upon such authorization the responding state or states shall take or increase such eradication or control measures as may be warranted. A responding state shall use moneys made available from the fund expeditiously and efficiently to assist in affording the protection requested.

(c) In order to apply for expenditures from the fund, a requesting state shall submit the following in writing:

1. A detailed statement of the circumstances which occasion the request for the invoking of the compact.

2. Evidence that the pest on account of whose eradication or control assistance is requested constitutes a danger to an agricultural or forest crop, product, tree, shrub, grass or other plant having a substantial value to the requesting state.

3. A statement of the extent of the present and projected program of the requesting state and its subdivisions, including full information as to the legal authority for the conduct of such program or programs and the expenditures being made or budgeted therefor, in connection with the eradication, control, or prevention of introduction of the pest concerned.

4. Proof that the expenditures being made or budgeted as detailed in item 3 do not constitute a reduction of the effort for the control or eradication of the pest concerned or, if there is a reduction, the reasons why the level of program detailed in item 3 constitutes a normal level of pest control activity.

5. A declaration as to whether, to the best of its knowledge and belief, the conditions which in its view occasion the invoking of the compact in the particular instance can be abated by a program undertaken with the aid of moneys from the fund in one year or less, or whether the request is for an installment in a program which is likely to continue for a longer period of time.

6. Such other information as the governing board may require consistent with the provisions of this compact.

(d) The governing board or executive committee shall give due notice of any meeting at which an application for assistance from the fund is to be considered. Such notice shall be given to the compact administrator of each party state and to such other officers and agencies as may be designated by the laws of the party states. The requesting state and any other party state shall be entitled to be represented and present evidence and argument at such meeting.

(e) Upon the submission as required by paragraph (c) of this article and such other information as it may have or acquire, and upon determining that an expenditure of funds is within the purposes of this compact and justified thereby, the governing board or executive committee shall authorize support of the program. The governing board or the executive

committee may meet at any time or place for the purpose of receiving and considering an application. Any and all determinations of the governing board or executive committee, with respect to an application, together with the reasons therefor shall be recorded and subscribed in such manner as to show and preserve the votes of the individual members thereof.

(f) A requesting state which is dissatisfied with a determination of the executive committee shall upon notice in writing given within 20 days of the determination with which it is dissatisfied, be entitled to receive a review thereof at the next meeting of the governing board. Determinations of the executive committee shall be reviewable only by the governing board at one of its regular meetings, or at a special meeting held in such manner as the governing board may authorize.

(g) Responding states required to undertake or increase measures pursuant to this compact may receive moneys from the fund, either at the time or times when such state incurs expenditures on account of such measures, or as reimbursement for expenses incurred and chargeable to the fund. The governing board shall adopt and, from time to time, may amend or revise procedures for submission of claims upon it and for payment thereof.

(h) Before authorizing the expenditure of moneys from the fund pursuant to an application of a requesting state, the fund shall ascertain the extent and nature of any timely assistance or participation which may be available from the federal government and shall request the appropriate agency or agencies of the federal government for such assistance and participation.

(i) The fund may negotiate and execute a memorandum of understanding or other appropriate instrument defining the extent and degree of assistance or participation between and among the fund, cooperating federal agencies, states and any other entities concerned.

Article VII. Advisory and Technical Committees

The governing board may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any such advisory or technical committee, or any member or members thereof may meet with and participate in its deliberations. Upon request of the governing board or executive committee an advisory or technical committee may furnish information and recommendations with respect to any application for assistance from the fund being considered by such board or committee and the board or committee may receive and consider the same: provided that any participant in a meeting of the governing board or executive committee held pursuant to Article VI(d) of the

compact shall be entitled to know the substance of any such information and recommendations, at the time of the meeting if made prior thereto or as a part thereof or, if made thereafter, no later than the time at which the governing board or executive committee makes its disposition of the application.

Article VIII. Relations With Nonparty Jurisdictions

(a) A party state may make application for assistance from the fund in respect of a pest in a nonparty state. Such application shall be considered and disposed of by the governing board or executive committee in the same manner as an application with respect to a pest within a party state, except as provided in this article.

(b) At or in connection with any meeting of the governing board or executive committee held pursuant to Article VI(d) of this compact a nonparty state shall be entitled to appear, participate, and receive information only to such extent as the governing board or executive committee may provide. A nonparty state shall not be entitled to review of any determination made by the executive committee.

(c) The governing board or executive committee shall authorize expenditures from the fund to be made in a nonparty state only after determining that the conditions in such state and the value of such expenditures to the party states as a whole justify them. The governing board or executive committee may set any conditions which it deems appropriate with respect to the expenditure of moneys from the fund in a nonparty state and may enter into such agreement or agreements with nonparty states and other jurisdictions or entities as it may deem necessary or appropriate to protect the interests of the fund with respect to expenditures and activities outside of party states.

Article IX. Finance

(a) The fund shall submit to the executive head or designated officer or officers of each party state a budget for the fund for such period as may be required by the laws of that party state for presentation to the Legislature thereof.

(b) Each of the budgets shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The requests for appropriations shall be apportioned among the party states as follows: one-tenth of the total budget in equal shares and the remainder in proportion to the value of agricultural and forest crops and products, excluding animals and animal products, produced in each party state. In determining the value of such crops and products the fund may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the

budgets and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of products.

(c) The financial assets of the fund shall be maintained in two accounts to be designated respectively as the "operating account" and the "claims account." The operating account shall consist only of those assets necessary for the administration of the fund during the next ensuing two-year period. The claims account shall contain all moneys not included in the operating account and shall not exceed the amount reasonably estimated to be sufficient to pay all legitimate claims on the fund for a period of three years. At any time when the claims account has reached its maximum limit or would reach its maximum limit by the addition of moneys requested for appropriation by the party states, the governing board shall reduce its budget requests on a pro rata basis in such manner as to keep the claims account within such maximum limit. Any moneys in the claims account by virtue of conditional donations, grants or gifts shall be included in calculations made pursuant to this paragraph only to the extent that such moneys are available to meet demands arising out of claims.

(d) The fund shall not pledge the credit of any party state. The fund may meet any of its obligations in whole or in part with moneys available to it under Article IV(g) of this compact, provided that the governing board takes specific action setting aside such moneys prior to incurring any obligation to be met in whole or in part in such manner. Except where the fund makes use of moneys available to it under Article IV (g) hereof, the fund shall not incur any obligation prior to the allotment of moneys by the party states adequate to meet the same.

(e) The fund shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the fund shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the fund shall be audited yearly by a certified or licensed public accountant and a report of the audit shall be included in and become part of the annual report of the fund.

(f) The accounts of the fund shall be open at any reasonable time for inspection by duly authorized officers of the party states and by any persons authorized by the fund.

Article X. Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any five or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal

shall take effect until two years after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article XI. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

8802. Consistent with law and within available appropriations, the departments, agencies, and officers of this state may cooperate with the fund established by the Pest Control Compact.

8803. Pursuant to Article IV(h) of the compact, copies of bylaws and amendments thereto shall be filed with the Office of Administrative Procedure.

8804. The compact administrator for this state is the director.

8805. Within the meaning of Article VI(b) or VIII(a), a request or application for assistance from the fund may be made by the Governor whenever in his judgment the conditions qualifying this state for such assistance exist and it would be in the interest of this state to make such request.

8806. The notice of any meeting at which an application for assistance from the fund is to be considered given pursuant to Article VI (d), shall also be given to the Speaker of the Assembly and the President pro Tempore of the Senate.

8807. The department, agency, or officer expending or becoming liable for an expenditure on account of a control or eradication program undertaken or intensified pursuant to the compact shall have credited to his account in the State Treasury the amount or amounts of any payments made to this state to defray the cost of such program, or any part thereof, or as reimbursement thereof.

8808. As used in the compact, with reference to this state, the term "executive head" means the Governor.

DIVISION 5. ANIMAL AND POULTRY QUARANTINE AND PEST CONTROL

PART 1. DISEASED ANIMALS AND POULTRY

CHAPTER 1. GENERAL PROVISIONS

Article 1. Reports

9101. It is unlawful for any licensed veterinarian or any person that is operating an animal disease diagnostic laboratory that gains information that any animal or poultry is affected with any infectious, contagious, or transmissible disease, which is specified in the regulations of the director, to fail to immediately report, pursuant to the regulations of the director, the location and description of the animal or poultry which is so affected and, if known, the name and address of the owner or person in charge of such animal or poultry.

Article 2. Serum

9121. Any person that is engaged in stockraising may purchase for injection in his stock any serum used for the cure or prevention of animal diseases.

Article 3. Disposal of Carcasses

9141. Any person that has the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the animal.

9142. An animal which has died from any contagious disease shall not be transported, except to the nearest crematory. The transportation of the animal to the crematory shall be pursuant to such regulations as the director may adopt.

9143. An animal which has died from any contagious disease shall not be used for the food of any human being, domestic animal, or fowl.

Article 4. Violations

9161. It is unlawful for any person to bring, cause to be brought, or aid in bringing into the state any domestic animal which such person knows is infected with any contagious disease.

9162. Except as otherwise provided in Section 9571, it is unlawful for any person to knowingly sell, use, expose, or fail to immediately kill, after notification of its condition from a licensed veterinarian or the department, any horse, mule, or other animal which has the disease that is known as dourine, as shown by a complement-fixation test, or which has the disease

known as glanders, or farcy, as shown by a reaction to the mallein test, physical examination, or other test or examination which is recognized by the department.

9163. Any person that owns or has possession or control of any animal which is affected by any contagious or infectious disease, that fails to keep the animal within an inclosure, or herd the animal in a place where it is secure from contact with other animals of like kind that are not so affected, or that permits the infected animal to be driven on any public highway, is guilty of a misdemeanor, which is punishable by a fine of not more than five hundred dollars ($500) for each offense.

9164. In order to prevent the spread of any livestock disease, it is unlawful for any person, that does not have a written permit issued by the director, to remove, or cause to be removed, any livestock from slaughterhouse pens, yards, corrals, or similar holding places where livestock is held for the purpose of immediate slaughter, except directly into the slaughterhouse that controls such pens, yards, corrals, or similar holding places.

CHAPTER 2. SCABIES AND TICKS

Article 1. Treatment

9301. When moved for the purpose of immediate slaughter, cattle which are infected with, or exposed to, the Boophilus annulatus tick shall be dipped or treated in the manner which is prescribed by the department, unless they are to be loaded directly on railroad cars at the point of origin.

9302. If upon examination of any cattle or sheep, the director finds any cattle which are infected with the Boophilus annulatus tick, or sheep or cattle which are infected with, or exposed to, scabies, he shall forthwith notify, in writing, the owner or person that is in control of the cattle or sheep to dip or otherwise treat them as directed for the purpose of eradicating the tick or scabies. The owner or person that is in control of the cattle or sheep shall comply with the notice within 10 days.

9303. If, at the expiration of 10 days from the date on which notice was given, the owner or person in control of the cattle or sheep has failed to dip the cattle or sheep in accordance with the directions of the director, the director shall immediately take possession of the cattle or sheep and dip the sheep as many times as may be necessary, or dip or otherwise treat the cattle.

9304. If upon examination at the end of the 10 days the director finds that the cattle have been dipped or otherwise treated for the extermination of ticks but are still infected, he shall instruct the owner or person in possession of the cattle

to continue the dipping or treatment as the circumstances may demand, and within such time as the department deems advisable.

9305. If upon examination at any time the department finds that the cattle are again infected with the ticks or that the owner or person in control of the cattle has not continued to properly dip or otherwise treat the cattle as instructed, the director shall take possession of the cattle and dip or otherwise treat them.

9306. If the director has reason to believe that the disease known as scabies exists in a flock of sheep or in a herd of cattle, he shall notify the owner or person that is in control of the sheep or cattle to gather all the sheep or cattle in a corral in order that the sheep or cattle may be examined to ascertain if any are so infected.

9307. If the owner or person that is in control of the sheep or cattle does not gather all of the sheep or cattle in a corral for the examination, the director shall gather the sheep or cattle in a corral for the examination. He may hire such necessary help as may be required to gather the sheep or cattle.

Article 2. Civil Liability

9331. All expenses and costs of dipping or treating cattle or sheep and all expenses and costs of gathering sheep or cattle which are incurred by the department pursuant to this chapter are a lien on the cattle or sheep until the lien is paid or foreclosed by law.

9332. If the lien is not paid within 15 days after the expenses and costs were incurred, the department shall, in the name of the people of the State of California, commence an action to foreclose the lien. The action shall be commenced, tried, and determined in all respects as provided by law for the foreclosure of mortgages on personal property.

9333. In any civil proceeding which arises under this chapter, all persons that have an interest in, or control or possession of, the cattle or sheep concerning which the proceeding is had, are liable severally and jointly.

Article 3. Violations

9351. It is unlawful for any person to willfully sell, except for immediate slaughter, or expose in such a manner as may infect other livestock not so infected, any cattle which have or are infected with the Boophilus annulatus tick.

9352. It is unlawful for any person to knowingly sell any sheep or cattle which are infected with scabies, or to expose them in such a manner as may infect other sheep or cattle which are not infected with scabies.

CHAPTER 3. ANIMAL QUARANTINE

Article 1. Definitions

9501. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

9502. "Animal," "livestock," or "domestic animal," includes poultry.

9503. "Poultry" includes all domesticated fowl and any wild fowl or bird which is reduced to captivity.

Article 2. Inspections

9531. If the director receives information of the existence of any contagious, infectious, or transmissible disease which affects domestic animals within this state, he shall thoroughly investigate it In making such an investigation, he may enter any premises and inspect any animal.

9532. This chapter does not deprive the regular inspectors who are employed by any chartered or incorporated city, or city and county, after they have passed a civil service meat, market, and poultry inspection examination, of the powers which are granted them by such city, or city and county, to inspect animals.

Article 3. Establishment of Quarantine

9561. The director may establish such quarantine, sanitary, and police regulations as may be necessary to circumscribe and exterminate any contagious, infectious, or transmissible disease which affects domesticated animals within the state.

9562. If the director discovers any case of contagious or infectious disease which affects any domestic animals in the state, he shall quarantine the diseased animals and, when necessary, other animals which have been in contact with them, upon the land or premises where the animals are located.

9563. It is unlawful for any person to move or allow to be moved any of the animals which are subject to the quarantine established pursuant to Section 9562 across the quarantine line which is established unless such person has first obtained a permit from the director. The director may issue a permit after inspection, if the animals, premises, vehicles of transportation, and equipment which are subject to the quarantine established pursuant to Section 9562 are properly cleaned and disinfected.

9564. If it is necessary to restrict the movements of domestic animals because the animals may transmit an infectious or contagious disease to animals which are not affected with the disease, the director shall fix and proclaim the boundaries of a quarantine district. While the quarantine is in force, it is unlawful for any person to move or allow to be moved any

such animals from or within the boundaries of the quarantine district, unless such person has a permit which is issued by the director after the animals have been inspected and, if necessary, disinfected.

9565. If the director determines that any animals are infected with an infectious or contagious disease, are infested with a vector of such disease, or have been exposed or may have been exposed to such infection or infestation, and that such animals may, therefore, transmit, carry, or disseminate the disease, he may hold the animals on the premises where they are. The director shall give notice to the owner or his agents that he is holding the animals.

9566. It is unlawful for any person to move any animals which are held pursuant to Section 9565 except under written permission of the director and in accordance with the conditions which are stated in the written permission.

9567. The director may release any animals which are held pursuant to Section 9565 in any of the following cases:

(a) The animals, in his opinion, have been tested, cleaned, disinfected, dipped, or otherwise treated in a manner which is satisfactory to him.

(b) He finds, upon inspection, that the animals no longer are liable, or have the capability, to transmit, carry, or disseminate the infectious or contagious disease or a vector of the disease.

9568. If foot and mouth disease, rinderpest, surra, or contagious pleuropneumonia, or any other infectious disease of animals which is considered by the director to be detrimental to the welfare of the animal industry is discovered in the state, the director shall:

(a) Fix and proclaim the boundaries of a quarantine district in which the disease exists or has existed.

(b) Establish, proclaim, and maintain a quarantine of the district and of all animals within it.

(c) Forbid, prevent, or restrict the movement of all animals from or into the district, or from place to place within it, during the existence of the quarantine.

9569. After the quarantine pursuant to Section 9568 is established, the director may:

(a) Regulate, restrict, or restrain the movements of persons, vehicles, farm equipment, farm and dairy products, and other materials from or into the quarantine district, or from place to place within it, during the existence of the quarantine.

(b) Impose, as a condition to travel through or within the quarantine district, that no person or vehicle which is permitted to travel on any road or highway shall depart from the road or highway while within the quarantine district.

(c) Order all animals within the quarantined district to be detained for purposes of examination or inspection at any place which is specified by him in the order.

(d) Cause to be destroyed all animals which may be found within the district that are affected with the disease or which have been so exposed as to be dangerous to themselves or other animals.

(e) Require a proper disposal to be made of the hide and carcass of any animal which is destroyed.

(f) Adopt and enforce all necessary regulations for cleaning and disinfecting any premises or property where the disease exists or has existed by treatment, disposal, or otherwise, and such other regulations as he may deem necessary to eradicate the disease and to prevent its dissemination.

9570. If the director determines that an infectious or contagious disease exists among domestic animals, or that animals have been exposed, or may have been exposed, to the disease, or to the vectors of the disease, in any other state or territory in the United States, or in any foreign country, and the importation of animals, animal products, or refuse animal or vegetable matter from the state, territory, or foreign country may transmit, carry, or disseminate the disease to domestic animals within this state, the director shall notify the Governor who, if he deem it expedient, shall issue his proclamation which shall prescribe the conditions, if any, under which such animals, animal products, or refuse animal or vegetable matter, may be imported into this state from any other state, territory, or foreign country.

9571. Horses, mules, or other animals which are affected with dourine may be held in quarantine under regulations adopted by the director.

9572. Notwithstanding Article 5 (commencing with Section 9641) of this chapter, the Governor may proclaim quarantine regulations which are applicable to any state, territory, or foreign country relative to any animals or disease in such state, territory, or foreign country, or which prescribe the regulations under which animals may be imported into this state from it.

9573. A quarantine shall not be established by one county or city against another county or city on account of the existence of any disease of domestic animals without the written consent of the director.

Article 4. Compensable Destruction of Diseased Animals

9591. If any animal or property is destroyed pursuant to Section 9569, the owner of the animal or property shall be paid an amount of money which shall be determined as provided in Section 9593.

9592. The contribution by the state toward the payment for the animal or property shall be conditioned on the Government of the United States sharing equally in the payment.

9593. The value of the animal or property prior to its destruction shall be determined by two appraisers, one ap-

pointed by the director and one appointed by the Administrator of the Agricultural Research Service of the United States Department of Agriculture.

9594. The department may pay from any money which is available for the support of the department all sums that are due or to become due from the state to owners of livestock or property which is taken, destroyed, or otherwise disposed of pursuant to any provision of this code that relates to the control, prevention, or eradication of disease in livestock.

Article 5. Noncompensable Destruction of Diseased Animals

9621. Except as otherwise provided in Section 9571, every horse, mule, or other animal which is affected with dourine, as shown by a complement-fixation test, is a public nuisance, and shall be immediately destroyed under the direction and supervision of the department. No indemnity shall be paid for such animal.

Article 6. Importation

9641. Except as otherwise provided in this article, it is unlawful for any person to bring into this state any dairy cattle, breeding bull, goat, or sheep.

9642. Dairy cattle and breeding bulls which are brought into this state shall be accompanied by one of the following:

(a) A certificate of health and tuberculin test record, which is signed by a qualified veterinarian, that shows that each of the animals is free from tuberculosis and other communicable diseases.

(b) A signed statement issued by the official in charge of livestock sanitary work in the state from which such animals are transported which states that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease.

A copy of the certificate or statement shall be mailed to the department on the day of shipment.

9643. Any person that desires to ship any buck sheep into this state shall notify the department by registered mail before the importation is made. The notice shall give the names and addresses of consignor and consignee, the number of animals shipped, and the origin and destination of the shipment. If the buck sheep are not shipped in crates or in railroad cars which have been cleaned and disinfected prior to loading, or if they have been unloaded in corrals while en route to the destination, they may be dipped one or more times by the department.

9644. Dairy goats which are brought into this state shall be accompanied by one of the following:

(a) A certificate of health and agglutination test record, signed by a qualified veterinarian which shows that each of the

animals is free from brucellosis and other communicable diseases.

(b) A certificate of a qualified veterinarian or a signed statement issued by the official in charge of livestock sanitary work in the state from which the animals are transported, which states that brucellosis is not prevalent in the area from which the animals are transported and that each animal is free from communicable diseases and has not recently been exposed to any communicable diseases.

A copy of the certificate or statement shall be mailed to the department on the day of shipment.

9645. Any person that desires to import any sheep, other than buck sheep, or goats, other than dairy goats, into this state except sheep or goats for immediate slaughter, shall notify the department by registered mail before the importation is made.

9646. A notice pursuant to Section 9645 shall include all of the following:

(a) The name and address of the consignor, consignee, and the owner of the sheep or goats.

(b) Place of entrance into the state.

(c) Such description of the destination as will enable the department to readily locate the sheep or goats upon their arrival.

9647. Any animal which is brought into this state for exhibition or theatrical purposes, is exempt from the inspection and certification provided for in this article. If any dairy or breeding bull which has been brought into this state for exhibition purposes is sold to remain in the state, such animal shall be subjected to the tuberculin test and certified to as free from tuberculosis by the director before it is delivered to the purchaser.

Article 7. Interagency Cooperation

9671. The director shall meet periodically with the livestock sanitary officials or committees of other states, the duly authorized agricultural representatives of other states and of the United States, or any of them, for the purpose of coordinating livestock sanitary activities within this state and among the several states which have common or similar problems in the field of livestock disease and the prevention, quarantine, eradication, or control of livestock disease.

9672. A county may appropriate and expend money from the general fund of the county to carry on investigation, inspection, control, and eradication of disease in domestic animals. For such purposes it may enter into agreements with the department or with any other county and the department.

9673. An agreement which is entered into pursuant to Section 9672 may do all of the following:

(a) Provide that payments from the county treasuries may be made to the department and disbursed only for investigation, inspection, control and eradication of disease in domestic animals within any county which is a party to the agreement.

(b) Provide that the department shall have full control and supervision in carrying on the work which is provided for.

(c) Be continued for a definite term or until rescinded or terminated.

(d) Provide for the method by which it may be rescinded or terminated by any of the parties to the agreement.

9674. An agreement which is entered into pursuant to Section 9672 shall provide for the disposition, division, or distribution of any property which is acquired as the result of the joint exercise of powers, and the return of any surplus moneys, in proportion to the contributions which were made, after the agreement has been completed.

Article 8. Violations

9691. It is unlawful for any person to remove or cause to be removed any animal from any district, area, or premises which is quarantined pursuant to this chapter, except upon the conditions which are prescribed in this chapter.

9692. It is unlawful for any person to bring or cause to be brought any animal into a quarantined district, area, or premises, without authority from the director.

9693. It is unlawful for any person to move or cause to be moved any animal from place to place within any quarantined district, area, or premises, except by the direction and permission of the director.

9694. It is unlawful for any person to resist the destruction of any animal which is suffering from or exposed to any of the diseases that are specified in Section 9568.

9695. It is unlawful for any person to hide, secrete, or fail to disclose any animal which is suffering from, or which has been exposed to, any of the diseases that are specified in Section 9568, or to fail to disclose the whereabouts of any such animal in order to prevent the destruction of the animal.

9696. It is unlawful for any person to fail or refuse to dispose of the hide or carcass of any animal which is destroyed pursuant to Section 9569, when directed or required to do so by the director.

9697. It is unlawful for any person to fail or refuse to clean or disinfect any premises on which any disease that is specified in Section 9568 exists or has existed, when directed to do so by the director.

9698. It is unlawful for any person to violate any quarantine order which regulates, restricts, or restrains the movement of persons, vehicles, farm equipment, farm and dairy

products into, from, or from place to place within a quarantined district, area, or premises.

9699. It is unlawful for any person to violate the conditions of any permit which authorizes the permittee to travel upon any road or highway within a quarantined district, area, or premises.

9700. It is unlawful for any person to violate any other provision of this chapter or any regulation or order which is made pursuant to it.

9701. Any violation of any provision of this chapter is punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months, or both.

PART 2. DISEASED BOVINES

CHAPTER 1. EXCEPTIONS

9801. This part does not apply to animals which are used in research projects of the University of California.

CHAPTER 2. BOVINE TUBERCULOSIS

Article 1. Definitions

9901. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

9902. "Accredited herd" means a herd of cattle for which the owner holds a valid certificate of accreditation issued to him by the United States Department of Agriculture and the department.

9903. "Approved veterinarian" means a veterinarian who has been granted permission by the department to buy, possess, or use tuberculin.

9904. "Bovine animals" means neat cattle.

9905. "Cattle" means neat cattle.

9906. "Grade animal" means an animal which is not identified in the herd book of any breed record association that is recognized by the United States Department of Agriculture.

9907. "Modified accredited area" means an area so declared by the federal and state departments of agriculture.

9908. "Premises" means any place where cattle have been or are kept.

9909. "Purebred animal" means an animal which is identified in the herd book of a breed record association that is recognized by the United States Department of Agriculture.

9910. "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a tuberculin test or that is adjudged tuberculous on physical examination by an approved veterinarian.

9911. "Tuberculin" means the product of the growth of the tubercle bacillus from any source, which is used or intended to be used in diagnosing tuberculosis in cattle.

9912. "Tuberculin test" means the use of tuberculin for the purpose of diagnosing tuberculosis in cattle.

9913. "Tuberculosis control area" means an area which is established and delimited as such by proclamation of the department.

Article 2. General Provisions

9931. To carry out the provisions of this chapter, the inspectors or agents of the department or the United States Department of Agriculture, may at any time or place, enter upon any premises, except dwelling houses. No person shall obstruct, hamper, or interfere with the agents or inspectors while they are enforcing the provisions of this chapter.

9932. The director may make such regulations as are reasonably necessary to carry into effect the provisions of this chapter.

Article 3. Sale and Use of Tuberculin

9941. The department may designate veterinarians, as approved veterinarians, to buy, possess, or use tuberculin, and may suspend or revoke such designation.

9942. Any sale, use, or disposition of tuberculin within the state shall be reported to the department within five days after such sale, use, or disposition.

9943. It is a misdemeanor punishable by imprisonment in the county jail for not less than 90 days, without alternative of a fine in any case, for any person who is not an approved veterinarian to buy, possess, or use tuberculin.

9944. It is unlawful for any person to sell or otherwise dispose of any tuberculin in the state that has not been produced under license of the Agricultural Research Service of the United States Department of Agriculture.

Article 4. Tuberculin Tests

9971. Any approved veterinarian may ear tag or otherwise identify any bovine animal to establish the identity of the animal, while applying a tuberculin test to it.

9972. The result of every tuberculin test shall be reported to the department by the veterinarian who conducted the test within five days after the completion of the test.

9973. Every reactor shall, immediately upon the determination of such reaction, be permanently branded on the left jaw by its owner or his agent, under the supervision of the approved veterinarian who conducts the tuberculin test. The brand shall be the letter "T", not less than three inches in length from top to bottom, and two inches wide at the top.

9974. If the director has reason to suspect an irregularity in the application of a tuberculin test or the branding of

reactors, he may enter any premises for the purpose of examining any bovine animals in or on the premises to determine if there has been any abuse or misuse of tuberculin, or any faulty, unskillful, or irregular technic or procedure in the application of the tuberculin test, branding of reactors, or identification of animals under the tuberculin test.

9975. It is unlawful for any person to do any of the following:

(a) Obstruct, attack, or interfere with, or permit to be obstructed, attacked, or interfered with, the department or an approved veterinarian who is conducting a tuberculin test.

(b) Neglect or fail to properly secure and restrain any bovine animal to be tuberculin tested, or under tuberculin test, for examination, injection, observation, or other procedures which pertain to a tuberculin test.

9976. It is a misdemeanor which is punishable by imprisonment in the county jail for not less than 90 days, without the alternative of a fine in any case, for any person to defeat or interfere with or to attempt to defeat or interfere with a tuberculin test by the use of chemicals, biological products, or by any other similar means.

9977. It is a misdemeanor which is punishable by imprisonment in the county jail for not less than 90 days, without the alternative of a fine in any case, for any person to obstruct, defeat, or interfere with or to attempt to obstruct, defeat, or interfere with a tuberculin test by transporting from a premises or by hiding away or sequestering any bovine animal from or by bringing substitute bovine animals onto, such premises after receipt of a notification by the owner or person in charge of such animals on the premises from the department or from an approved veterinarian who is conducting tuberculin tests, stating that the animals or herd on such premises will be tuberculin tested on or before a certain date or will be under tuberculin test for a stated period and that the animals or herd shall be held on the stated premises for a specified period.

9978. Permission in writing may be obtained from the department or the approved veterinarian who is conducting the tuberculin tests to allow any necessary movement of the animals required to be held pursuant to Section 9977. Upon the completion of the tuberculin test which is referred to in the notification, the department or the approved veterinarian shall issue a written release from the holding requirements of the notice.

9979. It is unlawful for any person to apply a tuberculin test to any bovine animal which has at any time been found by an approved veterinarian to be a reactor.

9980. It is unlawful for any person to knowingly inject into any bovine animal any substance, that is purported to be tuberculin, which is not tuberculin.

9981. It is unlawful for any person to have any bovine animal at any livestock fair or show, unless the animal is

free from tuberculosis, as evidenced by a tuberculin test record which is approved by the department.

9982. It is unlawful for any person to knowingly sell, after notification of its condition from the department, any bovine animal which has tuberculosis as shown by a positive reaction to the tuberculin test, physical examination, or other test, or other examination, which is recognized by the department, unless such person has first obtained a permit in writing from the department.

Article 5. Tuberculosis Control Areas

10001. The department may establish and maintain tuberculosis control areas within this state.

10002. A tuberculosis control area shall consist of one or more entire counties.

10003. When the department establishes a tuberculosis control area, it shall issue a proclamation which shall be published for three successive weeks in a newspaper of general circulation that is published in such area.

10004. The department shall examine and tuberculin test all dairy cattle in the tuberculosis control areas, and, with the consent of the owner, such beef cattle as the director may specify, as often as may be deemed necessary, in order to determine which animals are affected with tuberculosis.

10005. The testing of beef cattle shall be compulsory whenever the percentage of reactors among dairy cattle has been reduced to 1 percent or below.

10006. All owners of cattle within a tuberculosis control area which are subject to examination and tuberculin testing shall, upon request of the department, provide necessary facilities for making tuberculin tests, and render such assistance as may be required.

10007. Cattle of the following classes may enter a tuberculosis control area in accordance with the regulations of the department:

(a) Cattle regularly tested and nonreacting in a tuberculosis control area, or from state or federal accredited herds or modified accredited herds or from modified accredited areas.

(b) Cattle of beef breeds.

(c) Cattle which are to be sold and reshipped out of the area.

(d) Cattle that have been tested and found to be reactors and branded which are shipped for immediate slaughter.

10008. Except as otherwise provided in Section 10007, cattle may not enter a tuberculosis control area unless:

(a) Accompanied by a tuberculin test certificate which is acceptable to the department and issued by a duly authorized veterinarian. The certificate shall show the cattle to have negatively passed a tuberculin test within 60 days prior to ship-

ment or movement, if the cattle are from outside the state, or within 30 days, if the cattle are from within the state.

(b) The entire herd from which the animals originated are tuberculin tested and the number of animals reacting does not exceed 10 percent.

10009. All cattle which enter any tuberculosis control area, pursuant to Section 10008, shall be held under supervision and tuberculin retested within 90 days after arrival by an agent of the department or the United States Department of Agriculture. A copy of each tuberculin test certificate which accompanies cattle that enter any tuberculosis control area shall be forwarded to the department on or before the date of shipment or movement. Forms for the certificates, for cattle which originate within the state, shall be obtained from the department.

Article 6. Provisional Tuberculosis Control Areas

10031. The director may withdraw one or more counties within a tuberculosis control area from the area if the funds that are available for indemnity and administration are not sufficient to continue the work under the provisions of this chapter.

10032. If any county is withdrawn from a tuberculosis control area, it shall become a provisional tuberculosis control area in which no indemnity will be paid for reactors to the tuberculin test.

10033. In a provisional tuberculosis control area, the director shall tuberculin test all cattle which the owner of the cattle requests in writing be tuberculin tested.

10034. Any reactor which is found in a provisional tuberculosis control area shall be removed from the area within 30 days after its detection.

Article 7. Slaughter of Reacting Bovine Animals

10061. Any bovine animal, in a tuberculosis control area, reacting positively to a tuberculin test conducted by a representative of the Federal or State Department of Agriculture, or adjudged tuberculous upon physical examination by the representative, shall immediately be segregated from other bovine animals which are not reactors.

10062. The value of the reacting bovine animal shall be determined by appraisement by a representative of the department or a representative of the Agricultural Research Service of the United States Department of Agriculture, and by the owner or his agent. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final.

10063. Within 30 days after the appraisal of the animal, it shall be slaughtered under the supervision of the director.

10064. No animal shall be tested or slaughtered pursuant to this article unless funds are available from both of the following appropriations:

(a) An appropriation of the United States to assist in the eradication of tuberculosis in cattle in this state.

(b) An appropriation of this state for payment of the indemnity by the state pursuant to this chapter.

10065. The slaughtering of any animal, pursuant to this article, shall be under the supervision of an inspector of the department, or of the Agricultural Research Service of the United States Department of Agriculture. In any chartered or incorporated city or city and county that maintains a regular meat inspection service by persons who have passed the civil service meat or market inspectors' examination, the slaughtering of animals pursuant to this chapter may be under the supervision of the local officers.

10066. The carcasses of the slaughtered animals shall be disposed of pursuant to the regulations of the department or the rules and regulations of the Agricultural Research Service of the United States Department of Agriculture which govern meat inspection.

10067. When an animal is slaughtered pursuant to this article, the owner shall receive all of the following:

(a) The proceeds of the sale of the salvage of the animal.

(b) From the state, one-third of the difference between the appraised value and the proceeds of the sale of the salvage, but in no instance to exceed fifty dollars ($50) for any grade animal or seventy-five dollars ($75) for any purebred animal.

(c) From the United States, any sum which is authorized to be paid to him from any appropriation that is made by the United States to assist in the eradication of tuberculosis in cattle in this state.

10068. Indemnity provided by this article shall not be paid to any person in any of the following cases:

(a) For any steer or grade bull which is determined to be a reactor.

(b) For any bovine animal which is brought into a tuberculosis control area that reacts to a tuberculin test which is applied within 90 days after arrival of the animal in the area, as provided for in this chapter.

(c) For any bovine animal which is brought into a tuberculosis control area in violation of any law, any regulation of the department, or any rule or regulation of the United States Department of Agriculture.

(d) For any reacting bovine animal, until the premises, where the animal had been kept, have been cleaned and disinfected by the owner in a manner which is approved by an agent of the department or of the United States Department of Agriculture.

(e) For any reacting bovine animal which is not slaughtered within 30 days after the animal is appraised.

(f) For any animal which is owned by the United States, this state, or any county or city in the state.

(g) If such person has violated any provision of this chapter which relates to a tuberculosis control area or any regulation which is made by the department that relates to such an area.

10069. A subsequent payment of indemnity shall not be made to any person in any of the following cases:

(a) Unless the provisions of this chapter have been fully complied with for each and every bovine animal added to his herd.

(b) Unless and until the premises are maintained in a sanitary condition which is satisfactory to the department or the United States Department of Agriculture.

10070. The pedigree of any purebred bovine animal shall be proved by a certificate of registry from the herd books where the animal is registered. The registration papers of any purebred bovine animal which is slaughtered because of tuberculosis and for which indemnity is paid shall be marked "canceled" by the department

10071. Each claim against the state for payment for the slaughter of any reacting bovine shall be presented to the State Controller and paid out of appropriations or funds available for that purpose in accordance with law. Every claim shall be paid within 60 days after the date of presentation if the claimant is entitled to payment.

Article 8. Slaughter of Exposed Nonreacting Animals

10081. Notwithstanding any other provision of this chapter, the director may proceed with the branding of nonreacting animals in a herd in the same manner as is provided in Section 9973 and require the slaughter of such animals and the disinfection of the premises where the animals have been kept if all of the following requirements are satisfied:

(a) He determines that bovine tuberculosis cannot be eradicated or effectively controlled in the particular herd by the usual recognized methods.

(b) He determines that slaughter of the remaining exposed nonreacting animals in the herd is the best and most practical method of attaining eradication or control of the bovine tuberculous.

(c) He has entered into a voluntary agreement with the owner of the nonreacting animals to carry out the purposes and conditions of this chapter.

(d) Funds are available to indemnify the owner of the nonreacting animals.

10082. The indemnity which is paid to the owner of any nonreacting animal which is slaughtered pursuant to this

article shall be the difference between the appraised value of the animal as determined by appraisement by a representative of the department, or a representative of the United States Department of Agriculture, and by the owner or his agent, and the proceeds of the sale of the salvage. The indemnity shall not, however, exceed two hundred dollars ($200) for any grade animal, or three hundred dollars ($300) for any purebred animal, less any sum which is authorized to be paid to the owner for indemnity purposes from any appropriation made by the United States to assist in the eradication of tuberculosis in cattle in this state. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final.

10083. Indemnity provided by this article shall not be paid in any of the following cases:

(a) For any bovine animal which reacts to the tuberculin test or shows lesions of tuberculosis at slaughter. In this case, the indemnity rate which is provided in Section 10067 shall apply.

(b) For any bovine animal, unless all exposed cattle, swine, goats, and poultry on the premises are slaughtered.

(c) For any bovine animal, until the premises where the animal has been kept have been cleaned and disinfected by the owner in a manner which is approved by an agent of the department or of the United States Department of Agriculture.

(d) For any steer or grade bull.

(e) For any animal which is owned by the United States, this state, or any county or city in the state.

(f) If the owner is in violation of any provision of this chapter or any regulation which is made by the department that relates to bovine tuberculosis.

(g) For any animal which is not slaughtered within 30 days after such animal is appraised.

(h) For any bovine animal which originated in another state or country that has not been in this state for at least 90 days.

10084. This article shall remain in effect until October 1, 1967.

Article 9. Tuberculosis-exposed Cattle

10101. As used in this article, "tuberculosis-exposed cattle" means cattle which have been in contact with, or exposed to, any reactor or tuberculosis-infected premises.

10102. In order to prevent the spread of tuberculosis through movement of tuberculosis-exposed cattle, the department, upon determination that any cattle have been so exposed, may in writing notify the owner of exposed cattle that such cattle shall not be moved from the premises where they were found until a release in writing from the department is

given to the owner which permits their movement. The premises, or portion of the premises upon which tuberculosis-exposed cattle are found, shall be identified in the notice. The department shall base its release upon a determination that is made from further tuberculin tests or examinations, or both, and a finding that the danger of the spread of tuberculosis no longer exists.

10103. Notwithstanding the provisions of Section 10102, the department may issue a special permit for the movement of tuberculosis-exposed cattle to any of the following:

(a) An establishment which is operating under state, state approved, or federal meat inspection, or a public stockyards designated by the department to handle reactors and tuberculosis-exposed cattle for slaughter.

(b) Premises where tuberculosis-exposed cattle are kept.

(c) Premises where no spread of tuberculosis to other cattle could occur.

10104. This article does not apply to any salesyard or public stockyard nor to any cattle which are in or moving through any salesyard or public stockyard.

10105. It is unlawful for any person to drive, transport, or otherwise move tuberculosis-exposed cattle from any tuberculosis-infected premises unless such cattle are accompanied by a release in writing or by a special permit which is issued pursuant to this article.

Article 10. Federal-State Cooperation

10131. The department may, in cooperation with the United States Department of Agriculture, declare a county to be a "modified accredited area" when the percentage of tuberculous cattle in the county is reduced to meet the requirements of "modified accredited areas," as adopted by the United States Department of Agriculture.

10132. The department may, in cooperation with the United States Department of Agriculture, undertake tuberculosis control in bovine animals under the accredited herd plan, in accordance with the regulations of the department and the United States Department of Agriculture.

Article 11. Confinement of Cattle Subject to Examination

10151. If the owner or any person that is in charge of cattle, after 10 days' written notice, refuses properly to confine in corrals or stanchions any cattle which are subject to examination, tuberculin testing, branding, or slaughter, the department may employ help and incur such expense as is necessary to properly examine, tuberculin test, brand, or slaughter, the cattle.

10152. Any expense which is incurred by the department pursuant to Section 10151 is a lien upon the cattle. Unless the

amount of the lien is paid within 10 days after written notice of the amount of the lien is given by the department to the owner or person that is in possession of the cattle, the lien shall be enforced pursuant to Section 3052 of the Civil Code.

CHAPTER 3. BOVINE BRUCELLOSIS

Article 1. Definitions

10301. Unless the context otherwise requires, the definitions in this article govern the construction of this division.

10302. "Accredited veterinarian" means a veterinarian who is so designated by the United States Department of Agriculture and the department.

10303. "Bovine animals" means neat cattle.

10304. "Brucellosis" means the disease of cattle which is caused by Brucella microorganisms.

10305. "Brucellosis control area," means any area that has been so established by the department in order to qualify and maintain such area in accordance with certification standards of the bovine brucellosis eradication uniform methods and rules adopted by the United States Department of Agriculture.

10306. "Cattle" means neat cattle.

10307. "Official veterinarian" means a veterinarian who is in the employ of the United States Department of Agriculture or the department.

10308. "Premises" means any place where cattle have been or are kept.

10309. "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a test for brucellosis which is approved by the director.

10310. "Vaccinate" or "vaccination" means the use of vaccine in cattle.

10311. "Vaccine" means any vaccine which is produced by a laboratory which is licensed by the Agricultural Research Service of the United States Department of Agriculture and recognized by the department for use in preventing or treating brucellosis in cattle.

Article 2. General Provisions

10321. The department may enter into any cooperative arrangement with the United States Department of Agriculture to undertake brucellosis control pursuant to this chapter.

10322. To carry out the provisions of this chapter, any duly authorized representative of the department or of the United States Department of Agriculture, may enter upon any premises except dwelling houses. No person shall interfere with the representative while he is enforcing the provisions of this chapter.

10323. The department may use the services of official veterinarians or contract with accredited veterinarians to carry out the provisions of this chapter.

10324. The director may make such regulations as are reasonably necessary to carry this chapter into effect. He may require such reports and records as are necessary.

10325. Every accredited veterinarian who is conducting work pursuant to this chapter shall submit reports to the department on forms that are furnished for that purpose.

10326. In addition to any other authority in this part that is available to the director for the purpose of preventing the spread of any disease of livestock, the director may adopt regulations to prevent the spread within this state of bovine brucellosis through limitations on movement of bovine animals or through such tests or vaccinations or other means as he may find and determine to be necessary. If he finds and determines that similar regulations are necessary interstate, he shall notify the Governor in order that the procedure which is set forth in Section 9570 may be followed.

Article 3. Vaccines

10341. Any vaccine which is used pursuant to this chapter shall be procured by the department from a laboratory which is licensed by the Agricultural Research Service of the United States Department of Agriculture. The vaccine, after purchase directly from the laboratory, shall be distributed by the department.

10342. It is unlawful for any person, except a federal, state, county, or municipal officer or employee, in his official capacity, or an accredited veterinarian, to buy, possess or use a vaccine or antigen which contains brucella microorganisms, except pursuant to the regulations of the director.

Article 4. Vaccinations

10351. All female dairy calves shall be vaccinated by an official veterinarian or an accredited veterinarian, who is authorized by the department, at such ages as are designated by the department. Male dairy calves and beef calves may, at the option of the owner, be vaccinated

10352. Each calf which is vaccinated pursuant to this chapter shall have an official tattoo placed in the left ear by the veterinarian who performs the service that shows the period within which the animal was vaccinated, or such other evidence of vaccination or identification as the department may by regulation specify.

10353. The owner of any calf which is to be vaccinated pursuant to this chapter shall, upon request of the department, provide the necessary facilities and assistance for such vaccination.

10354. If the owner or any person that is in charge of any dairy calf, after 10 days' written notice by the department, refuses properly to confine in a corral or stanchions, any calf which is required to be vaccinated and identified pursuant to this chapter, the department may in such case incur such expense as is necessary to properly vaccinate and identify the calf.

10355. Any expense which is incurred by the department pursuant to Section 10354 is a lien upon the calf which is vaccinated and identified. Unless the amount of the lien is paid within 10 days after written notice of the amount of the lien is given by the department to the owner or person that is in possession of the calf, the lien shall be enforced pursuant to Section 3052 of the Civil Code.

10356. An owner or other person that is in charge of any calf is not obligated by this chapter to pay for any vaccination or marking of the calf pursuant to this chapter.

10357. It is unlawful for any person to refuse to submit a dairy calf which is required to be vaccinated and identified pursuant to this chapter to such vaccination.

10358. It is unlawful for any person to remove any official mark which is required by this chapter, or to imitate or simulate such official mark.

10359. It is unlawful for any person, except a federal, state, county, or municipal officer or employee, in his official capacity, or an accredited veterinarian, to buy, possess, or use any device which is designed to produce a mark, stamp, or tattoo that simulates in design the official tattoo, tag, or mark that is adopted by the department and the United States Department of Agriculture for identifying cattle which are officially vaccinated against brucellosis.

Article 5. Brucellosis Control Areas

10381. The department may, after hearing, establish and maintain brucellosis control areas within this state.

10382. The department shall examine and test such cattle for brucellosis in any brucellosis control area as the director may specify, as often as may be deemed necessary to qualify and maintain such area within the standards of certification which are adopted by the United States Department of Agriculture.

10383. All owners of cattle which are subject to examination and testing for brucellosis within a brucellosis control area shall, upon request of the department, provide the necessary facilities for collecting such samples of blood or milk as may be deemed necessary to conduct tests for brucellosis, and shall render such assistance as may be required.

10384. If any owner or person that is in charge of cattle, after 10 days' written notice by the department, refuses properly to confine in corrals, stanchions, or chutes, any cattle

within a brucellosis control area which are required to be tested and identified pursuant to this chapter, the owner is guilty of a misdemeanor and the department may in such case incur such expense as is necessary to properly confine and identify the cattle.

10385. Any expense which is incurred by the department pursuant to Section 10384 is a lien upon the cattle which are tested and identified. Unless the amount of the lien is paid within 10 days after written notice of the amount of the lien has been given by the department to the owner or person that is in possession of the cattle, the lien shall be enforced pursuant to Section 3052 of the Civil Code.

10386. The director shall, by regulation, designate the conditions under which cattle may be moved into a brucellosis control area.

10387. It is unlawful for any person to refuse to submit any cattle which are required to be tested pursuant to this chapter, for the collection of milk or blood samples, or to refuse to submit any milk samples which are necessary for the testing of cattle for brucellosis pursuant to this chapter.

Article 6. Slaughter of Reacting Bovine Animals

10401. Any bovine animal in a brucellosis control area which reacts positively to a test for brucellosis shall immediately be branded and identified pursuant to the regulations of the director. The animal shall be slaughtered within 30 days in accordance with the regulations of the director.

10402. The value of an animal which is slaughtered shall be determined by appraisement by a representative of the department or a representative of the Agricultural Research Service of the United States Department of Agriculture, and by the owner or his agent. If such persons do not agree on the valuation of the animal, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value which is determined is final.

10403. Within 30 days after the appraisal of the animal, it shall be slaughtered under the supervision of the director.

10404. Where it is necessary to prevent the spread within this state of bovine brucellosis, the director may provide for the slaughter of animals.

10405. Except as otherwise provided in this article, if an animal in a brucellosis control area is slaughtered pursuant to this article, or under regulations of the director which are made pursuant to this article, the owner shall receive all of the following:

(a) The proceeds of the sale of the salvage of the animal.

(b) From the state, one-third of the difference between the appraised value and the proceeds of the sale of the salvage, but in no instance to exceed seventy-five dollars ($75) for any

grade animal or one hundred dollars ($100) for any purebred animal.

(c) From the United States, any sum which is authorized to be paid to him from any appropriation made by the United States to assist in the eradication of brucellosis.

10406. Indemnity shall not be paid to any person in any of the following cases:

(a) For any steer or grade bull which is determined to be a reactor.

(b) For any bovine animal which is brought into a brucellosis control area, that reacts to a brucellosis test which is applied within 90 days after the arrival of the animal in the area as provided for in this chapter.

(c) For any bovine animal which is brought into a brucellosis control area, in violation of any law, any regulation of the department, or any rule or regulation of the United States Department of Agriculture.

(d) For any reacting bovine animal, until the premises, where the animal had been kept, have been cleaned and disinfected by the owner in a manner which is approved by an agent of the department or of the United States Department of Agriculture.

(e) For any reacting bovine animal which is not slaughtered within 30 days after such animal was appraised.

(f) For any animal which is owned by the United States, this state, or any county or city in the state.

(g) For any bovine animal which was vaccinated for brucellosis after reaching 12 months of age, subsequent to January 1, 1957.

(h) If such person has violated any provision of this chapter which relates to a brucellosis control area, or any regulation which is made by the department that relates to such an area.

10407. A subsequent payment of indemnity shall not be made to any person in any of the following cases:

(a) Unless the provisions of this chapter have been fully complied with for each and every bovine animal that is added to his herd.

(b) Unless and until the premises are maintained in a sanitary condition, which is satisfactory to the department or the United States Department of Agriculture.

Article 7. Slaughter of Exposed Nonreacting Animals

10421. Notwithstanding any other provision of this chapter, the director may proceed with the branding of nonreacting animals in a herd in the same manner as is provided in Section 10401 and require the slaughter of such animals and the disinfection of the premises where the animals have been kept if all of the following requirements are satisfied:

(a) He determines that bovine brucellosis cannot be eradicated or effectively controlled in the particular herd by the usual recognized methods.

(b) He determines that slaughter of the remaining exposed nonreacting animals in the herd is the best and most practical method of attaining eradication or control.

(c) He has entered into a voluntary agreement with the owner of the nonreacting animals to carry out the purposes and conditions of this chapter.

(d) Funds are available to indemnify the owner of the nonreacting animals.

10422. The indemnity which is paid to the owner of any nonreacting animal which is slaughtered pursuant to this article shall be the difference between the appraised value of the animal as determined by appraisement by a representative of the department, or a representative of the United States Department of Agriculture, and by the owner or his agent, and the proceeds of the sale of the salvage. The indemnity shall not, however, exceed two hundred dollars ($200) for any grade animal, or three hundred dollars ($300) for any purebred animal less any sum which is authorized to be paid to the owner for indemnity purposes from any appropriation made by the United States to assist in the eradication of brucellosis in cattle in this state. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final.

10423. Indemnity provided by this article shall not be paid in any of the following cases:

(a) For any bovine animal which reacts to the brucellosis test or shows active brucellosis prior to or at slaughter. In this case, the indemnity rate which is provided in Section 10405 shall apply.

(b) For any bovine animal, unless all exposed cattle, swine, goats, sheep, and horses on the premises are slaughtered.

(c) For any bovine animal, until the premises where the animal has been kept have been cleaned and disinfected by the owner in a manner which is approved by an agent of the department or of the United States Department of Agriculture.

(d) For any steer or grade bull.

(e) For any animal which is owned by the United States, this state, or any county or city in the state.

(f) If the owner is in violation of any provision of this chapter or any regulation which is made by the department that relates to bovine brucellosis.

(g) For any animal which is not slaughtered within 30 days after such animal is appraised.

(h) For any bovine animal which originated in another state or country that has not been in this state for at least 90 days.

This article shall remain in effect until October 1, 1969.

Article 8. Violations

10491. Any violation of any provision of this chapter is a misdemeanor.

10492. It is unlawful for any person to violate any regulation which is made pursuant to this chapter.

PART 3. DISEASED SWINE

CHAPTER 1. IMPORTATION AND SALE

Article 1. Definitions

10701. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

10702. "Health certificate" means a health certificate from either a veterinary inspector of the United States Department of Agriculture, the state veterinarian or livestock sanitation official of the state of origin, or of a licensed veterinarian approved by the state veterinarian or livestock sanitation official.

10703. "Sales yard" includes any livestock yard, pen, corral, building, premises, or conveyance in which swine are assembled for sale, resale, exchange, or transfer by any owner or his agent. It does not, however, include any ranch premises where swine are assembled for sale, resale, exchange, or transfer by any owner or his agent in ordinary ranch-to-ranch transactions, or where swine are fed and fitted for slaughtering purposes only.

Article 2. Importation

10721. It is unlawful for any person to import any swine into this state, except for immediate slaughter or for exhibition or theatrical purposes, unless such person procures a health certificate prior to the shipment or movement of the swine.

10722. The health certificate shall certify that the swine to which it refers satisfy all of the following requirements:

(a) Have not been exposed to any communicable disease.

(b) Are free from evidence of any communicable disease.

(c) Have been immunized against hog cholera by a method of immunization which is designated by regulations of the director as an effective method of immunization and by the United States Department of Agriculture.

10723. The health certificate shall also show all of the following:

(a) The date of immunization.

(b) The predominating breed of the swine.

(c) Approximate weight of the swine.

(d) Color of the swine.

(e) Markings of the swine.

10724. The original of the health certificate shall be attached to the way bill or shall be in the possession of the truck driver. A duplicate copy shall be sent to the Chief of the Division of Animal Industry of the department, at Sacramento, in time to reach him prior to the arrival of the swine within the state. A duplicate copy shall also be sent to the state veterinarian or livestock sanitary official of the state of origin.

10725. Swine which are imported into this state for purposes other than for immediate slaughter, or for exhibition or theatrical purposes, shall be transported in crates, cars, trucks, or other vehicles which have been cleaned and disinfected in conformity with the standards which are prescribed by the Agricultural Research Service of the United States Department of Agriculture.

10726. Swine which are imported into this state for immediate slaughter shall have as their destination a public stockyard, sales yard, or recognized slaughtering establishment. They shall not be diverted for any other purposes.

Article 3. Sales Yards

10751. Any person that operates a sales yard shall keep records of all swine which pass through the sales yard, including the name and address of every person who offers swine for sale and the name and address of every purchaser of swine from the yard.

10752. The sales yard records shall show definite information relative to description of animals, such as breed, weight, color, and marks. The records shall be kept on file for one year, during which time they shall be at the disposal of the director for inspection.

10753. It is unlawful for any person to knowingly bring into, or cause to be brought into, any sales yard any swine that have been, within 21 days, treated with hog cholera virus, or which are affected with, or have been exposed to hog cholera, anthrax, swine erysipelas, vesicular exanthema, foot-and-mouth disease, or any other infectious disease.

Article 4. Swine Disease Control

10781. The director may adopt regulations to control or eradicate hog cholera, swine brucellosis, and other swine diseases in any of the following ways:

(a) Through limitations on the movement of swine.

(b) Through the use of hog cholera vaccine, or other biologics.

(c) Through tests or vaccinations.

(d) Such other similar means as he finds and determines are necessary.

10782. If the director finds and determines that similar regulations are necessary to control such diseases while hogs or

swine are in interstate movement, he shall notify the Governor so that the Governor may act pursuant to Section 9570.

10783. Any person that willfully and knowingly violates any regulation which is made pursuant to this article is guilty of a misdemeanor.

CHAPTER 2. GARBAGE CONTROL

Article 1. Definitions

10901. As used in this chapter, "garbage" means any waste which consists in whole or in part of any animal waste that results from the handling, preparing, cooking, and consuming of food, including the offal from any animal carcass or from any part of an animal carcass It does not, however, include such waste from ordinary household operations which is fed directly to swine on the premises.

Article 2. General Provisions

10921. The director may make and enforce such regulations as are reasonable and necessary to carry out the provisions of this chapter.

10922. The director may enter any premises where garbage is fed to swine and may examine and test any equipment or facilities for processing and handling garbage. He may in writing order any person that is subject to this chapter to cease the operation of any equipment or facility which he finds is unsuitable or improperly operated or maintained.

10923. Every person that is subject to this chapter shall keep and maintain such records or memoranda and furnish such reports as the director by regulations may require. The records and memoranda shall be open to inspection by the director during usual business hours.

Article 3. Processing

10951. In order to prevent the spread of vesicular exanthema and other contagious and infectious diseases of swine, it is unlawful for any person to feed swine any garbage unless the garbage has been processed in accordance with the provisions of this article and the regulations which are adopted by the director pursuant to it.

10952. All garbage, regardless of previous processing, before being fed to swine, shall be thoroughly heated throughout to boiling or equivalent temperature (usually 212 degrees Fahrenheit at sea level) for 30 minutes, or otherwise treated in a manner which is prescribed in the regulations of the director.

Article 4. Licensing

10981. It is unlawful for any person to feed garbage to swine unless he has a valid annual license issued by the director for each separate premises where garbage is fed to swine.

10982. An application for a license to feed garbage to swine shall be in the form which is prescribed by the director, and shall state all of the following:

(a) The name and address of the applicant.

(b) The location of the premises for which the license is requested.

(c) Such other information which the director may require.

10983. Each application for a license shall be accompanied by a fee of twenty dollars ($20).

10984. An application for renewal of a license, accompanied by the proper fee, shall be made on or before the last day of the calendar year for which the current license was issued.

10985. To any fee which is not paid when due, there shall be added a penalty of twenty dollars ($20).

10986. Each license issued pursuant to this chapter entitles the licensee to feed garbage to swine on the premises that are described in the license, during the period for which the license is issued, in accordance with the provisions of this chapter and the regulations issued under it and in compliance with any local or municipal ordinances which are applicable to the feeding of garbage to swine.

10987. The director may refuse to issue a license or renewal of license, and may revoke or suspend any license, as the case may require, if he finds after hearing, that any of the following exist:

(a) The premises which are described in the application or license are not operated in a clean and sanitary manner so as to prevent the continuation and spread of vesicular exanthema.

(b) The premises which are described in the application or license are not adequately equipped or maintained in a manner required by this chapter and the regulations adopted pursuant to it.

(c) The applicant or licensee has violated any lawful order of the director which is issued pursuant to this chapter.

10988. The proceedings for all hearings pursuant to this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code. The director shall have all powers which are granted by such chapter.

10989. Any institution or agency of the state, a county, or any municipal or other public corporation which is feeding garbage to swine is not required to procure a license, but shall comply with all other provisions of this chapter and the regulations which are adopted pursuant to this chapter.

10990. This chapter does not prohibit any city or county from licensing persons that feed garbage to swine.

PART 4. ANIMALS DETRIMENTAL TO AGRICULTURE

CHAPTER 1. IMPORTATION AND TRANSPORTATION

11201. Sections 5025, 6304, and 6305 of this code are applicable to the importation into, or the shipment or transportation within, this state of animals which are detrimental to agriculture.

CHAPTER 2. PREDATORS

Article 1. Hunters and Trappers

11221. The director may employ hunters and trappers throughout the state to control or eradicate coyotes and other harmful predatory animals and to shoot or trap bears which are damaging livestock, agricultural crops, or standing timber.

11222. For the purposes of this article, the director may enter into contracts with the Bureau of Sports Fisheries and Wildlife of the United States Department of the Interior to enlist the support of the federal government. He may prescribe the manner, terms, and conditions of such cooperation.

11223. No iron or steel-jawed trap shall be used by any hunter or trapper who is engaged in controlling or eradicating any bears pursuant to this article.

Article 2. Coyote Guns

11241. As used in this article, "coyote gun" means any device which is placed in the ground, loaded with an explosive charge and a poisonous substance, and so designed that when a coyote takes the bait in its mouth a poisonous substance is discharged into its mouth.

11242. For the purpose of killing coyotes outside of the incorporated area of any city or city and county, any livestock raiser may use a coyote gun upon land upon which he is grazing livestock. Any person that is employed pursuant to Section 11221 may use a coyote gun on any land.

11243. The use of a coyote gun pursuant to this article and other applicable provisions of law is lawful.

Article 3. Donations

11261. The director may accept, on behalf of the state, donations of money from any person, board of supervisors, or other agency interested in the control of coyotes and other predatory animals Any such money shall be paid into the

State Treasury and credited to the Department of Agriculture Fund.

11262. Money which is made available by any board of supervisors that is accepted pursuant to this article shall be expended solely within the boundaries of the county which makes the appropriation, unless otherwise authorized by the board of supervisors. All other donations shall be applied to the particular locality in which the donors are interested, unless they specifically consent to the use of their donations in other localities.

CHAPTER 3. NUTRIA

Article 1. General Provisions

11301. The director and the commissioner of each county under the direction and supervision of the director, shall enforce this chapter.

Article 2. Permits

11321. Every person that possesses any nutria (South American beaver, coypu) shall obtain a permit from the department which authorizes him to possess such animal.

11322. The fee for the permit is ten dollars ($10).

11323. Nutria may be possessed only by a person that holds a valid nutria permit.

11324. At the time of any sale, gift, or exchange, the person that sells, gives, or exchanges any nutria shall issue an original receipt from the receipt and record book, which is supplied by the department, to the person that receives the nutria. The receipt shall show the number of nutria and the name and address and the nutria permit number of the person that receives the nutria. Any nutria may be shipped or transported in this state only when accompanied by the original receipt.

11325. All permits for importing or holding nutria shall be prominently displayed on or near their holding pens. The permits expire on June 30 of the year for which they were issued. The permit may be renewed upon application to the department and payment to the department of the annual permit fee of ten dollars ($10) not later than June 30 of each year, for the fiscal year beginning July 1st of such year. Failure to pay the renewal fee when due increases the permit fee for that year to twenty dollars ($20).

11326. Every person that is issued a permit pursuant to this chapter shall make a written report to the department, in the form of a receipt from a receipt and record book which is supplied by the department, within five days after the sale, gift, or exchange of the nutria.

11327. Every person that is issued a permit pursuant to this chapter shall, on or before June 30th of each year, make

an annual written report to the department on forms which are supplied by the department.

11328. Any nutria permit may be revoked by the director for any violation of any provision of this chapter.

11329. The proceedings to revoke a nutria permit shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

Article 3. Pens

11351. Every person that possesses any nutria shall provide for the care of such animal in a pen that shall preclude the escape of the nutria.

11352. The walls and floors of any nutria holding pen shall be constructed of materials that will preclude the escape of the nutria by climbing, gnawing, or burrowing.

11353. The pen shall have perpendicular side walls not less than three feet in height with a smooth surface on the inside of the pen.

11354. Every pen shall be completely surrounded by a wire mesh fence which has a mesh that is not more than one and one-half inches at the bottom with stays that are spaced not less than six inches apart and shall be not less than four feet in height. Posts shall be spaced close enough to prevent the fence from sagging. The type of fencing material which is known as poultry and garden fence is satisfactory.

11355. Nutria pens shall be open to inspection at all times by the department or the commissioner.

Article 4. Unconfined Nutria

11381. Any unconfined nutria which is not under the control of the person that is responsible for its possession is a public nuisance and shall be abated by summary action by any person in whom the enforcement of this code is vested.

Article 5. Violations

11391. It is unlawful for any person to violate any provision of this chapter.

11392. It is unlawful for any person that has possession of, or control over, any nutria to intentionally free, or to knowingly permit the escape of, any nutria.

DIVISION 6. AGRICULTURAL PEST CONTROL BUSINESS

Chapter 1. Definitions

11401. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

11402. "License" means agricultural pest control license.

11403. "Pest control" means the use or application of any pesticide. It also means the use of any substance, method, or device to do any of the following:

(a) Control pests.

(b) Prevent, destroy, repel, mitigate, or correct any pest infestation or disorder of plants.

(c) Inhibit, regulate, stimulate, or otherwise alter plant growth by direct application to plants.

11404. "Pesticide" means any economic poison, as defined in Section 12753.

11405. "Registrant" means any person that registers pursuant to Section 11732.

CHAPTER 2. GENERAL PROVISIONS

11501. The director, and the commissioner of each county under the direction and supervision of the director, shall enforce this division and the regulations which are issued pursuant to it.

11502. The director shall adopt regulations which govern the conduct of the business of pest control.

11503. The commissioner of any county may adopt regulations in addition to those adopted by the director, which govern the application of methods of pest control under local conditions.

11504. Prior to the adoption of regulations by a commissioner, a notice of intention to adopt regulations shall be published in the county, pursuant to Section 6061 of the Goverment Code, at least 10 days in advance of the time the regulations are to be adopted, amended, or repealed.

11505. The notice of intention which is referred to in Section 11504 shall contain a statement of the time, place, and nature of proceedings for the adoption of the regulations, and either the express terms or an informative summary of the proposed regulations.

11506. At least 10 days prior to the date set for the adoption, amendment, or repeal of the regulations, the commissioner shall mail a copy of the notice of intention to every person who has registered with the commissioner in the manner required by Article 2 (commencing with Section 11731), Chapter 4 of this division, and to any other interested person that has filed with the commissioner a request to receive a notice of such proceedings.

11507. On the date and at the time and place designated in the notice of intention, the commissioner shall afford any interested person or his duly authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with or without opportunity to present them orally.

11508. The commissioner shall consider all relevant matter which is presented to him before he adopts any regulation.

11509. In any hearing which is conducted pursuant to Section 11507, the commissioner or his duly authorized representative shall have authority to administer oaths or affirmations, and may continue or postpone such hearing, from time to time, to such time and at such place as he shall determine.

11510. The regulations of the commissioner are subject to review and approval by the director as to reasonableness, and if approved they shall be filed with the director. The regulations shall become effective 30 days after they are approved by the director unless they are designated as emergency regulations.

11511. If, in the opinion of the commissioner, the public health, welfare, or safety requires that any regulation take effect immediately he shall designate it as an emergency regulation and specify in writing the facts which constitute the necessity. An emergency regulation shall become effective on the date it is approved by the director.

11512. The proceedings for all hearings pursuant to this division shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all of the powers which are granted in that chapter.

11513. Any money which is derived under the provisions of Article 1 (commencing with Section 11701), Chapter 4 of, and Article 1 (commencing with Section 11901), Chapter 5 of, this division shall be paid into the State Treasury to the credit of the Department of Agriculture Fund. Any money in the Department of Agriculture Fund which is derived under the provisions of this division and Chapter 2 (commencing with Section 12751) and Chapter 5 (commencing with Section 14501) of Division 7 of this code may be expended for the administration and enforcement of this division and Chapter 2 and Chapter 5 of Division 7, notwithstanding any other provision of law which limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of these portions of this code separately.

CHAPTER 3. EXEMPTIONS

11531. This chapter does not apply to any person while engaged in any of the following:

(a) Any activity that is defined as structural pest control and required to be licensed under Chapter 14 (commencing with Section 8500), Division 3 of the Business and Professions Code.

(b) Preservative treatment of fabrics or structural materials.

(c) Household or industrial sanitation services.

(d) Seed treatment which is incidental to such person's regular business.

CHAPTER 4. REGULATION GENERALLY

Article 1. Licenses and Permits

11701. It is unlawful for any person to engage for hire in the business of pest control, unless such person has an agricultural pest control license for the then current calendar year issued by the director.

11702. Applications for a license shall be in the form which is prescribed by the director, and shall state the name and address of the applicant and the type of pest control in which he intends to engage.

11703. Except as otherwise provided in Section 11707, the application shall be accompanied by a fee of fifty dollars ($50).

11704. Each applicant shall also satisfy the director of his character, qualifications, responsibility, and good faith in seeking to carry on the business of pest control.

11705. The director shall issue to each applicant that satisfies the requirements of this article a license which entitles the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

11706. The license may be renewed annually upon application to the director, accompanied by the proper fee, on or before the first day of January of the calendar year for which the license is issued.

11707. To any fee which is not paid when due, there shall be added a penalty of five dollars ($5).

11708. The director may refuse to grant or renew a license and may revoke or suspend any license, as the case may require, if, after a hearing pursuant to this division, he is satisfied that one or more of the following things are true regarding the applicant or licensee:

(a) He is not qualified to perform the type of pest control under the conditions and in the locality in which he intends to operate.

(b) He has committed any act which is declared by Article 4 (commencing with Section 11791) of this chapter to be a violation of this division.

(c) He has violated any provision of Article 10 (commencing with Section 12971), Chapter 2, Division 7 of this code.

11709. A person not regularly engaged in the business of pest control that operates only in the vicinity of his own property and for the accommodation of his neighbors is not required to procure a license. Such person shall, however, obtain a permit from the director and register with the commissioner as provided in Section 11732, and he is subject to all other provisions of this division. The determination of the director that a person is engaged in the business of pest control beyond the vicinity of his own property or for the accommodation of others than his neighbors is final.

11710. A person that is regularly engaged in the business of tree surgery is not required to procure a license to remove diseased or infested tissues or apply disinfectants to wounds or cavities incidental to tree surgery. If such person desires to engage in any other pest control operation, he shall procure a license from the director, shall register with the commissioner as provided in Section 11732, and is subject to all other provisions of this division.

Article 2. Registration

11731. "Commissioner," as used in this article, includes the director in any county in which there is no commissioner.

11732. It is unlawful for any person to engage for hire in the business of pest control in any county unless such person has registered for the then current calendar year with the commissioner.

The registration shall be in the form which is prescribed by the commissioner and shall show all of the following information:

(a) Name and address of the registrant.

(b) Number and kind of units to be operated in the county.

(c) Type of pests which are intended to be controlled.

(d) Any other information as the commissioner may require.

11733. The registrant shall keep and maintain a record of each property treated that shows all of the following information:

(a) Date of treatment.

(b) Material and dosage used.

(c) Number of units treated.

(d) Any other information which the commissioner may require.

The registrant shall report the information to the commissioner or the director when and as required.

11734. The board of supervisors of any county may establish reasonable fees for the registration.

11735. Registration may be canceled or refused, if the commissioner makes any of the following findings:

(a) That the equipment of the registrant or applicant is unsuitable.

(b) That the operators employed by him are incompetent or unqualified.

(c) That the registrant or the applicant has not complied with any provision of this division, any regulation issued pursuant to it, or of any lawful order of the commissioner.

11736. Any person whose registration has been canceled or refused may appeal to the director, within 10 days, for a hearing.

11737. The commissioner may order any registrant, or any person that is required by this division to be registered, or the

agent or employee of such registrant or person, to cease operation of any equipment which he finds unsuitable, or which he finds being operated in any of the following ways:

(a) By an incompetent or unqualified person.

(b) In violation of this division or any regulation issued pursuant to it.

(c) In a manner or under conditions likely to interfere with proper control of the pest for which treatment is applied.

(d) In a manner or under conditions likely to cause injury to the crop or property being treated, or to persons or property of others.

11738. The regulations of the commissioner may provide for the qualification, by examination or otherwise of the following persons:

(a) Registrants.

(b) Persons in charge of the pest control operations of registrants within the county.

(c) Persons employed by registrants to operate pest control equipment, other than aircraft, within the county.

11739. The regulations of the commissioner may provide that it is a ground for cancellation of registration to operate pest control equipment within the county unless either:

(a) A person qualified pursuant to Section 11738 is in charge of the operations.

(b) Each unit which is operated within the county is under personal direction of a person qualified pursuant to Section 11738.

11740. Any certificate of qualification which is issued pursuant to Section 11738 may be revoked or suspended, or its issuance or renewal refused, if the commissioner finds that the applicant or holder of the certificate is incompetent or has violated any provision of this division, or any regulation which is issued pursuant to it, or has not complied with any lawful order of the commissioner.

11741. Any person whose certificate has been revoked, suspended, or refused may appeal to the director within 10 days for a hearing.

Article 3. Report of Damage From Pesticides

11761. Any person that suffers any loss or damage as a result of the use or application by others of any pesticide, or of any substance, method, or device for pesticidal purposes; or for the purpose of preventing, destroying, repelling, mitigating, or correcting any disorder of plants; or for the purpose of inhibiting, regulating, stimulating, or otherwise altering plant growth by direct application to plants shall, within 60 days from the time that the occurrence of such loss or damage became known to such person, file with the commissioner of the county in which the loss or damage, or some part of the loss or damage, is alleged to have occurred, a verified report of loss.

11762. If a growing crop is alleged to have been damaged as a result of the activities which are described in Section 11761, the verified report of loss shall be filed prior to the time 50 percent of the crop is harvested, unless the loss or damage is not then known.

11763. The verified report of loss shall set forth, so far as known to the claimant, all of the following:

(a) Name and address of the claimant.

(b) Type, kind and location of property which is allegedly injured or damaged.

(c) Date the alleged injury or damage occurred.

(d) Name of pest control operator that is allegedly responsible for the loss or damage.

(e) Name of the owner or occupant of the property for whom the pest control operator was rendering labor or services.

11764. The filing of the verified report, or the failure to file it, need not be alleged in any complaint which may be filed. The failure to file the verified report of loss is not a bar to the maintenance of a civil action for the recovery of damages for the loss or damage.

11765. Proof of failure to file the verified report of loss creates a rebuttable presumption that no loss or damage occurred.

Article 4. Violations

11791. It is unlawful for any person that is subject to this division to do any of the following:

(a) Make any false or fraudulent claim, or misrepresent the effects of material or method to be applied, apply any worthless or improper material, or otherwise engage in any unfair practices.

(b) Operate in a faulty, careless, or negligent manner.

(c) Refuse or neglect to comply with any provision of this division, or any regulation issued pursuant to it, or any lawful order of the commissioner.

(d) Refuse or neglect to keep and maintain the records which are required by this division, or to make reports when and as required.

11792. It is also unlawful for any person that is subject to this division to do any of the following:

(a) Make any false or fraudulent record or report.

(b) Operate in any county without first having registered with the commissioner.

(c) Operate equipment with incompetent or unqualified persons in charge of the equipment.

(d) Use any fraud or misrepresentation in making application for a license or for renewal of a license.

(e) Fail to comply with the provisions of Chapter 3 (commencing with Section 14001), Division 7 of this code.

CHAPTER 5. AIRCRAFT OPERATION REGULATION

Article 1. Generally

11901. It is unlawful for any person to operate any aircraft in the business of pest control unless the pilot operating the aircraft holds one of the following:

(a) A valid certificate of qualification issued by the director.

(b) A valid apprentice certificate issued by the director.

11902. A fee of twenty-five dollars ($25) shall accompany each application for any certificate which is issued pursuant to this chapter.

11903. Before a certificate of qualification may be issued, the applicant shall pass an examination to demonstrate to the director his ability to conduct pest control operations and his knowledge of the nature and effect of materials which are used in pest control.

11904. The certificate of qualification which is issued to a successful candidate shall disclose in which of the following three general classes of pest control operations he is qualified:

(a) The use of herbicides and defoliants.

(b) The use of pesticides other than herbicides and defoliants (dust).

(c) The use of pesticides other than herbicides and defoliants (liquid).

11905. The holder of a certificate of qualification is authorized to conduct only those pest control operations in which he is found qualified.

11906. A certificate of qualification shall not be issued to any applicant, other than the holder of a valid apprentice certificate, who has not had in effect a valid certificate of qualification issued to him by the director within the previous two calendar years.

11907. A certificate of qualification shall not be issued to the holder of an apprentice certificate until he has served as an apprentice under a certificate issued pursuant to this chapter for one year and until he presents to the director satisfactory documentary proof consisting of a certified statement by a licensed agricultural aircraft operator of his completion of not less than 150 hours of operation of fixed-wing aircraft or 50 hours of operation of nonfixed-wing aircraft within the past two calendar years in agricultural pest control activities.

11908. Before an apprentice certificate may be issued, the applicant shall pass an examination to demonstrate to the director his ability to conduct the specific pest control operations which are listed in his application. A successful candidate for an apprentice certificate may conduct only the specific kinds of pest control operations in which he is found qualified. The pest control operations for which an applicant qualifies shall be listed on his apprentice certificate.

11909. The applicant for an apprentice certificate shall also satisfy the director, through documentary evidence or other suitable information, that he shall be both:

(a) Employed by a person that holds a license currently in effect.

(b) Employed under the direct and personal supervision of a person that holds a valid certificate of qualification.

11910. It is unlawful for the holder of an apprentice certificate to conduct pest control operations in accordance with the provisions of his certificate unless he is employed under the direct and personal supervision of a person that holds a valid certificate of qualification.

11911. The director may refuse to issue a certificate to, or renew the certificate of, any pilot, and he may revoke or suspend the certificate of any pilot if, after a hearing, he is satisfied that any of the following is true:

(a) The pilot is not qualified to conduct pest control operations.

(b) The pilot has violated this division, or any regulation issued pursuant to it, or has not complied with any lawful order of the commissioner or the director.

11912. Every certificate shall expire on the last day of the calendar year for which it is issued. A certificate may be renewed upon application to the director, accompanied by a renewal fee of fifteen dollars ($15), within the calendar year next following the date of expiration.

11913. Notwithstanding any other provision of this article, if the holder of a valid certificate of qualification or a valid apprentice certificate shall be called to active duty as a member of the armed forces of the United States of America, the holder, upon the termination of such active duty, is entitled to renewal of such certificate, if he does all of the following:

(a) Makes application to the director.

(b) Pays the renewal fee.

(c) Demonstrates to the director his ability to conduct pest control operations and his knowledge of the nature and effect of materials which are used in pest control.

Article 2. Financial Responsibility

11931. As used in this article:

(a) "Judgment" means a final judgment of any court of competent jurisdiction in this or any other state, or of the United States, against a person as defendant upon a cause of action which arises out of any pest control operation.

(b) "Operator" means any person that is required to be licensed pursuant to this division who is authorized to apply any pest control material or substance by dusting, spraying, or any other manner whereby such material or substance is applied through the medium of aircraft.

(c) "Pest control operation" means the application of any pest control material or substance by an operator.

11932. For the purposes of this article:

(a) A judgment is satisfied when twenty-five thousand dollars ($25,000) has been credited upon any judgment in excess of that amount which arises out of any one accident or occurrence.

(b) A deposit of bond or other obligation for the payment of which the full faith and credit of the United States or of this state is pledged is considered a deposit of money.

11933 The director shall suspend the license of any operator upon receiving a copy of a judgment and a certificate of facts relative to such judgment, upon a form that is provided by the director, which indicate that the operator has not for a period of 30 days satisfied a final judgment rendered against him.

11934. The suspension shall remain in effect and no license shall be issued to the operator unless and until the judgment is satisfied, or the operator submits to the director proof of his financial ability to respond in damages pursuant to the judgment.

11935. Proof of such financial responsibility may be made by furnishing security in an amount not less than twenty-five thousand dollars ($25,000). The security may consist of any of the following:

(a) A deposit of money.

(b) A surety bond in favor of any person that may suffer damage by reason of any pest control operation by the operator which is issued by a corporate surety company that is qualified and authorized to do business in this state.

(c) An insurance policy which insures the operator against liability for damages pursuant to the judgment.

11936. If the security which is required by Section 11934 is diminished in amount by reason of any recovery against it, the security shall be replenished so that it amounts to not less than twenty-five thousand dollars ($25,000).

11937. Upon the expiration of 30 days after any judgment becomes final, which is not stayed or satisfied in any action which results in a judgment for damages, the clerk of a court, or the judge of a court which has no clerk, shall forward to the director a certified copy of the judgment or a certified copy of the docket entries in the action, and a certificate of facts relative to such judgment, on a form which is provided by the director.

11938. Any person whose license has been suspended, is about to be suspended, or becomes subject to suspension pursuant to this article, may relieve himself from the suspension by filing with the director an affidavit which states all of the following:

(a) That at the time of the incident upon which the judgment was rendered he was insured.

(b) That the insurer is liable to pay the judgment.

(c) The reason, if known, why the insurance company has not paid the judgment.

11939. The person that files the affidavit pursuant to Section 11938 shall also file the original policy of insurance or a certified copy of the policy, if available, and such other documents as the director may require to show that the loss, injury, or damage for which the judgment was rendered, was covered by the policy of insurance.

11940. If the director is satisfied from the papers which are filed pursuant to Sections 11938 and 11939 that the insurer was authorized to issue the policy of insurance in this state at the time of issuing the policy and that the insurer is liable to pay the judgment, at least to the extent and for the amounts which are provided in this article, the director shall not suspend the license or, if the license has already been suspended, he shall reinstate it.

DIVISION 7. AGRICULTURAL CHEMICALS, LIVESTOCK REMEDIES, AND COMMERCIAL FEEDS

CHAPTER 1. PRODUCE CARRYING SPRAY RESIDUE

Article 1. Definitions

12501. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

12502. "Food" means any article which is used for food or drink for man or any other animal, or for a component of any such article.

12503. "Pesticide chemical" means any substance that is used in the production, storage, or transportation of produce which is an "economic poison" as defined in Section 12753.

12504. "Produce" means any food in its raw or natural state which is in such form as to indicate that it is intended for consumer use without any or further processing.

12505. "Spray residue" means any pesticide chemical which is added to produce.

Article 2. General Provisions

12531. The director may adopt such regulations as are reasonably necessary to carry out this chapter.

12532. Any money which is received by the director pursuant to this chapter shall be paid into the State Treasury to the credit of the Department of Agriculture Fund to be expended as provided in Section 11513.

12533. Nothing in this chapter repeals or amends any of the provisions of Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code.

Article 3. Permissible Tolerances

12561. The director by regulation may establish permissible tolerances for any pesticide chemical in or on produce if he finds each of the following:

(a) The pesticide chemical is useful for the production and marketing of the produce.

(b) The presence of the pesticide chemical as spray residue in quantities within the tolerances so established is not deleterious to the health of man or animals.

12562. The director may exempt any pesticide chemical from the requirement of a tolerance if he finds that the pesticide chemical may safely be used without a tolerance.

12563. The director may establish the tolerance for any pesticide chemical on produce at zero if he finds that a greater tolerance is not justified.

12564. Until a different permissible tolerance is established by regulation of the director pursuant to this chapter, the permissible tolerances for fresh and dried fruits, vegetables, hay, fodder, or feedstuffs are as follows:

(a) Fluorine, 7 parts per million.

(b) Arsenic, expressed as arsenic trioxide, 3.5 parts per million.

(c) Lead, 7 parts per million.

(d) Dichloro-diphenyl-trichloroethane (DDT), 7 parts per million.

12565. If a tolerance for a pesticide chemical in or on produce is established pursuant to any law of the United States, the director may review the tolerance, and if he finds that it is in accordance with the standards and provisions of this chapter, he may establish a like tolerance pursuant to this chapter.

Article 4. Inspection

12581. The director may enter every place within the state where any produce is grown, processed, packed, stored, shipped, transported, delivered for shipment, or sold, and inspect all produce which is found in such place or which is in transit.

Article 5. Seizure

12601. The director may seize and hold any lot of produce which carries or shows indication of spray residue or other added deleterious ingredients.

12602. If the director seizes any lot of produce, he shall issue to the owner or bailee a hold order or notice. He may affix to the lot a warning tag which states that the lot is so held.

12603. Any lot of produce for which a hold order or notice is issued shall be held by the owner or bailee of the produce

and shall not be disturbed or moved from the place where it is, except under the specific direction of the director, pending final disposition pursuant to this chapter.

This does not prevent the owner or bailee from inspecting any produce so seized, nor from taking therefrom, in the presence of a person designated by the director, a reasonable sample for evidence.

12604. Any lot of produce which is seized and held pursuant to this article, unless previously analyzed by the director, shall be sampled and analyzed within 24 hours after the seizure for the purpose of determining the amount of spray residue on it. The owner or bailee of the produce shall be immediately notified in person or by telegram by the director that the analysis of the sample shows that the lot of produce does or does not carry spray residue or other added deleterious ingredients in excess of the maximum quantity or permissible tolerance which is established pursuant to this chapter.

12605. Upon the demand of the owner or bailee at or prior to the time of the sampling by the director, the sample which is drawn shall be divided into two approximately equal parts, one part of which shall be sealed and left with the owner or bailee and one part taken for analysis by the director.

12606. If the seized and held lot, as determined by the director's chemical analysis, does not carry spray residue in excess of any maximum which is provided by this chapter or in excess of a permissible tolerance, the director shall forthwith release the seized and held lot from the seizure and remove the hold order or tag.

12607. If the seized and held lot of produce is found to carry spray residue in excess of any maximum which is provided by this chapter or in excess of a permissible tolerance, the director shall, upon request of the owner, permit the lot of produce to be reconditioned or disposed of for byproducts purposes.

12608. Upon demand of the owner or bailee for permission to remove the produce for reconditioning or use for byproducts, the director shall release the produce to the custody of the agricultural commissioner of any county which is designated by the owner or bailee if the commissioner advises the director that facilities for reconditioning the produce or for converting it into byproducts are available in the county and that the commissioner will supervise the reconditioning or conversion into byproducts of the lot if it is released.

12609. The produce after reconditioning is subject to all the provisions of this chapter pending its final release by the director pursuant to Section 12606.

12610. If the lot of produce which is seized and held is found to carry excess spray residue, the owner or bailee of the lot may appeal the result of the examination to the director by letter, telegram, or other writing, within three days of the

notice to the owner or bailee which is provided for in Section 12604.

12611. Upon receipt of an appeal by the owner or bailee, the director shall, after reasonable notice to the owner, if known, or, if not known, to the bailee, take a further sample and submit it under an individual lot number to the headquarters laboratory of the department at Sacramento for an appeal chemical analysis.

12612. The director shall permit the owner to be present in person or by his representative at the taking of the sample to be submitted for the appeal chemical analysis. The cost of the sampling and analysis shall be at the expense of the owner or bailee. The findings from the appeal chemical analysis are binding on both parties.

12613. After seizure by the director pursuant to this chapter of any lot of produce upon which an appeal analysis is to be made, the director upon request shall permit the owner or bailee to move the produce to a specified commercial cold storage warehouse which is suited for preserving it against deterioration. The storage is subject, however, to the terms of any hold order or notice issued pursuant to this article.

12614. If the appeal analysis shows that the lot of produce carries spray residue in excess of any maximum which is provided in this chapter or in excess of a permissible tolerance, the lot of produce may be disposed of pursuant to Sections 12607, 12608, and 12609.

12615. If the appeal analysis shows that the lot of produce does not carry spray residue in excess of any maximum which is provided by this chapter, or in excess of a permissible tolerance, the director shall forthwith release the lot from the seizure and remove the hold order or tag.

Article 6. Abatement as Public Nuisance

12641. As used in this article, "nuisance" means the public nuisance which is specified in Section 12642.

12642. Any lot of produce which is found to carry spray residue in excess of any maximum which is provided in this chapter, or in excess of a permissible tolerance, together with its containers, is a public nuisance, and if not disposed of pursuant to Article 5 (commencing with Section 12601) of this chapter, is subject to disposal on complaint of the director to a court of competent jurisdiction.

12643. The district attorney of the county in which the nuisance is found, on the relation of the director, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent the nuisance.

12644. Upon judgment and by order of the court, the nuisance shall be condemned and destroyed in the manner directed by the court, or denatured or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance shall be abated.

12645. If the owner fails to comply with the order of the court within the time which is specified in the order, the court may order the disposal or sale of the produce or containers which are a nuisance, under such terms and conditions as the court may prescribe, by the director, or by the sheriff, marshal, or constable.

12646. If the court orders the sale of any of the produce or containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

12647. In actions which arise pursuant to this article:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less.

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

Article 7. Violations

12671. It is unlawful for any person to pack, ship, or sell any produce that carries spray residue in excess of the permissible tolerance which is established by the director pursuant to this chapter.

Chapter 2. Economic Poisons

Article 1. Definitions

12751. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

12752. "Defoliating" includes killing or artificially accelerating the drying of plant tissues, with or without causing abscission.

12753. "Economic poison" includes any of the following:

(a) Any spray adjuvant.

(b) Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any and all insects, fungi, bacteria, weeds, rodents, or predatory animals or any other form of plant or animal life which is, or which the director may declare to be, a pest, which may infest or be detrimental to vegetation, man, animals or households, or be present in any environment whatsoever.

12754. "Insect" means any animal within the class of animals which are known as "Insecta" or any similar animal such as a centipede, spider, mite, tick, or louse.

12755 "Registrant" means a person that has registered an economic poison and has obtained a certificate of registration or license from the department.

12756. "Regulating plant growth" includes, but is not limited to, the use of any hormone, auxin, enzyme, or other ma-

terial for reducing preharvest drop of fruit or the use of any material for promoting rooting of cuttings.

12757. "Rodent" means all members of the order Rodentia and all rabbits and hares.

12758. "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent, with or without toxic properties of its own, which is intended to be used with another economic poison as an aid to the application or effect of the other economic poison, and sold in a package that is separate from that of the economic poison other than a spray adjuvant with which it is to be used.

12759. "Weed" means any plant which grows where not wanted.

Article 2. General Provisions

12781. The director may adopt regulations which are reasonably necessary to carry out this chapter.

12782. A copy of the regulations which are adopted by the director pursuant to this chapter shall be mailed to each registrant promptly upon promulgation of the regulation. The failure to receive such copy is no defense to a violation of any regulation.

12783. Any person that is charged with the enforcement or execution of any of the provisions of this chapter shall not be directly or indirectly interested in the sale, manufacture, or distribution of any economic poison.

12784. Any money which is received by the director pursuant to this chapter shall be paid into the State Treasury to the credit of the Department of Agriculture Fund to be expended as provided in Section 11513.

Article 3. Exemptions

12801. This chapter does not apply to any preparation, drug, or chemical which is intended to be used or sold solely for medicinal use by humans, or for toilet purposes, or to commercial feeding stuffs as defined in Section 14902.

12802. It is not a violation of this chapter for:

(a) A person that is engaged in the business of farming, that does not manufacture or sell economic poisons, to accommodate his neighbors by furnishing and applying any registered economic poison to any tree or plant for them, without having obtained the license or having become a registrant pursuant to this chapter.

(b) A person that holds a valid agricultural pest control license pursuant to Division 6 (commencing with Section 11401) of this code, that does not manufacture, deal in, or sell economic poisons, except for use in connection with his own agricultural pest control service work, to use registered economic poisons in his own business without having obtained the license or having become a registrant pursuant to this chapter.

For the purposes of this section, the manufacturing of, or dealing in, economic poisons does not include the mixing or diluting of any registered economic poison in accordance with directions which are placed upon its container by a registrant or in conformance with established custom or practice.

Article 4. License and Registration

12811. Every manufacturer of, importer of, or dealer in any economic poison, except a person that sells any raw material to a manufacturer of any economic poison or a dealer or agent that sells any economic poison which has been registered by the manufacturer or wholesaler, shall obtain a license from the department before the economic poison is offered for sale.

12812. Except as otherwise provided in Section 12813, the annual fee for a license is one hundred dollars ($100), payable to the director. The payment of the fee shall permit the licensee to manufacture, import, or deal in 10 variously labeled economic poisons of varying name or composition. For each variety over 10, an additional fee of ten dollars ($10) shall be paid.

12813. Any person that manufactures economic poisons which do not exceed a total retail value of five hundred dollars ($500) per year shall pay an annual fee of twenty-five dollars ($25) to the director. The payment of the fee shall permit the licensee to manufacture, import, or deal in two variously labeled economic poisons of varying name or composition. For each variety over two, an additional fee of ten dollars ($10) shall be paid.

12814. Any county, state, or federal officer or employee who sells any economic poison at cost is not required to pay any fee which is imposed by this chapter.

12815. If a manufacturer, importer, or dealer in economic poisons that applies for registration of economic poisons and for a license has complied with this chapter and the regulations which are adopted pursuant to it, the director shall register each economic poison that is sought to be registered and issue a license to the applicant which authorizes the manufacure and sale of the economic poison in this state.

12816. If the director finds that registration cannot be permitted, or that the license cannot be issued, due to noncompliance with this chapter or the regulations which are adopted pursuant to it, he may, after reasonable notice, call a hearing for the purpose of determining whether the application shall be reconsidered or denied.

12817. Every license and registration expires on June 30th of each year and may be renewed after application in the manner which is provided for registration and licensing.

12818. If renewal is not applied for within one calendar month after the expiration of a license or registration, there

shall be added to the fee a penalty of 10 percent and an additional penalty of 5 percent of the original amount due, for each succeeding calendar month. The total penalty shall not, however, exceed 50 percent of the original amount due.

12819. A penalty shall not be collected if the person that makes application for renewal of registration and license makes an affidavit that no business was done during the period of nonregistration.

12820. The payment of any renewal fee or penalty is not a bar to any prosecution for doing business without proper registry.

12821. Each applicant for a license shall also file a statement of every brand, trademark, and kind of economic poison which the applicant intends to manufacture or sell, the correct name and percentage of each active ingredient in it and the total percentage of inert ingredients which are contained in it. The director, whenever he deems it necessary for the effective administration of this chapter, may require the submission of the complete formula for the economic poison.

12822. A supplemental application for registration of any additional economic poison may be submitted at any time without payment of the penalty which is required by Section 12818.

12823. A change in the name or percentage, or both, of an inert ingredient is not a change in composition of the economic poison which requires a new registration unless the change in inert material results in a change in the use or application of the economic poison.

12824. The director may, after hearing, cancel the registration of, or refuse to register, any economic poison:

(a) Which is of little or no value for the purpose for which it is intended, or which is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety when properly used, and may require such practical demonstration as may be necessary to determine the facts.

(b) Concerning which any false or misleading statement is made or implied by the registrant or his agent, either verbally or in writing or in the form of any advertising literature.

12825. The director may cancel the license of, or, refuse to license any manufacturer, importer, or dealer in any economic poison that repeatedly violates any of the provisions of this chapter or the regulations of the director.

The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted therein.

12826. Action by the director pursuant to Sections 12824 and 12825 is not a condition precedent to the institution of any action to prosecute a violation of this chapter.

Article 5. Labeling and Warranty

12851. The registrant of any economic poison shall attach to each separate lot, and each separate, finished, sealed, or closed container or package of economic poison which he intends to sell within this state, a plainly printed label, that states all of the following:

(a) The name, brand, or trademark, if any, under which the economic poison is sold.

(b) The name and address of the registered manufacturer, importer, or vendor.

12852. The registrant of any economic poison which is sold or delivered to a consumer in this state shall furnish printed directions for use, and dilution if any, upon the label, or shall inclose the printed directions in each container or package of the economic poison. The printed directions for use shall not be required if the economic poison, pursuant to established local custom, is to be used in its original form as sold, without dilution or further preparation for use.

12853. A registrant of economic poisons may print upon the label of any sealed or closed container or package of economic poison which he intends to sell within this state, or upon the label of any opened lot from which sales have been authorized by the director, such limitations of warranty with respect to the use of the economic poison, as the registrant may consider proper.

12854. No such limitations of warranty by the seller shall exclude or waive either of the following implied warranties:

(a) That the economic poison corresponds to all claims and descriptions which the registrant has made in respect to it in print.

(b) That the economic poison is reasonably fit for use for any purpose for which it is intended according to any printed statement of the registrant.

12855. Except as otherwise provided in this article, the registrant is not liable for any injury or damage which is suffered solely by reason of any of the following:

(a) The use of the economic poison for a purpose which is not indicated by the label.

(b) The use of the economic poison contrary to the printed directions of the registrant or seller.

(c) The breach of any warranty by the registrant which is not expressly printed on the label.

12856. Except as otherwise provided in Section 12857, an economic poison shall not be sold unless it is in a registrant's sealed or closed container or package

12857. The director may, pursuant to regulations prescribed by him, authorize sales of economic poisons to be made out of a registrant's opened but properly labeled lot, container, or package. The director shall serve notice of his proposed action by depositing a copy of it in a United States post

office, inclosed in a sealed envelope with postage prepaid and addressed to each economic poisons registrant at his last address on file with the Division of Standardization and Inspection of the department. He shall allow 15 days during which time any protest may be filed.

12858. The statement of ingredients in any economic poison which is intended and sold for internal administration to animals may be given in terms of dosage in lieu of percentage by weight as required by Article 4 (commencing with Section 12811) and Article 6 (commencing with Section 12881) of this chapter.

Article 6. Misbranding

12881. An economic poison is misbranded in any of the following cases:

(a) The package or label bears any false or misleading statement, design, or device regarding such article or any ingredient or substance which is contained in it.

(b) The package or label is falsely branded as to the place of manufacture or production of the economic poison.

(c) It is an imitation of, or offered for sale under the name of, another article.

(d) It is labeled or branded so as to deceive or mislead the purchaser.

12882. An economic poison is also misbranded in any of the following cases:

(a) The contents of the package as originally put up have been removed in whole or in part and other contents placed in such package.

(b) The contents of the package are of a quality below that of the guarantee on the label or on the application for registration of the economic poison or of the analysis of the representative sample delivered in connection with the application for registration of the economic poison.

(c) If the contents of any package of an economic poison is stated in terms of weight or measure, and the weight or measure is not plainly and correctly stated on the outside of the package.

(d) The economic poison contains arsenic in any form and the label fails to state, in addition to one of the options required by Section 12883, the percentages of total and water-soluble arsenic, each calculated as elemental arsenic.

(e) The label does not contain a warning or caution statement which may be necessary, and if complied with is adequate, to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals.

12883. Except as otherwise provided in Section 12884 economic poison is also misbranded when the label fails to state one of the following:

(a) The name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison.

(b) The name of each active ingredient, together with the name of each and the total percentage of the inert ingredients, if there are any, in the economic poison.

An economic poison which is sold only as a spray adjuvant is not misbranded if the total percentage of the constituents ineffective as a spray adjuvant is stated on the label without mention of the terms "active ingredient" or "inert ingredient" in lieu of one of the options required by this section.

12884. If the preparation is highly toxic to man, as determined by regulations of the director, an economic poison is misbranded if the label fails to state the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the economic poison.

12885. In addition to the other provisions of this article, a spray adjuvant is misbranded if the label fails to state the type or function and the names of the principal functioning agents. If more than three functioning agents are present, only the three principal ones need be named.

Article 7. Adulteration

12911. An economic poison is adulterated in any of the following cases:

(a) Its strength or purity falls below the standard or quality which it is represented to have.

(b) Any ingredient which is necessary to its effectiveness has been wholly or in part abstracted or omitted in its manufacture, or other materials substituted for such ingredient.

(c) It is intended for use on vegetation and contains any substance which is seriously injurious to vegetation, except weeds, if used according to the directions that are furnished with it.

Article 8. Analysis

12931. The director shall take samples of economic poisons, make analyses or examinations of them, and make such investigations as are necessary for the full enforcement of this chapter.

12932. The director shall periodically, at least annually, print and distribute the results of examinations or chemical analyses of official samples of economic poisons which are taken by him, and such additional information as he deems advisable.

12933. The director may, upon the receipt of a sample of any economic poison, accompanied by the required fee, make an analysis, examination, or test of it. He shall inform the sender of the results of such analysis, examination, or test.

12934. The schedule of fees that are required for analyses, examinations or tests shall be fixed by the director.

Article 9. Seizure

12961. The director may seize and quarantine any economic poison which is adulterated, or misbranded, or detrimental to agriculture or to the public health, or which is otherwise not in conformity with any provision of this chapter.

Article 10. Recommendations and Usage

12971. It is unlawful for any person to make any recommendation regarding the agricultural use of an economic poison, other than the recommendations or directions on the label or in supplementary printed directions, either in connection with a sale of an economic poison or in connection with an advisory service for hire or for a fee, unless such recommendation regarding the use of the economic poison is given in writing to the customer. The written recommendation shall be delivered not later than the time of delivery of the material to the customer, or the time of use by the customer. A copy of the written recommendation shall be retained on file by the party making the recommendation for a period of a year. No written recommendation shall be in conflict with the label or with supplementary printed directions delivered therewith unless authorized by the director or the commissioner.

12972. Unless otherwise expressly authorized by the director or the commissioner, the use of any economic poison by any person in pest control operations shall be in such a manner as to prevent any substantial drift to other crops and shall not conflict with the manufacturer's registered label or with supplementary printed directions which are delivered with the economic poison and any additional limitations applicable to local conditions which are contained in the conditions of any permit or the written recommendations that are issued by the director or commissioner.

Article 11. Violations

12991. It is unlawful for any person, by himself, or through another, in connection with the sale of any substance or mixture of substances included within the scope of this chapter, to do any of the following:

(a) Make any material or substantial misrepresentation.

(b) Make any false promises of a character likely to influence, induce or deceive.

(c) Engage in illegitimate business or dishonest dealing.

(d) Cause to be published or distributed any false or misleading literature, or cause to be displayed any false or misleading advertisement.

12992. It is unlawful for any person to sell any adulterated or misbranded economic poison.

In any prosecution of any agent or dealer under this section it is a complete defense to prove that the adulterated

or misbranded economic poison which is the basis of the prosecution was guaranteed by the party from whom the agent or dealer purchased it to be not adulterated or misbranded.

12993. It is unlawful for any person to manufacture, deliver, or sell any economic poison or any substance or mixture of substances that is represented to be an economic poison, or to retail any formula for an economic poison in conjunction with the sale or gift of materials which are represented to be the essential ingredients necessary to constitute an economic poison, without a license or which is not registered pursuant to this chapter. This section, however, does not apply to any economic poison product of a registrant, which is manufactured solely for export outside this state and which is so exported.

12994. It is unlawful for any person to transport, destroy, or dispose of any quarantined economic poison, unless such person has secured a permit from the director.

CHAPTER 3. INJURIOUS MATERIALS

Article 1. Generally

14001. As used in this article, "injurious material" means any material which the director, pursuant to Section 14005, finds and determines is injurious.

14002. This chapter does not apply to any agency of the United States or of this state, or to any officer, agent, or employee of any such agency who is acting within the scope of his authority, while he is engaged in, conducting, or supervising research on any injurious material.

14003. This article does not relieve any person from liability for any damage to the person or property of another person which is caused by the use of any injurious material.

14004. The director, and the commissioner of each county under the direction and supervision of the director, shall enforce this chapter and the regulations issued pursuant to it.

14005. The director, after investigation and hearing, shall adopt regulations which govern the application, in pest control or other agricultural operations, of any material which he finds and determines is injurious to any person, animal, or crop, except the pest or vegetation which it is intended to destroy.

14006. The regulations shall prescribe the time when, and the conditions under which, an injurious material may be used in different areas of the state. They may provide that an injurious material shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations:

(a) In certain areas.

(b) Under certain conditions.

(c) When used in excess of certain quantities or concentrations.

14007. Every permit which is issued under the regulations adopted pursuant to this chapter is conditioned upon compliance with the regulations and upon such other specified conditions as may be deemed necessary to avoid injury.

14008. Any permit may be refused, revoked, or suspended for violation of any of the conditions of the permit, or of a previous permit, or for violation of any provision of this chapter or of the regulations which are issued pursuant to it.

14009. Any interested person, upon request, is entitled to a hearing before the director to review the action of a commissioner in issuing, refusing, revoking, or suspending a permit, or in imposing any condition which is not expressly specified in the applicable regulations. The proceedings for the hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The provisions of Sections 11505 and 11506 of the Government Code shall not, however, apply to the proceedings, and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of the Government Code.

14010. It is unlawful for any person to sell or deliver any injurious material to any person that is required by the regulations, which are adopted by the director, to have a permit to use such injurious material unless such person, or his agent to whom delivery is made, signs a written statement, in a form which is prescribed by the department, that the person holds a valid permit to use the kind and quantity of such injurious material which is delivered.

14011. It is unlawful for any person to apply any injurious material for which regulations have been adopted except as provided in the regulations which are adopted by the director.

Article 2. 2,4-D and Other Herbicides

14031. As used in this article, "2,4-D" means any form of 2,4-dichlorophenoxyacetic acid.

14032. Except as otherwise provided in this article and in the regulations which are adopted by the director, it is unlawful for any person to use any form of 2,4-D or any other herbicide which the director finds and determines, after hearing, is injurious to any crop.

14033. The director, after investigation and hearing, shall adopt regulations which govern the use of 2,4-D and any other herbicide which he finds and determines is injurious to any crop that is being grown in any area of the state. The regulations of the director may prescribe the time when, and the conditions under which, an injurious herbicide may be used in different areas of the state. They may provide that an injurious herbicide shall be used only under permit of the commis-

sioner or under the direct supervision of the commissioner, subject to any of the following limitations:

(a) In certain areas.

(b) In excess of certain quantities or concentrations.

14034. This article does not relieve any person from liability for any damage to the property of another person which is caused by the use of any herbicide which is named in the regulations which are adopted by the director.

14035. It is unlawful for any person to sell or deliver any herbicide for which regulations have been adopted by the director to any person that is required by such regulations to have a permit to use such herbicide unless such person, or his agent to whom delivery is made, signs a written statement, in a form which is prescribed by the department, that such person holds a valid permit to use the kind and quantity of the herbicide which is delivered.

Article 3. Compound 1080

14061. As used in this article, "Compound 1080" means sodium fluoroacetate or any preparation of sodium fluoroacetate.

14062. Except as otherwise provided in this article, it is unlawful for any person to sell, use, or possess any Compound 1080.

14063. Subject to regulations of the director, any of the following persons may sell, use, or possess Compound 1080 for the purposes or uses which are specified:

(a) Any federal, state, county, or municipal officer or employee, in his official capacity, or any person under the immediate supervision of such officer or employee, may possess Compound 1080 for use for pest control purposes.

(b) Any research or chemical laboratory may possess Compound 1080 for use for the purposes of such laboratory.

(c) Any person duly licensed as a structural pest control operator under Chapter 14 (commencing with Section 8500), Division 3 of the Business and Professions Code, may possess Compound 1080 for use in his business.

(d) Any wholesaler or jobber of any economic poison may sell Compound 1080 to any person included within the above classifications, or for export.

Article 4. Thallium

14091. As used in this article, "thallium" includes any preparation of thallium or of the salts of thallium.

14092 Except as otherwise provided in this article, it is unlawful for any person to sell, use, or possess thallium.

14093. Any federal, state, county, or municipal officer or employee, in his official capacity, or any person under the im-

mediate supervision of such officer or employee, may possess thallium for use for pest control purposes.

14094. Any licensed physician, surgeon, pharmacist, or veterinarian may possess thallium for use in his profession.

14095. Any metallurgist or manufacturer of any alloy of which thallium is a component part may possess thallium for laboratory use or manufacture of alloys.

14096. Any person that operates a research or chemical laboratory may possess thallium for use for the purposes of such laboratory.

14097. Any registered manufacturer of ant poison may manufacture and sell, and any dealer in ant poison may sell, ant poison which contains not more than 1 percent of thallium, expressed as metallic thallium, prepared, packaged, and sold in accordance with such regulations as the director may deem necessary to protect the public health.

14098. Any wholesaler or jobber of any economic poison may sell thallium to any person that is authorized to possess it pursuant to Sections 14093 to 14097, inclusive, or for export.

CHAPTER 4. LIVESTOCK, POULTRY, AND BEE REMEDIES

Article 1. Definitions

14201. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

14202. "Drug" means any of the following substances:

(a) Any substance which is intended for use in the diagnosis, cure, mitigation, prevention, or treatment of disease.

(b) Any substance, except food and water, which is intended to affect the structure or function of the body of any livestock.

14203. "Hazardous remedy" means any livestock remedy which is sold in such form that it might be administered to humans, or any livestock remedy which, if improperly administered, may be dangerous to the health of livestock or to humans who consume products from such livestock. It includes all of the following:

(a) Arsenic compounds and preparations.

(b) Diethylstilbestrol and other substances which have a hormonelike action.

(c) Sulfanilamide or substitute sulfanilamides, except preparations for topical application.

(d) Antibiotic preparations, excepting those for topical application.

(e) Such other drugs and their preparations which the director determines are hazardous to the health of livestock or the public safety.

14204. "Label" includes written and graphic matter which is imprinted upon, or upon paper or other material affixed to, or accompanying, a container of a livestock remedy.

14205. "Livestock" includes all animals, poultry, and bees which are raised, kept, or used for profit. It does not include those species which are usually kept as pets, such as dogs, cats, and pet birds.

14206. "Livestock remedy" means any drug, combination of drugs, proprietary medicine, or combination of drugs and other ingredients which is prepared for administration to livestock orally, hypodermically, or otherwise.

14207. "Manufacturer" includes any person that is responsible for the placing of a livestock remedy on the market in this state.

14208. "Retailer" means any person that sells any livestock remedy at retail.

Article 2. General Provisions

14231. The director shall enforce this chapter and may make and enforce such regulations which relate to the manufacture and sale of livestock remedies as he may deem necessary to carry out this chapter.

14232. All money which is received under this chapter shall be paid into the Department of Agriculture Fund. Any money in the Department of Agriculture Fund which is derived under this chapter and Chapter 6 (commencing with Section 14901) of this division may be expended for the administration and enforcement of any of the provisions of such chapters, notwithstanding any other provision which limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of such chapters separately.

14233. The provisions of this chapter shall be controlling over those of any other provisions of law which are in conflict with them. No act or thing which is authorized or permitted by this chapter shall be in violation of any other provisions of law.

Article 3. Exemptions

14261. This chapter does not apply to any of the following:

(a) Any livestock remedy which is sold exclusively to, and used exclusively by, or under the direction of, a licensed veterinarian, nor to any livestock remedy which is compounded by a registered pharmacist upon the prescription of a licensed veterinarian

(b) Any drug or other preparation which is dispensed or compounded by a registered pharmacist at the request of the purchaser if such drug or preparation is sold at retail.

(c) Any commercial feeding stuffs which are subject to the provisions of Chapter 6 (commencing with Section 14901) of this division, irrespective of the presence in such commercial

feeding stuffs of any ingredients which otherwise would constitute a livestock remedy.

14262. This chapter also does not apply to any of the following:

(a) Any livestock remedy which is intended for, and which is used solely for, laboratory or experimental purposes.

(b) Any substance which is intended for, and which is used primarily as, a pesticide and which is registered as an economic poison under Chapter 2 (commencing with Section 12751) of this division.

(c) Any biological product which is manufactured under a license issued by the United States Department of Agriculture or the State Department of Public Health.

(d) Any drug which is required by federal law to be sold on prescription only.

Article 4. Registration

14281. A person shall not sell any livestock remedy in this state which is not registered pursuant to this chapter.

14282. The manufacturer of any livestock remedy shall apply to the director for registration of the livestock remedy.

14283. The application shall be in a form which is supplied by the director. It shall show all of the following:

(a) The name of the applicant and the address of his principal place of business.

(b) The name, brand, or trademark under which the livestock remedy is to be sold.

(c) The minimum net contents of each size and type of container in which the livestock remedy is to be sold at retail.

(d) The name of each active drug ingredient and the quantity or proportion of each such ingredient.

(e) A statement of each purpose for which the livestock remedy is to be used.

(f) A statement of the form in which the livestock remedy is to be administered, the method of administration, and, if the method of administration involves the use of any special device which is supplied with such remedy, a description of such device.

(g) A statement of the amount and frequency of the dosage which is to be recommended.

(h) Such other information and data as the director may require.

14284. The application shall also contain a detailed description, or be accompanied by a copy, of the label of each type and size of container in which the livestock remedy is to be sold at retail.

14285 The label shall contain all of the following:

(a) The name, brand, or trademark of the livestock remedy.

(b) The name of the applicant and his principal address.

(c) The minimum net contents of the container.

(d) A statement of the disease or ailments of livestock which it is claimed that the livestock remedy will alleviate or cure.

(e) Adequate instructions as to use and administration and adequate warnings against improper use and administration of the livestock remedy.

(f) The name of each active drug ingredient.

(g) A statement which clearly indicates that the product is not for human use.

(h) If the livestock remedy is a hazardous remedy, the word "hazardous" in conspicuous letters.

14286. If it is proposed that any instructions for use, other than those on the label, shall accompany containers of the livestock remedy which are sold at retail, a copy of such instructions shall accompany the application for registration of the livestock remedy.

14287. The director shall examine and consider the application together with all material, data, and information which accompanies it.

14288. The director shall refuse to register a livestock remedy if he finds any of the following is true of the remedy:

(a) It is of little or no value for the purpose for which it is intended to be used.

(b) It is dangerous to the health of livestock if used in accordance with the instructions.

(c) The instructions for use do not contain adequate warnings against use in those conditions, whether pathological or normal, under which its use may be dangerous to the health of livestock, or against unsafe dosage, unsafe duration of use, or unsafe methods of administration.

(d) If the application and the accompanying material, data, and information do not comply with the requirements of this chapter or are insufficient to permit the director to make the determinations which are required by this section.

14289. If the livestock remedy is a hazardous remedy, the director shall also refuse registration if he finds that the instructions for use do not contain adequate and satisfactory directions as to the methods of handling, caring for, holding, or otherwise managing the animal or bird to which the remedy is administered so as to eliminate any danger to the health of any person who might consume food products which are derived from such animal or bird.

14290. The registration of a livestock remedy includes all of the following:

(a) Registration of the remedy and its ingredients.

(b) Registration of the label.

(c) Registration of the instructions for use.

(d) Registration of the special device, if any, for the administration of the livestock remedy.

14291. The fee for the registration of a livestock remedy is twenty-five dollars ($25). It shall accompany the application for registration. The fee is not refundable if the registration is refused.

14292. If registration is granted, the original fee covers the registration for the remainder of the then current calendar year in which registration is granted.

14293. The fee for the renewal of registration is fifteen dollars ($15) per year. It is payable on or before January 31st of each year. If it is not so paid, a penalty of five dollars ($5) shall be added to the fee.

14294. The director may quarantine and remove from sale any livestock remedy which is not registered pursuant to this chapter or any livestock remedy which does not conform in all respects with its registration.

14295. The director shall have access at all reasonable hours to all premises which are used in the manufacture, sale, or storage of any livestock remedy, or where livestock remedies are mixed in feed for administering to livestock. He may take samples and make such other investigations as are necessary to carry out this chapter and the regulations which are adopted pursuant to it.

14296. The director may revoke the registration of any livestock remedy if he finds, from representative samples, that the remedy as offered for sale fails to conform to its registration. The director may allow reasonable tolerances within which such samples may vary from the registration.

Article 5. Retail Licenses for Hazardous Remedies

14321. A person shall not sell any hazardous remedy in this state at retail unless he holds a license to do so issued pursuant to this chapter.

14322. Any person may file with the director an application for a license pursuant to this chapter. The application shall be on a form which is supplied by the director and shall contain such information as he may require.

14323. The application shall be accompanied by an application fee of fifteen dollars ($15). The fee is not refundable if the license is refused.

14324. If the license is issued, the application fee covers the license for the remainder of the current calendar year in which it is issued.

14325. The fee for the renewal of a license is fifteen dollars ($15) per year. It is payable on or before January 31st of each year. If it is not so paid, a penalty of five dollars ($5) shall be added to the fee.

14326. A separate license is required for each place of business at which any hazardous remedy is kept for sale, and for each mobile unit in which any such remedy is kept for sale.

14327. The director may make an examination of the facilities which are available to the applicant for the proper handling and storing of hazardous remedies and may limit the kinds or classes of such remedies that may be sold under a license to those which the applicant is equipped properly to handle and store.

14328. Each holder of a license under this chapter shall keep a record, in the manner and form prescribed by the director, of each sale of a hazardous remedy by the licensee.

14329. The record required pursuant to Section 14328 shall include all of the following:

(a) A statement of the kind and quantity of the hazardous remedy sold.

(b) The date of sale.

(c) The address of the purchaser.

(d) The signature of the purchaser.

14330. The director shall revoke a hazardous remedy lisense if he finds that the holder of such license has failed to keep the required record of sales of such remedies, or is not properly handling or storing such remedies.

Article 6. Violations

14351. It is unlawful for any person to sell any livestock remedy which is subject to any provision of this chapter unless the remedy is registered pursuant to this chapter.

14352. It is unlawful for any registrant to sell any livestock remedy which does not conform with its registration.

14353. It is unlawful for any person to administer any registered livestock remedy to any human being.

14354. It is unlawful for any person to sell any hazardous remedy unless such person has a license issued pursuant to this chapter.

14355. It is unlawful for any person to use or administer any registered livestock remedy except in accordance with the instructions for use which are supplied by the registrant.

14356. It is unlawful for the holder of a hazardous remedy license to sell a hazardous remedy without requiring the purchaser of the hazardous remedy to sign his name and write his address in the record of such sales.

14357. It is unlawful for any person to refuse to permit the entry into and inspection of any premises wherein any livestock remedy is manufactured or sold for the taking of samples of such remedy.

14358. It is unlawful for any person to sell any livestock remedy except in the container in which it is packaged by the manufacturer, or to sell any such remedy unless its package bears the label of the manufacturer.

14359. It is unlawful for any person to make any false or misleading representation which relates to any livestock remedy, whether such representation is communicated orally, graphically, pictorially, or otherwise.

Article 7. Penalties

14381. A violation of any provision of this chapter or of any regulation which is adopted by the director pursuant to this chapter is a misdemeanor.

Chapter 5. Fertilizing Materials

Article 1. Definitions

14501. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

14502. "Agricultural mineral" means any mineral substance, mixture of mineral substances, or mixture of mineral and organic substances, which contains less than 5 percent in available form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively, or in combination. It does not include sand and soil.

14503. "Auxiliary soil chemical" means any substance as defined in Section 14509, which comes within any of the following classes:

(a) Synthetic polyelectrolytes.

(b) Biocatalytic soil conditioners.

(c) Lignin or humus preparations.

(d) Wetting agents to promote penetration of irrigation water.

(e) Bacterial inoculants.

(f) Any similar products intended to be used for influencing soils.

14504. "Brand" means the commercial term under which a series of different fertilizing materials may be sold.

14505. "Brand name" means a coined or specific designation which is applied to an individual fertilizing material of a fixed composition and derivation.

14506. "Commercial fertilizer" means any substance, as defined in Section 14509, which contains 5 percent or more of nitrogen, available phosphorus pentoxide, or potassium oxide soluble in distilled water, singly, collectively or in combination. It does not include manure, hay, straw, peat, or leaf mold.

14507. "Manure" means the excreta of any domestic animal or domestic fowl which is not artificially mixed with any material except a material which has been used for bedding, sanitary, or feeding purposes for such an animal or fowl or for the preservation of the manure.

14508. "Soil amendment" means any substance, as defined in Section 14509, except a substance which is otherwise defined in this article. It includes all of the following:

(a) Hay.

(b) Straw.

(c) Peat.

(d) Leaf mold.

(e) Sand.

(f) Any mixture which is intended for use solely as a potting medium.

(g) Any mineral substance such as diatomite, vermiculite, perlite, pumice, or clay which is intended for use solely because of its physical nature and with no claim for chemical constituents.

14509. "Substance" means any material or mixture of materials which is intended to be used for promoting or stimulating the growth of plants, increasing the productiveness of plants, improving the quality of crops, or producing any chemical or physical change in the soil.

Article 2. General Provisions

14531. The director may adopt such regulations as are reasonably necessary to effectuate the purposes of this chapter. A copy of such regulations shall be mailed promptly upon adoption to each person that is registered pursuant to this chapter. The failure to receive the copy is no defense to a violation of the regulations.

Article 3. Exemptions

14541. Except as provided in Section 14566, this chapter does not apply to any of the following:

(a) Sales for export outside the state.

(b) Sales of agricultural minerals to any registered producer, manufacturer, importer, agent, or dealer in agricultural minerals.

(c) Sales of fertilizing materials to any registered producer, manufacturer, importer, agent, or dealer in commercial fertilizers.

The exemptions which are provided by this section do not relieve any registered person from the tax which is provided for in Article 7 (commencing with Section 14681) of this chapter if purchased fertilizing materials are used upon his own lands within this state.

Article 4. Labels

14551. Every lot, parcel, or package of commercial fertilizer and agricultural mineral which is sold within this state

shall have attached to it so as to be visible a plainly printed label or descriptive tag, which states all of the following:

(a) The name, brand, and trademark, if any, under which the commercial fertilizer or agricultural mineral is sold.

(b) The name and address of the registered producer, manufacturer, importer, or dealer.

(c) The place of manufacture or production.

(d) A chemical analysis, which states the percentages of every constituent of agricultural value claimed to be in the commercial fertilizer or agricultural mineral, and the materials from which all of the constituents are derived.

14552. The chemical analysis regarding any commercial fertilizer shall state the percentages which are represented to be in the commercial fertilizer of all of the following:

(a) Nitrogen, specifying each form in which it is present and the percentage of each form.

(b) Available phosphoric acid, expressed in terms of phosphorus pentoxide.

(c) Soluble potash, expressed in terms of postassium oxide.

14553. The chemical analysis of limestone, limerock, chalk, dolomite, marl, oyster shells, shells, and every other agricultural mineral the principal constituent of which is calcium carbonate shall state the percentage of calcium carbonate.

14554. The chemical analysis of burnt lime, quicklime, and every agricultural mineral the principal constituent of which is calcium oxide shall state the percentage of calcium oxide.

14555. The chemical analysis of hydrated lime, slaked lime, and every agricultural mineral the principal constituent of which is calcium hydroxide shall state the percentage of calcium hydroxide.

14556. The chemical analysis of any byproduct in the manufacture of sugar or acetylene, and every other agricultural mineral which is obtained as a byproduct, the principal constituent of which is a compound of calcium shall state the percentage of calcium in terms of calcium carbonate, calcium hydroxide, or of calcium oxide.

14557. The chemical analysis of gypsum, land plaster, plaster, and every agricultural mineral the principal constituent of which is calcium sulfate shall state the percentage of calcium sulfate. Calcium sulfate present in the form of gypsum may, however, be stated in terms of gypsum.

14558. The chemical analysis of sulfur, brimstone, and every agricultural mineral the principal ingredient of which is sulfur shall state the percentage of sulfur.

14559. The chemical analysis of phosphate rock, and every other agricultural mineral the principal constituent of which is calcium phosphate shall state the percentage of available phosphoric acid. If in addition a percentage of total phosphoric acid is stated, the percentage of insoluble phosphoric acid shall also be stated. The term and the percentage of available phosphoric acid shall be shown as prominently as any other terms and percentages on the tag.

14560. The chemical analysis regarding any mixture of two or more agricultural minerals shall state the percentage of each principal constituent in the manner prescribed by Sections 14553 to 14559, inclusive.

14561. The chemical analysis regarding any agricultural mineral which is not specifically mentioned in Sections 14553 to 14559, inclusive, shall state the percentage of every constituent which is claimed to be in the agricultural mineral in terms or equivalents which are prescribed by the director.

14562. A person shall not sell as a commercial fertilizer, or as an ingredient of a commercial fertilizer, any leather, hair, hoofs, horns, or wool waste, unless it is so treated as to make the nitrogen content available as plant food.

14563. A person shall not sell as a commercial fertilizer, or as an ingredient of a commercial fertilizer, any street sweepings, unless there is affixed to every lot, parcel, or package a label which states that it contains such substance.

14564. A person shall not sell any manure to which water or any material or substance has been artificially added, unless there is affixed to every lot or container which is delivered to any purchaser a statement of the fact that such artificial addition has been made.

14565. It is unlawful for any person to sell any commercial fertilizer or any agricultural mineral except in a lot which is properly labeled by, or in a package which is filled and labeled by, a registrant pursuant to this chapter.

14566. Any label or descriptive tag that is attached to a lot, parcel, or package of commercial fertilizer or agricultural mineral which states any of the things mentioned in Section 14551 is a warranty by the seller that attaches it, as to the things which are stated on it, in favor of the buyer and of each successive buyer that purchases the goods relying on it.

14567. Every registered producer, manufacturer, importer, agent, or dealer, that makes or sells any commercial fertilizer or agricultural mineral under a brand or a brand name, shall file a statement with the director, prior to issuance of registration in each year which states the brand or the brand name. He shall also file for the substance which is to be sold or manufactured under each brand name, or which is to be sold as an agricultural mineral, a statement of all of the following:

(a) The percentage of every constituent of agricultural value which is claimed to be in the commercial fertilizer or agricultural mineral.

(b) The materials from which each of the constituents is derived.

14568. Each applicant for a certificate of registration to sell any auxiliary soil chemical shall file a statement with the director, prior to issuance of registration in each year which states both:

(a) The brand, brand name, or name under which the auxiliary soil chemical is to be sold or manufactured.

(b) The percentage of every constituent of agricultural value which is claimed to be in the auxiliary soil chemical.

A proper statement of ingredients and directions for use shall be given on the label.

14569. The sale of any auxiliary soil chemical in any container or package except the registrant's sealed or closed container or package is prohibited.

Article 5. Analysis

14581. In determining the percentage of component parts of any substance for the purpose of proper labeling, registration, or determining compliance with representations, all analyses shall be made according to such method as may be determined by the director. The method determined by the director shall conform to the method, if any, agreed upon by the American Association of Official Analytical Chemists.

14582. The director shall at such times and to such extent as necessary for the full enforcement of this chapter, do all of the following:

(a) Take samples of any substance.

(b) Make analyses or examinations of any substance.

(c) Make investigations concerning the use, sale, adulteration, or misbranding of any substance.

14583. The director shall publish, at least annually, the results of examinations or chemical analyses of official samples of commercial fertilizers and agricultural minerals, and such additional information as may seem advisable to him.

14584. The director may take a sample for analysis from any lot of commercial fertilizer, agricultural mineral, auxiliary soil chemical, or soil amendment which may be in possession of any producer, manufacturer, importer, agent, dealer, or user. The sample shall be taken pursuant to any regulations which the director has adopted regarding the taking of such samples.

14585. (a) Any method for drawing samples which is established by regulations of the director, shall conform as closely as possible to a method for drawing samples which is established by the American Association of Official Analytical Chemists.

(b) If the material which is to be sampled is packaged in containers of less than 10 pounds, one package of the material may be taken as a sample to represent the lot of which it is a part.

14586. If the analysis of a sample of commercial fertilizer shows a deficiency of not more than 0.5 percent of nitrogen, or not more than 0.7 percent of available phosphoric acid, or not more than 0.5 percent of soluble potash, the statement of the producer, manufacturer, importer, agent, or dealer, as required pursuant to this chapter, is not false within the meaning of this chapter.

14587. If the analysis of a sample of agricultural mineral shows a deficiency in any constituent of not more than 5 percent of the guaranteed total percentage of such constituent, the statement of the producer, manufacturer, importer, agent, or dealer, as required pursuant to this chapter, is not false within the meaning of this chapter.

14588. In any action, civil or criminal, in any court in this state, a certificate of the director which states the results of any analysis, purported to have been made pursuant to this chapter, shall be prima facie evidence of all of the following:

(a) That every sample which is mentioned in the analysis or certificate was properly analyzed.

(b) That such samples were taken pursuant to this chapter.

(c) That the substances analyzed contained the component parts which are stated in such certificate and analysis.

(d) That the samples were taken from the lots, parcels, or packages which are mentioned in the certificate.

Article 6. Registration

14621. Every producer of, manufacturer of, importer of, or dealer in, any commercial fertilizer, except a dealer or agent that sells commercial fertilizer in packages filled and labeled by a registrant, shall obtain from the director a certificate of registration which authorizes the registrant to sell commercial fertilizers before the commercial fertilizer is offered for sale.

14622. Every producer of, manufacturer of, or dealer in, any agricultural mineral, except a dealer or agent that sells agricultural minerals in packages which are filled and labeled by a registrant, shall obtain from the director a certificate of registration which authorizes the registrant to sell agricultural minerals before the agricultural mineral is offered for sale.

14623. Every producer of, manufacturer of, importer of, or dealer in any auxiliary soil chemical, shall obtain from the director a certificate of registration which authorizes the registrant to sell auxiliary soil chemicals before the auxiliary soil chemical is offered for sale.

14624. A person may obtain both a certificate for the sale of commercial fertilizers and a certificate for the sale of agricultural minerals, but for each certificate a separate application shall be filed and a separate fee paid.

14625. Any person that purchases any commercial fertilizer or agricultural mineral for resale to registrants only may obtain from the director, in lieu of a certificate issued pursuant to Section 14621 or 14622, a jobber certificate of registration, which authorizes such person to sell commercial fertilizers or agricultural minerals to commercial fertilizers registrants only and to sell agricultural minerals to agricultural minerals registrants only.

14626. Each application for a certificate of registration shall be accompanied by the proper fee, as follows:

(a) For a certificate of registration for the sale of commercial fertilizers, fifty dollars ($50).

(b) For a certificate of registration for the sale of agricultural minerals, fifty dollars ($50).

(c) For a jobber certificate of registration, twenty-five dollars ($25).

(d) For a certificate of registration for the sale of auxiliary soil chemicals, no fee.

14627. All certificates of registration shall expire on the 30th day of June of the fiscal year for which they are issued.

14628. If reregistration is not obtained within one calendar month after the expiration of a certificate of registration there shall be added to the fee a penalty of 10 percent, to which shall be added an additional penalty of 5 percent of the original amount due, for each succeeding calendar month. The total penalty shall not, however, exceed 50 percent of the original amount due.

14629. A penalty shall not be collected if the person reregistered makes an affidavit that no business was done during the period of nonregistration. The payment of the renewal fee or penalty is not a bar to any prosecution for doing business without proper registration.

14630. The director, after hearing, may cancel the registration of, or refuse to register, any person that sells or proposes to sell any commercial fertilizer, agricultural mineral, or auxiliary soil chemical which is detrimental or injurious to plants if it is applied as directed, or which is known to be of little or no value for the purpose for which it is intended, or as to which any false or misleading claim is made or implied. He may cancel the registration of any person that repeatedly violates the provisions of this chapter.

14631. The proceedings to cancel or refuse registration shall be conducted pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted in such chapter.

Article 7. Tonnage License Tax

14681. As used in this article, "tonnage license tax" means the tax which is imposed by Section 14682.

14682. A registered person shall, if the sale is not exempt from the provisions of this chapter, pay:

(a) Fourteen cents ($0.14) per ton or fraction of a ton upon any sale of any commercial fertilizer.

(b) Five cents ($0.05) per ton or fraction of a ton upon any sale of any agricultural mineral, unless the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer.

14683. A commercial fertilizer registrant that sells any agricultural mineral to an unregistered person in the original and properly labeled lot or package of an agricultural mineral registrant shall pay the tonnage license tax which is imposed upon the sale of agricultural minerals.

14684. Each registered person shall keep an accurate account of every sale of any commercial fertilizer, agricultural mineral, or both. The account shall be open at all times to inspection by the director. A statement of sales shall be rendered to the director quarterly within one calendar month after March 31st, June 30th, September 30th, and December 31st, of each year.

14685. The statement shall be accompanied by the amount of tonnage license tax which is required by this article.

14686. Any delinquency in making a statement and return, or any deficiency in any return, shall subject the registrant to the payment of a penalty of 10 percent of the amount which is due.

14687. If a registered person has paid the tonnage license tax which is required by this article, any person that is acting as his selling agent is not required to pay the tonnage license tax.

Article 8. Public Nuisance

14701. As used in this article, "nuisance" means the public nuisance which is defined in Section 14702.

14702. Any substance which is adulterated, mislabeled, injurious, or detrimental to plants if applied as directed, or otherwise not in conformity with the provisions of this chapter, together with any container which contains any of the substance, is a public nuisance.

14703. The director may quarantine any substance or container which is a nuisance, and may affix a warning tag or notice to it. It is unlawful for any person to remove, deface, or destroy any tag or notice which is affixed by the director, prior to the release of the substance or container from quarantine.

14704. The director may notify the owner or person that is in possession of any substance or container which is a nuisance that the nuisance exists, and may require him to abate the nuisance within a reasonable time which is specified in the notice.

14705. The person that has possession of a substance or a container which is a nuisance shall, upon notice by the director, hold any substance or container which is quarantined until it is released by the director upon compliance with this chapter.

14706. It is unlawful for any person to move or otherwise dispose of any substance or container which is quarantined, or to which a warning tag or notice has been affixed pursuant

to this article, except with the permission of the director and for the purposes which are specified by him.

14707. Any substance or container which is a nuisance, if not abated or disposed of pursuant to the notice of the director, shall be subject to disposal on complaint of the director to a court of competent jurisdiction.

14708. The district attorney of the county in which the nuisance is found, on the relation of the director, shall maintain in the name of the people of the State of California a civil action to abate and prevent the nuisance.

14709. Upon judgment and by order of the court a substance or container which is a nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, or denatured or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance shall be abated.

14710. If the owner fails to comply with the order of the court within the time specified, the court may order disposal or sale, under such terms and conditions as the court may prescribe, by the director, or by the sheriff, marshal, or constable.

14711. In the event of sale, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

14712. In actions arising, pursuant to this article, the following courts shall have original jurisdiction:

(a) Municipal courts, where the value of the property seized amounts to three thousand dollars ($3,000) or less.

(b) Justice courts, where the value amounts to five hundred dollars ($500) or less.

Article 9. Violations

14751. Any person that sells any commercial fertilizer, agricultural mineral, or auxiliary soil chemical without the statement which is required by this chapter or with a label which states that the commercial fertilizer, agricultural mineral, or auxiliary soil chemical contains a larger percentage of any one or more of the constituents than is actually contained in it, or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor. Upon conviction such person shall be fined in a sum of not less than fifty dollars ($50) and costs for the first offense, and not less than one hundred dollars ($100) and costs for each subsequent offense. The fines shall be paid into the school fund of the county in which conviction is had.

14752. It is unlawful for any person, by himself, or through another person, in connection with the sale of any substance to do any of the following:

(a) Make any material or substantial misrepresentation.

(b) Make any false promises of a character likely to influence, induce or deceive.

(c) Engage in illegitimate business or dishonest dealing.

(d) Cause to be published or distributed false or misleading literature, or cause to be displayed false or misleading advertisements.

CHAPTER 6. COMMERCIAL FEEDING STUFFS

Article 1. Definitions

14901. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

14902. "Commercial feeding stuffs" includes all feeding stuffs and concentrates which are used for feeding livestock and poultry, except the following:

(a) Whole seeds or grains, if unmixed.

(b) Fresh green roughage or unprocessed liquid milk in any form.

(c) Whole hays, straws, cottonseed hulls, corn stover, and wet citrus waste residue, if unprocessed and unmixed with other materials.

(d) Wet garbage.

(e) Salt, except in block or chunk form.

(f) Preparations which are sold as or represented to be primarily for the cure or mitigation of disease.

(g) Preparations which are sold for feeding domestic pets, such as dogs, cats, and birds.

14903. "Established plant, warehouse, or place of business" means any permanent office headquarters which is maintained by an importer, broker, seller, or authorized manufacturer's agent, or any permanent warehouse, building, or structure in or from which a legitimate permanent business is carried on as such in good faith and not for the purpose of evading this chapter, during the usual and customary business hours, and at which stocks of the commercial feeding stuffs regulated by this chapter are sold, manufactured, processed, mixed, distributed, stored, or kept in quantities reasonably adequate and usually carried for the requirements of such business, and available for regular inspection by the director or his inspectors. It does not mean temporary residence, tent, temporary stand, itinerant truck or transportation vehicle, or other temporary quarters, occupied pursuant to any temporary arrangement to evade this chapter.

14904. "Licensee" means a person that has obtained a license pursuant to Article 7 (commencing with Section 15021) of this chapter.

14905. "Special mix" means any commercial feeding stuffs which are manufactured, processed, or mixed pursuant to specifications which are supplied by the purchaser.

Article 2. General Provisions

14931. The director shall enforce this chapter and adopt and enforce such regulations relating to the sale of, and to the manner of making inspection tonnage tax payments upon, commercial feeding stuffs as he deems necessary to carry into effect the full intent and meaning of this chapter.

14932. All money which is received under this chapter shall be paid monthly into the State Treasury and placed to the credit of the Department of Agriculture Fund. It shall be expended as provided in Section 14232.

14933. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this chapter during the current biennium, including a statement of receipts and expenditures during that period.

Article 3. Exemptions

14951. This chapter does not apply to any commodity which results from services which are classed as "toll milling" or "custom milling." The processing of any such exempt commodity by the person that negotiates the sale is not "toll milling" or "custom milling."

Article 4. Labels

14961. Except as otherwise provided in this chapter or by specific regulations of the director which declare that the statement required pursuant to this article is not applicable to certain products, every lot or parcel of commercial feeding stuffs which is sold or distributed within this state, shall have affixed to a conspicuous place on the outside of the lot or parcel a tag or label.

14962. The tag or label shall contain a legible and plainly printed statement which certifies all of the following:

(a) The net weight of the contents of the lot or parcel.

(b) The name, brand, or trademark.

(c) The name and principal address of the manufacturer or person that is responsible for placing the commodity on the market.

(d) The minimum percent of crude protein.

(e) The minimum percent of crude fat.

(f) The maximum percent of crude fiber.

(g) The maximum percent of ash.

(h) The recognized official name of each ingredient which is used in its manufacture.

(i) The percent of such ingredients as corncobs, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, if such materials constitute a portion of the lot or parcel.

(j) The maximum percent of mineral matter it contains.

(k) In the case of any mixed feed which contains more than 5 percent of mineral ingredients, the minimum percentage of calcium (Ca), of phosphorus (P), of iodine (I), and the maximum percentage of salt if salt is added.

(*l*) The maximum percentage of salt in any mixed feeds if more than 2 percent of salt is present or added.

(m) In the case of any commercial feeding stuffs for which any special quality is claimed, such as vitamin potency, amino acid content, or protein quality, a definite guarantee relative to such quality.

(n) If any simple animal protein concentrate is sold or distributed, the quality index of such protein may be certified to in addition to the minimum percent of crude protein.

(o) In the case of any commercial feeding stuffs which contains a nonnutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease or pest, or which is intended to affect the structure or any function of the animal body, the amount of such substance present, directions for use, and any necessary warnings against misuse.

14964. If a manufacturer, processor, or mixer of any commercial feeding stuffs makes a claim or guarantee relative to the content of the commercial feeding stuffs on or with the package which contains it, and the claim or guarantee is in addition to those required by law, he is responsible for maintaining the claim or guarantee, and may be required to submit to the director information and records pertinent to the claim or guarantee.

14965. Any commercial feeding stuff which contains a substance that is toxic or poisonous if consumed in quantities greater than recommended by the manufacturer shall be so labeled that the user will be warned of the toxic or poisonous effects which result from feeding the excess quantity.

14966. Commercial feeding stuffs are mislabeled if in any respect they are not as represented.

Article 5. Standards and Tolerances

14981. The director shall by regulation fix the standards for commercial feeding stuffs.

14982. The director, by regulation, may establish permissible tolerances for pesticide chemicals, chemical additives, and drugs in or on commercial feeding stuffs. Tolerances which are so established shall be such as to insure the safety of livestock and poultry and the products of livestock and poultry which are used for human consumption.

Article 6. Inspection and Analysis

15001. The director, his agents, and his inspectors shall have free access to all premises or conveyances which are used

in the manufacture, transportation, importation, sale, or storage of any commercial feeding stuffs. They may open any parcel which contains or is supposed to contain any commercial feeding stuffs, and take samples and analyze them.

Article 7. Licenses

15021. Each of the following persons shall obtain a license from the director for each plant operated which authorizes him to sell, manufacture, process, mix, or distribute commercial feeding stuffs before he engages in such activity:

(a) Any person that sells commercial feeding stuffs except a person that makes only retail sales of commercial feeding stuffs which bear the tag, stamp, or other approved indication that the commercial feeding stuffs are from a licensed manufacturer or guarantor that has assumed full tax responsibility for the tonnage tax due under Section 15051.

(b) Any person that manufactures, processes, or mixes, for another, commercial feeding stuffs.

(c) Any person that distributes commercial feeding stuffs.

15022. A person is not entitled to a license unless he has an established plant, warehouse, or place of business.

15023. Each application for a license shall be accompanied by a fee of five dollars ($5) for each plant for each fiscal year or portion of a fiscal year beginning July 1st.

15024. Each license shall be renewed annually. Each application for renewal shall be accompanied by a fee of five dollars ($5) for each plant operated.

15025. If a license is not renewed within one calendar month after the beginning of the fiscal year, a penalty of five dollars ($5) shall be added to the fee. A penalty shall not, however, be collected if the person that is relicensed presents evidence satisfactory to the director that no business was done during the period when he did not have a license.

15026. The payment of the renewal fee and penalty is not a bar to any prosecution for doing business without a license.

Article 8. Inspection Tonnage Tax

15051. Any manufacturer, importer, jobber, firm, association, corporation, or person that sells to the consumer-buyer any commercial feeding stuffs shall pay to the director an inspection tonnage tax at the rate of four cents ($0.04) for each ton sold. He shall also affix to each package or container of such commercial feeding stuffs a tag, stamp, or other approved indication that the inspection tonnage tax specified in this article has been paid.

15052. If any commercial feeding stuffs are sold in bulk, the person that sells them shall report the sales and make payment of the inspection tonnage tax upon such sales pursuant to the regulations of the director.

15053. The licensee may make direct payment of the inspection tonnage tax to the director after the director approves the application of the licensee to pay in such manner. The payment shall be made pursuant to the regulations of the director.

15054. A licensee that makes direct payment of the inspection tonnage tax shall render to the director quarterly, within one calendar month after March 31st, June 30th, September 30th, and December 31st of each year, a statement of the tonnage sold subject to the tax accompanied by payment of the amount of inspection tonnage tax required by this article. To any amount which is not paid when due, or which is not accompanied by the proper return, a penalty shall be added of 10 percent of the amount which is due.

15055. The tags which are referred to in Section 15051 may be purchased from a commercial printer if the printer does all of the following:

(a) Posts with the director a bond in the sum of one thousand dollars ($1,000) which guarantees collection of the inspection tonnage tax prior to printing the tags.

(b) Agrees in writing to abide by the regulations of the director.

15056. The printer upon receipt of the inspection tonnage tax from the purchaser of the tags shall immediately remit it to the director together with a copy of the purchaser's order for the tags.

15057. Each tag shall both:

(a) Bear the inscription "California feeding stuffs tax paid".

(b) Indicate the number of pounds which are to be placed in the container to which the tag is to be attached and for which the tax is paid.

Article 9. Special Mixes

15071. Any person that manufactures, processes, or mixes any special mix for another person, shall furnish to the person for whom such special mix is manufactured, processed, or mixed, a numbered invoice which has written or printed on it the date of sale and the name and the number of pounds of each ingredient which is in the special mix.

15072. The net weight of any special mix which is sold in bulk shall be affirmed by public weighmaster's certificate.

15073. If packaged, each package of any special mix shall have attached to it, in lieu of the tag or label which is required pursuant to Article 4 (commencing with Section 14961) of this chapter, a written or printed tag upon which shall be stated all of the following:

(a) That the product in the container or package is a special mix.

(b) The number and date of the invoice.

(c) The name of the mixer, processor, or manufacturer.

(d) The net weight of the contents.

15074. Copies of all invoices which are required by Section 15071 shall remain on file in the place of business of the person that furnishes them for six months, subject to inspection by the director. No two invoices issued in one calendar year shall bear the same number.

15075. The licensee shall attach to the packages or containers of the special mixes tags, stamps, or other approved indication of the payment of the inspection tonnage tax which is required by Article 8 (commencing with Section 15051) of this chapter.

15076. A special mix shall not be resold.

Article 10. Violations

15101. (a) Any violation of any provision of this article is a misdemeanor which is punishable by a fine of not more than one hundred dollars ($100) for the first violation and not less than one hundred dollars ($100) for each subsequent violation.

(b) Upon a second conviction, if ordered by the court, the license of the person may be suspended or revoked.

15102. It is unlawful for any person to sell or distribute in this state, any commercial feeding stuffs unless:

(a) There is attached to the commercial feeding stuffs the labels, tax stamps, tags, or other approved indication of tax payment.

(b) He furnishes to the purchasers of bulk feeds, at time of each delivery, such documents as are required by this chapter and the regulations which are adopted pursuant to it.

15103. It is unlawful for any person to obstruct, prevent, or attempt to prevent the department or its authorized agent in the performance of any duty of the department pursuant to any provision of this chapter.

15104. It is unlawful for any person to sell or distribute in this state any commercial feeding stuffs without complying with the provisions of this chapter and the regulations which are adopted pursuant to it.

15105. It is unlawful for any person to sell or distribute in this state any commercial feeding stuffs which do not conform to the analysis, guarantees, or any other representation made on the tag or label or on the invoice, sales slip, or weight certificate.

15106. It is unlawful for any person to fail to properly state the recognized official name of each ingredient used in the manufacture of any commercial feeding stuffs.

15107. It is unlawful for any person to fail to properly state the percent in any commercial feeding stuffs of such ingredients as corncobs, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, if such materials con-

stitute a portion of the package, lot, or parcel or the percent of grit or inert matter.

15108. It is unlawful for any person to use, for the purpose of evading payment of the inspection tonnage tax, any package, container, or tag which bears the tax-paid insignia or stamp or other approved indication of tax payment which has been used previously.

15109. It is unlawful for any person to use, without proper authority and for the purpose of misleading or defrauding, any package, container, or tag of another dealer or manufacturer.

15110. It is unlawful for any person to make any false or fraudulent claim or representation, which relates to any commercial feeding stuffs, on any label or invoice, or in any advertisement, or in any other manner.

15111. It is unlawful for any person to render any false statement in connection with the payment of the inspection tonnage tax or to fail to pay the inspection tax and any penalty which is due because of any delinquency in the payment of the inspection tax.

15112. It is unlawful for any person to mix or adulterate any commercial feeding stuffs with any substance injurious to the health of livestock or poultry.

15113. In addition to the penalty which is provided in Section 15101, such lot of commercial feeding stuffs may, upon direction of the court, be seized, condemned, and sold. The court may, in its discretion, release the mixed or adulterated commercial feeding stuffs so seized when the requirements of this chapter have been complied with, and upon payment of all costs and expenses which are incurred by the state in any proceedings connected with the seizure.

Article 11. Procedure for Prosecution

15131. If it appears that any provision of this chapter or any regulation which is adopted pursuant to it has been violated, the director shall notify the manufacturer or dealer. The director shall afford any party so notified an opportunity to be heard.

15132. After a hearing, the director shall dismiss the charges or shall certify the facts to the proper district attorney, who shall forthwith institute proper proceedings.

Article 12. Civil Penalties

15151. Any lot of commercial feeding stuffs which is offered for sale in violation of any provision of this chapter shall, pursuant to regulations of the director, be removed from sale by the vendor of the commercial feeding stuffs upon his receiving notice from the director of the violation. The vendor

shall withhold the commercial feeding stuffs from sale until the violation has been corrected.

DIVISION 8. VESSEL AND AIRCRAFT GARBAGE

CHAPTER 1. DEFINITIONS

16001. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

16002. "Aircraft" means every description of craft or other contrivance which is used, or capable of being used, as a means of transportation through the air from origins in other states or territories or in foreign countries.

16003. "Food stores" mean fruits, vegetables, or animal products which are carried as stores of vessels and aircraft and includes fruits, vegetables, or animal products which are carried in passengers' and crews' quarters.

16004. "Garbage" means waste material, such as food scraps, table refuse, galley refuse, and refuse from stores of vessels and aircraft, including such waste material in passengers' and crews' quarters, which is derived, in whole or in part, from fruits, vegetables, or animal products.

16005. "Territorial waters of California" means all navigable waters of this state including all portions of the sea within its jurisdiction which are used by vessels or aircraft.

16006. "Vessel" means every description of craft or other contrivance which is used, or capable of being used, as a means of transportation in or on coastal, intercoastal, or foreign waters.

CHAPTER 2. GENERAL PROVISIONS

16051. Regulations which are adopted by the director pursuant to this division shall not conflict with Agricultural Research Service of the United States Department of Agriculture orders or regulations which pertain to garbage that is derived from meats or meat products which originate in any country which is listed as a country in which there are animals which are infected with the disease known as rinderpest or with foot-and-mouth disease.

CHAPTER 3. CONTAINERS AND RECEPTACLES

16101. If means of incineration of, or other approved processing for, garbage are not available aboard any vessel or aircraft in the state, the master or other person that is in charge of such vessel or aircraft shall provide containers or receptacles with tight-fitting covers in which the garbage shall be retained while within the territorial waters of, or on the land in, California pending incineration or approved treatment under the supervision and pursuant to the regulations of the director.

CHAPTER 4. VIOLATIONS

16151. It is unlawful for any person to throw, discharge, deposit, remove, or carry garbage, or cause, suffer, or procure garbage to be thrown, discharged, deposited, removed, or carried, from any vessel, aircraft, or any other vehicle into any territorial waters, or onto land within the state, except for any of the following:

(a) Immediate burning in incinerators.

(b) Approved treatment or approved disposal under the supervision and pursuant to the regulations of the director.

(c) Delivery to a garbage collector that, for the purpose of accepting garbage, is licensed by the director or by the federal government.

16152. It is unlawful for any person to retain or maintain garbage on any vessel, aircraft, or other vehicle within the state, except in tightly closed containers or receptacles and under such treatment as may be prescribed by the director.

16153. It is unlawful for any person to remove food stores from any vessel, aircraft, or other vehicle except under a permit issued by the director.

16154. It is unlawful for any person to violate, or to aid, abet, authorize, or instigate a violation of, this division.

DIVISION 9. ANIMALS GENERALLY

PART 1. ANIMALS AT LARGE

CHAPTER 1. DEFINITIONS

16301. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

16302. "Animal" includes any domestic bovine animal, horse, mule, burro, sheep, goat, or swine, or the hide, carcass, or portion of a carcass of any such animal.

16303. "Inspector" means a hide and brand inspector. It includes the persons who are specified in Section 20010.

CHAPTER 2. GENERAL PROVISIONS

Article 1. Application

16401. This part, including the provisions regarding payment of fees, is applicable to all state and county institutions engaging in livestock operations.

Article 2. Investigation

16411. The director may make any and all necessary investigations relative to reported violations of this part pur-

suant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

16412. Copies of records, audits, and reports of audits, inspection certificates, certified reports, findings and all papers on file in the office of the director shall be prima facie evidence of the matter contained in them, and may be admitted into evidence in any hearing pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Article 3. Criminal Penalty

16421. Except as otherwise provided in this part, every person that violates any provision of this part is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than six months or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense.

Article 4. Civil Penalties and Remedies

16441. Any person that violates any provision of this part or any regulations issued pursuant to it is liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each violation. Any money recovered under this section shall be paid into the Department of Agriculture Fund.

16442. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring action for civil penalties in the name of the people of this state in any court of competent jurisdiction in this state against any person violating any provision of this part.

16443. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this part or any regulation which is duly issued by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Article 5. Funds.

16461. Any money in the Department of Agriculture Fund derived under any of the provisions of this part may be expended for the administration and enforcement of any of the provisions of the following portions of this code, notwithstanding any other provision of law limiting the expenditure of any such money to some specific purpose or to the administration or enforcement of some specific section, article, or chapter of this part:

(a) Part 1 (commencing with Section 16301), Division 9.

(b) Chapter 1 (commencing with Section 17401), Part 2, Division 9.

(c) Chapter 4 (commencing with Section 17951), Part 2, Division 9.

(d) Chapter 1 (commencing with Section 18201), Part 3, Division 9.

(e) Division 10 (commencing with Section 20001).

(f) Division 11 (commencing with Section 23001).

(g) Chapter 1 (commencing with Section 24501), Part 1, Division 12.

(h) Chapter 1 (commencing with Section 26401), Part 3, Division 12.

CHAPTER 3. PEDIGREE AND PROOF OF OWNERSHIP

Article 1. Pedigree

16501. It is unlawful for any person by any false or fraudulent pretense to do any of the following:

(a) Obtain from any association organized for the purpose of improving the breed of domestic animals a certificate of registration of any animal in the herd register, or other register of such association or a transfer of any such registration.

(b) Give, for a valuable consideration, a false pedigree of any animal, with intent to mislead.

Article 2. Proof of Ownership

16521. An inspector shall seize any bovine animal, horse, mule, or burro, or the hide or carcass of any such animal, which is within any of the following classes:

(a) Found in the possession of a person that cannot prove ownership.

(b) Presented for inspection and which is not claimed by the consignor or consignee.

16522. Evidence of ownership of an animal or hide may include any of the following:

(a) A recorded brand registered in the name of the person in possession of the animal or hide.

(b) A brand inspection certificate.

(c) A bill of sale from the owner of the brand on the animal or hide.

(d) In the case of an unbranded animal or hide, a bill of sale which gives a description of the breed, sex, color, and natural markings, if any.

16523. Evidence of ownership of a carcass may include a bill of sale, sales tag, or sales memorandum which shows all of the following:

(a) The names of the seller and buyer.

(b) The date of sale.

(c) The quantity sold.

16524. It is unlawful for any person to refuse to turn over to an inspector any animal, hide, or carcass which is seized pursuant to any provision of this part.

CHAPTER 4. REGULATION OF MALE ANIMALS

16701. A person shall not let to mares or jennies any stallion or jack within the limits of any city, town, or village, or within 400 yards of it, except in an inclosure which is sufficient to obstruct the view of all the inhabitants within such limits.

16702. A person in charge of any stallion, bull, boar, ram, or male goat shall not turn out or permit such animal to be turned out or to run at large.

16703. A violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than five dollars ($5) or more than twenty dollars ($20), or by imprisonment in the county jail not less than 30 days, or by both such fine and imprisonment.

CHAPTER 5. OPEN RANGE GRAZING

16801. As used in this chapter:

(a) "Purebred bull" means a bull bred in a herd of one of the recognized beef breeds, the ancestral sires of which shall have been registered bulls of the same breed for at least four generations, and the dams of which shall have been cows of the same breed of good quality.

(b) "Open range" means all uninclosed lands outside of cities, towns, and villages, upon which by custom, license, or otherwise, cattle are kept or permitted to roam.

16802. A person shall not permit any bull over eight months of age which is not a purebred bull to run upon any range of this state.

16803. A person shall not cause or permit his cows to graze upon the open range without running with the cows one bull for every 30 head of cows or for every fractional part of the 30 cows, except when the fractional part is less than 10.

16804. Any person that violates any provision of this chapter is, in addition to any penalty imposed by this part, liable for all actual damage caused thereby.

CHAPTER 6. TRANSPORTATION OF ANIMALS

16901. It is unlawful for any person to do any of the following:

(a) Lead, drive, or conduct any animal along the track of a railroad, unless the railroad is built within the limits of a public highway or public place.

(b) Permit any animal to be placed within the fences of a railroad for grazing or other purposes if he has the right to prevent it.

16902. A person that owns or controls the possession of any livestock shall not willfully or negligently permit any of the livestock to stray upon, or remain unaccompanied by a person in charge or control of the livestock upon, a public highway, if both sides of the highway are adjoined by property which is separated from the highway by a fence, wall, hedge, sidewalk, curb, lawn, or building.

16903. It is unlawful for any person to drive any livestock upon, over, or across any public highway between the hours of sunset and sunrise unless he keeps a sufficient number of herders on continual duty to open the road so as to permit the passage of vehicles.

16904. In any civil action which is brought by the owner, driver, or occupant of a motor vehicle, or by their personal representatives or assignees, or by the owner of livestock, for damages which are caused by collision between any motor vehicle and any domestic animal on a highway, there is no presumption or inference that the collision was due to negligence on behalf of the owner or the person in possession of the animal.

16905. It is unlawful for any officer, agent, or conductor of any railroad in this state, to confine any animals in cars for a longer period than 36 consecutive hours if the animals are being carried or transported by the railroad in carloads. At least every 36 hours the animals shall be unloaded for rest, water, and feeding, into properly equipped pens for a period of not less than five consecutive hours.

16906. In estimating the time of confinement pursuant to Section 16905, the period during which animals have been confined without such rest on connecting roads from which they are received, shall be included.

16907. If the owner or person in charge of the animals refuses or neglects to pay for the care and feed of the animals so rested, the company or person operating the railroad may charge the expense of the care and feeding to the owner or consignee and retain a lien upon the animals until the amount of expense is paid.

16908. It is unlawful for any person, that owns or operates any motor truck, or motor truck and trailer, or semitrailer which is attached to a motor truck, to confine or permit to be confined, in such vehicle, any animal for a longer period than 28 consecutive hours from the time the animal was last fed and watered. Upon the written request of the owner or person in charge of the animal, the period of confinement may be extended to 36 hours. Before the expiration of the permissible period of confinement, the animal shall be unloaded in a humane manner by means of a chute or tailgate of sufficient size into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours.

The failure of a person to feed or water an animal within the time limit prescribed by this section is not a violation of this section if the feeding and watering of the animal is prevented by storm or other accidental or unavoidable causes which could not be anticipated or avoided by the exercise of due diligence and foresight.

16909. In estimating the period of confinement, the time consumed in loading and unloading the animal shall not be considered, but the time during which the animal has been confined without rest, food, or water on any other or connecting vehicle, or outside of the state, shall be included.

CHAPTER 7. ESTRAYS

Article 1. Definitions and General Provisions

17001. As used in this chapter, "taker-up" means any person that takes up an estray animal pursuant to Section 17041.

17002. Any animal which is seized by, or comes into the possession of, an inspector pursuant to this part shall be disposed of pursuant to this chapter.

17003. Except for the provisions of the section, this chapter does not affect any law or regulation which is in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or county where laws regarding estrays are in force.

If no person appears and claims any impounded bovine animal, horse, mule, or burro within five days, the poundkeeper or other pound officer shall so notify the director. Upon receipt of such notice, the director shall take possession of the animal and shall dispose of it pursuant to this chapter.

This section does not authorize any act which violates Section 597 of the Penal Code.

Article 2. Taker-Up of Estrays

17041. Except as provided in Article 5 (commencing with Section 17121) of this chapter, any person that finds any

estray domestic animal upon his premises, or upon premises to which he has the right of possession, or upon any highway which is adjacent to such premises, may take up the animal and have a lien for all expenses which are incurred in taking up, keeping, and caring for it.

17042. Any person that takes up an estray animal shall confine it in a secure place, and within five days file with the director a notice which contains all of the following:

(a) A description of the animal seized.

(b) The marks and brands, if any.

(c) The probable value of the animal.

(d) A statement of the date and place where it was taken up and confined

17043. The taker-up of an estray animal shall use reasonable care to preserve it from injury. If it dies or escapes from the taker-up at any time while he is holding it pursuant to this chapter, the taker-up shall not be held liable in any manner therefor.

17044. The taker-up is entitled to the sum prescribed by Section 17095 for the keeping and care of the estray animal.

17045. Except as otherwise provided in this chapter, it is unlawful for any person to remove any animal from the possession of the taker-up.

Article 3. Possession by Inspector

17061. Upon demand of any authorized inspector, the taker-up shall deliver possession of the animal to the inspector.

17062. Except as otherwise provided in this chapter, it is unlawful for any person to remove from the possession of an inspector any animal so delivered to him.

17063. If the animal which is seized or otherwise in the possession of the inspector is branded, the director shall cause a search to be made of the brand records to ascertain the owner.

17064. If the brands or marks are recorded, the director shall immediately, by letter, notify the person in whose name the brands or marks are recorded.

17065 If the owner is not found, and the estimated value of the animal exceeds forty dollars ($40), the director shall cause a notice of the taking up of the animal to remain posted for a period of three weeks on a bulletin board in each office of the Bureau of Livestock Identification. In addition to posting the notice, the director shall cause the notice to be published once each week for three successive weeks in a local paper in the vicinity in which the estray animal is known to have originated, or if such origin is not known, then in the locality in which the animal was found.

17066 If the estimated value of the animal is less than forty dollars ($40) and a notice is posted for five days on a bulletin board in each office of the Bureau of Livestock Identi-

fication, the director may cause the sale of the animal at a public sale and hold the proceeds as provided in Article 4 (commencing with Section 17091) of this chapter.

17067. The notice of the taking up of an animal shall describe the weight, sex, breed, color, marks, and brands, if any, of the animal and shall state the time and place of its proposed sale.

17068. Any person that claims ownership in the animal may, at any time, but not later than 30 days after the first posting of notice, file his proofs of ownership with the director and the director shall proceed to hear and determine the claim of ownership.

17069. If ownership is proved to the satisfaction of the director, the animal shall be turned over to the owner upon payment by the owner of all expenses which were incurred in the handling of the animal.

Article 4. Disposal and Sale

17091. If the animal at any time while in the possession of an inspector is in a condition which requires immediate disposal, the animal may be disposed of by the director. The proceeds from the salvage, if any, in excess of expenses which were incurred in the handling of the animal shall be paid to the person proving ownership pursuant to Section 17068.

17092. If after 30 days from the date of the first posting of notice no satisfactory proof of ownership of the animal has been made, or if the owner fails or refuses to pay all expenses which were incurred, the director shall sell the animal at public sale.

All sales which are made pursuant to this chapter convey a good and valid title to the purchaser. The former owner of the animal so sold is thereafter barred from all right to recover it.

17093. In lieu of public sale, the director may sell the animal at private sale at a price not less than the appraised value of the animal. The appraisal shall be made by a board of three stockmen who are qualified to make the appraisal, to be selected as follows:

(a) One to be named by the director.

(b) One by the person from whose possession the estray animal was taken.

(c) One selected jointly by the stockmen who are selected pursuant to subdivisions (a) and (b) of this section.

17094. Any carcass or portion of a carcass may be sold by the director at any time at the market price which prevails at the time of sale.

17095. The proceeds from the sale of any animal shall be paid into, and the expenses of holding, advertising, sale and other incidental expenses shall be paid from, the Department of Agriculture Fund. For the keeping and care of the estray animal, the taker-up is entitled to the following:

(a) A sum not to exceed fifty cents ($0.50) per day for each bovine animal, horse, mule, or burro.

(b) A sum not to exceed fifteen cents ($0.15) per day for each sheep, goat, or swine.

In no event shall the taker-up be paid for feed and care for more than five days prior to the date the notice which is required by Section 17042 is made to the director.

17096. If any person shall, within one year after the date of the sale, prove to the satisfaction of the director his ownership of an animal which was sold pursuant to this article, the director shall order the net proceeds of the sale of the animal to be paid to such person.

Article 5. Grazing Counties

17121. A lawful fence is any fence which by reliable evidence is good, strong, substantial, and sufficient to prevent the ingress and egress of livestock. No wire fence is a good and substantial fence within the meaning of this article unless it has three tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four feet above the surface of the ground. Any kind of wire or other fence of height, strength, and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this article. The term "lawful fence" includes cattle guards of such width, depth, rail spacing, and construction as will, by reliable evidence, effectively turn livestock.

17122. In any county or part of a county devoted chiefly to grazing and so declared pursuant to this article, a person shall not have the right to take up any estray animal found upon his premises, or upon premises to which he has the right of possession, nor shall he have a lien thereon, unless the premises are entirely enclosed with a good and substantial fence.

17123 The following counties or parts of counties are declared to be devoted chiefly to grazing:

(a) That portion of Trinity which is outside of the area described in Section 17125.

(b) That portion of Shasta outside of the area which is described in Section 17126.

(c) Siskiyou, Lassen, and Modoc.

(d) Any county or part of a county which is declared to be devoted chiefly to grazing pursuant to Section 17124.

17124 The board of supervisors of any county may by ordinance declare that such county, or part of such county, is devoted chiefly to grazing.

17125 The following portions of Trinity County are declared not to be devoted chiefly to grazing:

(a) All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, T. 31 N., R. 12 W.; Section 7 and the north ½ of Section 18, T. 31 N., R. 11 W., M D M.

(b) Beginning at the section corner common to Sections 7 and 18, T. 33 N., R. 9 W. and Sections 12 and 13, T. 33 N., R. 10 W., thence west 20 chains; then north 20 chains; thence west 20 chains; thence north 50 chains; thence east 17 09 chains; then south 32° west, 5.41 chains; thence south 59° east, 13.12 chains; thence south 42° 30′ east, 4 80 chains; thence north 22° east, 5.41 chains; thence north 22° west, 4.90 chains; thence north 75° west, 3.40 chains; thence north 33° west, 2.45 chains; thence north 58° west, 4.47 chains; thence east 15.02 chains; thence south 10° west, 4 66 chains; thence south 22° east, 3.75 chains; thence north 12° east, 8.04 chains; thence east 2.00 chains; thence north 9.36½ chains; thence north 14° 30′ east, 10.58 chains; thence north 20° 30′ west, 0.42 chains; thence east 17 59 chains; thence south 30.00 chains; thence east 20.00 chains; thence south 40.00 chains; thence west 10.00 chains; thence south 20.00 chains; thence west 30.00 chains, to and closing on the starting corner.

(c) Beginning at the northeast corner of the southwest quarter of Section 17; thence south along the east line of said quarter section and the east line of the northwest quarter of Section 20, to the southeast corner of said quarter section; thence west along the south line of said quarter section and the south line of the northeast quarter of Section 19 to the southwest corner of said quarter section; thence north along the west line of said quarter section and the west line of the southeast quarter of Section 18 to the northwest corner of said quarter section; and thence east along the north line of said quarter section and the north line of the southwest quarter of Section 17 to the northeast corner of said quarter section and the point of beginning; being the southwest quarter of Section 17, the southeast quarter of Section 18, the northeast quarter of Section 19, and the northwest quarter of Section 20, T. 33 N., R. 8 W., Mount Diablo base and meridian.

(d) Highway U.S 299 and all land within 500 feet of each side of the centerline of the highway.

(e) All of Section 5, T. 33 N., R. 9 W., M.D.M.

17126. The portion of Shasta County within the following metes and bounds is declared not to be devoted chiefly to grazing:

Beginning at the intersection of the Reading Grant line and the northwest corner of the Anderson-Cottonwood Irrigation District, thence southerly along said Reading Grant line to the first intersection with the boundary of the dissolved Happy Valley Irrigation District; thence counterclockwise around the boundaries of said dissolved Happy Valley Irrigation District to the southeast corner of Section 20, T. 30 N., R. 4 W., M.D.B. and M.; thence directly east along section lines to the westerly

boundary line of the Anderson-Cottonwood Irrigation District; thence counterclockwise around the boundaries of said district to Cottonwood Creek; thence down Cottonwood Creek to its confluence with the Sacramento River; thence counterclockwise along the most easterly and northerly boundary lines of said Anderson-Cottonwood Irrigation District, including a crossing of the Sacramento River, to the point of beginning.

17127 The board of supervisors of the County of Shasta may, if it determines that all or any part of the county has ceased to be devoted chiefly to grazing, provide by ordinance that estray animals may thereafter be taken up on unenclosed property in the county or part of county. It is the intent and purpose of this section that the provisions of law which are generally applicable throughout the state shall be extended to all of the county when the conditions upon which the exceptions were based have ceased to exist.

17128. The act entitled "An act concerning lawful fences, and animals, trespassing upon lawfully enclosed lands," passed March 30, 1850 (Ch. 49, Stats. 1850), and an act entitled "An act concerning lawful fences in the Counties of San Bernardino, Colusa, Shasta, Tehama and Placer," approved April 18, 1859 (Ch. 266, Stats 1859), insofar as the provisions of each of the acts apply to or affect the Counties of Trinity, Shasta, except that portion described in Section 17126, and Siskiyou, are continued in force, except as to goats, swine, or hogs, which may be taken up in the counties when the goats, swine or hogs estray or trespass on lands of others. The provisions of this chapter apply to goats, swine, or hogs in such counties, but in all other respects the acts specified in this section are continued in full force therein, it being determined that the conditions prevailing in the Counties of Trinity, Shasta, except that portion described in Section 17126, and Siskiyou demand the continued application of the acts in the counties until such time as action is taken pursuant to Section 17124.

PART 2. UNLAWFUL MARKING AND BRANDING

CHAPTER 1. GENERAL PROVISIONS

17401. The director may make any and all necessary investigations relative to reported violations of this part pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

17402. Copies of records, audits, and reports of audits, inspection certificates, certified reports, findings and all papers on file in the office of the director shall be prima facie evidence of all matters contained in them, and may be admitted into evidence in any hearing pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

CHAPTER 2. VIOLATIONS

17551. It is unlawful for any person with the intent to steal any horse, colt, jack, jenny, mule, ox, steer, cow, or calf which belongs to another person, or prevent its identification by the true owner to do any of the following:

(a) Mark or brand any such animal with any brand or mark except the recorded brand or brand and mark of the owner of the animal.

(b) Alter or deface a brand or mark on such an animal.

17552. It is unlawful for any person, with the intent to steal any sheep, goat, hog, shoat, or pig, or prevent its identification by the true owner, to do any of the following:

(a) Mark or brand such an animal with any brand or mark except the recorded brand or brand and mark of the owner of the animal.

(b) Alter or deface a brand or mark on such an animal.

17553. It is unlawful for any person to mark any bovine animal by cutting off more than one-half of an ear of the animal.

CHAPTER 3. CRIMINAL PENALTIES

17701. A violation of Section 17551 shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

17702. Except as otherwise provided in Section 17701, any violation of any provision of this part is a misdemeanor.

CHAPTER 4. CIVIL PENALTIES AND REMEDIES

17951. Any person that violates any provision of this part or the regulations which are issued pursuant to it is liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each violation. Any money which is recovered under this section shall be paid into the Department of Agriculture Fund.

17952. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring action for civil penalties in the name of the people of this state in any court of competent jurisdiction in this state against any person violating any provision of this part.

17953. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this part or any regulation which is duly issued by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

17954. Any moneys in the Department of Agriculture Fund which were derived under any of the provisions of this chapter may be expended for the administration and enforcement of any of the provisions of the following portions of this code, notwithstanding any other provision of law which limits the expenditure of any such money to some specific purpose or to the administration or enforcement of some specific section of this chapter:

(a) Part 1 (commencing with Section 16301), Division 9.

(b) Chapter 1 (commencing with Section 17401), Part 2, Division 9.

(c) Chapter 4 (commencing with Section 17951), Part 2, Division 9.

(d) Chapter 1 (commencing with Section 18201), Part 3, Division 9.

(e) Division 10 (commencing with Section 20001).

(f) Division 11 (commencing with Section 23001).

(g) Chapter 1 (commencing with Section 24501), Part 1, Division 12.

(h) Chapter 1 (commencing with Section 26401), Part 3, Division 12.

PART 3. SLAUGHTERED ANIMALS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Investigation

18201. The director may make any and all necessary investigations relative to reported violations of this part pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code

18202. Copies of records, audits, and reports of audits, inspection certificates, certified reports, findings and all papers on file in the office of the director shall be prima facie evidence of the matter contained in them and may be admitted into evidence in any hearing pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Article 2. Civil Remedies

18221. The Attorney General shall upon complaint by the director or may upon his own initiative, if after examination of the complaint and evidence he believes a violation to have

occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this part or any regulation which is duly issued by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

CHAPTER 2. PACKERS AND STOCKYARDS

Article 1. Definitions

18351. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

18352. "Packer" means any person that is engaged in any of the following businesses:

(a) Buying livestock in commerce for purposes of slaughter.

(b) Manufacturing or preparing any meat or meat food product for sale or shipment in commerce.

(c) Manufacturing or preparing any livestock product for sale or shipment in commerce.

18353. "Stockyard" means any place, establishment, or facility commonly known as stockyards, conducted, or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats, are received, held, or kept for sale or shipment in commerce.

Article 2. Ownership Against Public Policy

18381. No packer shall own or control, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents or employees, any interest in a stockyard.

18382. Such ownership or control is hereby declared to be contrary to public policy, as tending to create a monopoly and to interfere with trade and commerce.

CHAPTER 3. WARRANTIES

18501. In the absence of an express warranty, the mere sale of livestock shall not be construed to imply a warranty of such livestock for any particular purpose.

18502. In the absence of any express warranty, the sale of livestock for slaughter, whether the slaughter will be immediate or otherwise, shall not imply a warranty of fitness for any particular purpose or warranty of merchantable quality, notwithstanding the provisions of subdivisions (1), (2), and (5) of Section 1735 of the Civil Code.

CHAPTER 4. MEAT INSPECTION AND SANITATION

Article 1. Definitions

18651. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

18652. "Animals" mean cattle, swine, sheep, goats, and other large domesticated mammals. It does not include small species such as dogs, cats, and rabbits.

18653. "Establishment" includes any premises where any animal is slaughtered or otherwise prepared for food purposes and includes, but is not limited to, any meat cannery, sausage factory, curing or smokehouse, or similar place.

18654. "Federal inspection" means the meat inspection maintained by the Consumer and Marketing Service of the United States Department of Agriculture.

18655. "Health authority" means the health officer, the chief of meat inspection, or other official who is designated by the health officer of any city or county of the state.

18656. "Horse meat" means the meat of, or any meat product which is derived from, any horse, mule, or burro.

18657. "Meat inspector" means a person employed or utilized by the United States Department of Agriculture, the State Department of Agriculture, or a county or city to inspect meat.

18658. "Municipal inspection" means the meat inspection department of each county or each chartered or incorporated city, whose inspection is performed by persons who have passed a regular civil service meat or market inspector's examination or who have been continuously employed since January 1, 1929, and who hold license from the state to practice veterinary science and whose inspection is performed according to meat inspection regulations equivalent, in health value and protection to the public, to those adopted by the Consumer and Marketing Service of the United States Department of Agriculture.

18659. "Slaughter" means kill and prepare for human consumption.

18660. "State inspection" means the meat inspection maintained by the department.

Article 2. General Provisions

18681. The director shall make regulations which are necessary for the execution of this chapter. The regulations adopted pursuant to this chapter may include standards for meat products.

18682. The regulations which are adopted pursuant to this chapter shall conform, so far as possible, to the rules, regulations and standards of the United States Department of Agriculture which govern the inspection, preparation, and processing of meat and meat food products.

18683. It is unlawful for any person to prepare, process, manufacture, or sell any meat or meat food product which fails to conform to the regulations or standards which are applicable to such product.

18684. For the purpose of this chapter, the director may do all of the following:

(a) Employ persons who have passed a civil service meat or market inspector's examination and are skilled in the inspection of meats and meat food products for wholesomeness and healthfulness.

(b) Employ necessary additional employees.

(c) Utilize in the enforcement of this chapter any employee, agent, or equipment of the department.

18685. If slaughtering or carcass preparation or processing of meats and meat products is conducted in an establishment where state inspection is maintained, at hours considered overtime for state employees, or on legal holidays, the owner or operator of the establishment shall, by contract or agreement with the department, make arrangement to defray the additional cost for salaries and expenses for persons employed by the department to conduct the necessary meat inspection work during the overtime periods.

Moneys collected pursuant to this section shall be deposited in the State Treasury to augment the then current appropriation from the General Fund for carrying out this part.

18686. The director in his supervision of approved municipal inspection departments, or establishments, shall transmit all orders to such establishments through local health authorities.

Article 3. Exemptions

18711. This chapter does not restrict or prohibit a livestock producer from slaughtering on his own premises animals which are a part of his own herd for his own consumption or from disposing of the carcasses and products of the slaughtered animals if they satisfy all of the following requirements:

(a) Can be identified as part of his own herd.

(b) Are sound, healthful, wholesome, and fit for human food.

(c) Are disposed of in his locality.

18712. If cattle, sheep swine, or goats slaughtered pursuant to Section 18711 are sold by the producer in the vicinity where produced and slaughtered, he shall attach to the meat or meat products a statement which gives substantially the following:

I hereby certify that the uninspected meat (or meat products as the case may be) to which this certificate is attached is from animals slaughtered by the undersigned, a farmer, on his farm and that at this date it is sound, healthful, wholesome, and fit for human food.

18713. This chapter does not restrict or prohibit the slaughter of animals of the bovine species that are under the age of eight months in establishments which meet the sanitary requirements of the department that are located in counties where meat inspection is not mandatory and the shipment of such slaughtered animals to counties where state inspection or approved municipal or county inspection is maintained, if the animals so slaughtered are inspected and the carcasses are stamped at the county to which shipment is made.

18714. This chapter does not restrict or prohibit the producer or owner of any meat from rendering, curing, or smoking or having rendered, cured, or smoked in his behalf such meat or any portion of it if such meat is for use for purposes other than sale Any such meat or portion of any such meat which has originated from any carcass that has not been officially inspected shall not, however, be rendered, cured, or smoked in an establishment in which federal, state, or municipal meat inspection is maintained.

18715. This chapter does not prohibit or restrict a retail meat market as a part and consequence of, or as an incident to, its retail meat business, from making or preparing or selling any prepared meat, or meat food product that is made or prepared on its own premises from meat which bears the inspected and passed stamp of federal inspection, state inspection, or approved municipal inspection if all of the following requirements are satisfied regarding the prepared meat or meat food product:

(a) It is sold on the premises of the retail meat market.

(b) It is not made or prepared by cooking, curing, drying, smoking, or rendering.

(c) It is not made, prepared, or packaged at any place except the immediate premises where it is sold, unless such place is operated under federal inspection, state inspection, or approved municipal inspection.

18716. An application is not required of any retail meat market which is referred to in Section 18715, or the owner or operator of any such meat market, for the inspection service which is provided for in this chapter. An inspection service is not required before the market or the owner or operator of the market may make, prepare, or sell any prepared meat or meat food product which satisfies the requirements which are prescribed by Section 18715.

18717. This chapter does not prohibit a retail meat market from selling or offering for sale any meat, prepared meat, meat product, or meat food product which bears the inspected and passed stamp of federal inspection, state inspection, or approved municipal inspection.

18718 This chapter does not restrict or prohibit a butcher who is located in a remote section of a county in which the inspection provisions of this chapter are mandatory from

slaughtering animals for sale in the immediate vicinity where they are slaughtered if the butcher is granted an exemption certificate to slaughter animals pursuant to the regulations of the director.

18719. The exemption certificate shall be renewed the first day of January of each year.

18720. If facilities for inspection become available at any time, the director may withdraw the exemption certificate The director may also withdraw such exemption certificate if, in his opinion, the person to whom it is issued has not complied with the regulations which pertain to the slaughtering of animals pursuant to the certificate.

Article 4. General Requirements

18751. An establishment may not be operated in the state for the purpose of slaughtering animals, or for the manufacture of meat food products, unless it is operated pursuant to federal inspection, state inspection or approved municipal inspection.

This section is effective only in counties which have a population of 28,000 or more people.

18752. Recognition is extended to the various municipal inspection departments now existing or which may hereafter be inaugurated in the state.

18753. The requirements which establishments shall meet under municipal inspection shall not be higher than the general average which is actually in force in establishments that have state inspection.

18754. In counties where inspection is not mandatory state inspection may be conducted by the department if requested.

18755. If inspection is requested by the governing body of any county or city and the inspection is inaugurated this chapter shall apply throughout such county or city, as the case may be.

18756. An animal shall not be slaughtered for food purposes in the state except between the hours of seven o'clock a.m. and eight o'clock p.m. of any one weekday.

18757. A person shall not slaughter any animal on any Sunday or legal holiday, unless the director or a local health authority issues a special permit in writing to do so.

18758. It is unlawful for any person to slaughter any horse, mule, or burro in any establishment where cattle, calves, sheep, swine, or goats are slaughtered for human consumption.

18759. It is unlawful for any person to bring horse meat into any establishment where any meat or meat food product is prepared for human consumption from the meat of cattle, calves, sheep, swine, or goats.

18760. It is unlawful for any person to add horse meat to any meat or meat food product which is prepared from the

meat of cattle, calves, sheep, swine, or goats for human consumption in any establishment.

18761. It is unlawful for any person to bring into any establishment, or to use in the preparation of any meat or product in any establishment, any preservative, chemical, or other substance which is not permitted by the California Meat Inspection Regulations.

Article 5. Ante Mortem Inspection

18781. As used in this article, "inspection" means ante mortem inspection.

18782. The director, if he deems it necessary in order to safeguard the public health, shall cause to be made an inspection of any animals before they are slaughtered for food purposes.

18783. Satisfactory facilities shall be provided for conducting the inspection and for separating from the passed animals those which are deemed unfit for immediate slaughter.

18784. If any owner or person that is in charge is about to slaughter for food purposes any animal which the department believes may be affected with disease, the director shall notify the owner or person that is in charge not to slaughter it for food purposes until the inspection is completed.

18785. It is unlawful for any person to slaughter any animal for food purposes after the director notifies such person not to slaughter it. A person is not required to refrain from slaughtering any animal for a period longer than 72 hours.

Article 6. Post Mortem Inspection

18811. As used in this article, "inspection" means post mortem inspection.

18812. The director may provide inspection of all animals which are slaughtered for food purposes in any establishments in the state.

18813. The head, tongue, tail, thymus glands, viscera, and other parts and blood used in the preparation of meat food, meat food products, or medicinal products shall be retained in such a manner as to preserve their identity until after the inspection has been completed. Carcasses and parts of carcasses which are found to be sound, healthful, and wholesome after inspection and otherwise fit for human food shall be passed and may be marked in one of the following ways:

(a) "Cal. inspected and passed".

(b) With the inspection legend of an approved municipal inspection department, to which has been added the words "Cal. approved".

The mark may also include any number which is given the establishment.

18814. Each carcass or part of a carcass which is found on inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, shall be marked conspicuously by the inspector at the time of inspection with one of the following:

(a) The words "Cal. inspected and condemned".

(b) The condemned brand of an approved municipal inspection department.

18815. Every carcass, or part of a carcass, which is condemned pursuant to this article shall, under the supervision of the meat inspector, be rendered unfit for human consumption in a manner which is approved by the director.

Article 7. Request for State Inspection

18841. As used in this article:

(a) "City" means any city which requests inspection services pursuant to Section 18755.

(b) "County" means any county that has a population of 28,000 or more persons or which requests inspection services pursuant to Section 18755.

18842. Any person that desires to engage in slaughtering animals or manufacturing meat food products for human consumption in any county or city, shall apply to the director or the local health authority for the inauguration of an inspection service in the establishment where the animals are to be slaughtered or meat food products manufactured.

18843. The application shall be in writing and addressed to the director or local inspection department. In the application, the applicant for inspection shall agree to comply with this chapter and to maintain the establishment in a clean and sanitary manner.

18844. The director or local health authority, upon receipt of the application, shall make an inspection of the establishment.

18845. If the establishment, after inspection, is found clean and sanitary, and properly equipped to conduct its business pursuant to the regulations of the department, the director or local health authority shall inaugurate an inspection service in it, and shall give it an official number, to be used to mark the meat and meat food products of the establishment.

18846. An establishment which is given an official number shall be known as "official establishment No. _____," and no fees, except for overtime work or for work on legal holidays by the meat inspector, shall be collected by the state for the purpose of carrying out Sections 18751, 18754, 18844, 18845, and 18903.

Article 8. Sanitation

18871. Each establishment where animals are slaughtered, or where meat or meat food products are prepared or proc-

essed for human consumption, shall be maintained and operated in a clean and sanitary manner and inspection conducted pursuant to this chapter and the regulations of the director.

18872. If an establishment which has state inspection or municipal inspection is not maintained and operated, or the inspection is not conducted, in the manner prescribed by Section 18871, the director may suspend inspection in the establishment.

18873. Every vehicle which is used by any establishment which operates under federal, state, or municipal inspection for transporting the dressed carcasses of animals intended for human consumption, parts of such carcasses, meats, or meat products, inspected and marked pursuant to this chapter shall be maintained in a clean and sanitary condition and shall be regularly inspected by a meat inspector stationed at the establishment pursuant to the regulations of the agency that conducts the inspection in the establishment.

18874. It is unlawful for any person to maintain a slaughterhouse that is unclean or insanitary.

Article 9. Identification Devices

18901. As used in this article, "identification device" means any of the following:

(a) Any of the marks, stamps, tags, labels, or other identifying devices which are provided for in this chapter, or by the regulations which are adopted pursuant to this chapter by the director, or any carcass, any part of a carcass, or any food product, or container of any food product.

(b) Any certificate which is authorized or required by this chapter, or by the regulations of the director.

18902. The label on any meat or any meat product which is sold in this state shall conform to the requirements which are prescribed by the laws of this state, and the regulations which are adopted pursuant to the laws of this state, which relate to the labeling of meat or meat products.

18903. A person shall not sell any dressed carcass of any animal which is intended for food purposes, or any prepared meat or meat food product within the state unless it bears the "inspected and passed" stamp of federal inspection, state inspection, or approved municipal inspection, applied at the establishment where the animal was slaughtered and at the establishment where the meat or meat food product was prepared or manufactured.

This section is effective only in counties which have a population of 28,000 or more people.

18904. Upon the approval by the director of an establishment which is operating under municipal inspection, the words "Cal. approved" may be added to the stamp in use in such

establishment. The stamp shall be accorded the same recognition as "Cal. inspected and passed".

18905 If any meat or meat food product that has been inspected pursuant to this chapter and marked "Inspected and Passed," is placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection is maintained, the person that prepares the meat or meat food product shall cause a label to be attached to the receptacle or covering under the supervision of a meat inspector. The label shall state that the contents have been "Inspected and Passed" pursuant to this chapter.

18906. An inspection of any meat or meat food product which is deposited or enclosed in a can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection is maintained pursuant to this chapter is not complete until the meat or meat food product has been sealed or enclosed in such receptacle or covering under supervision of a meat inspector.

18907. Any meat or meat food product which is deposited or enclosed as provided in Section 18906 shall not be sold by any person in this state under any false or deceptive name. Established trade names that are approved by the director may be used if they are both:

(a) Usual to such products

(b) Not false or deceptive.

18908. The director shall confiscate and cause to be destroyed every label which is found to be false or deceptive.

18909. The dressed carcass of any animal which is intended for human consumption, any part of such a carcass, meat, or meat food product, which is inspected and marked pursuant to this chapter, may be transported or sold anywhere in the state without restriction, except that which is imposed upon meat or meat food products which bear the inspection stamp of the United States Department of Agriculture.

18910. It is unlawful for any person, except an employee of the United States Department of Agriculture, the department, or a municipal inspection department, to do any of the following:

(a) Possess, keep, or use any mark, stamp, or brand which is provided or used for marking, stamping, or branding the carcass of any animal, any part of such a carcass, any meat or any meat food product.

(b) Possess, keep, or use any mark, stamp, or brand which has upon it a device or words the same or similar in character or import to any mark, stamp, or brand which is provided or used by the United States Department of Agriculture, the department, or of any municipal inspection department for marking, stamping, or branding the carcass of any animal, or any part of such a carcass, which is intended for food purposes, meats, or meat food products.

18911. It is unlawful for any person to forge, counterfeit, simulate, or falsely represent any identification device.

18912. It is unlawful for any person, without proper authority, to use, fail to use, detach, or fail to detach any identification device.

18913. It is unlawful for any person to knowingly or wrongfully alter any identification device.

18914. It is unlawful for any person to deface or destroy, or fail to deface or destroy, any identification device.

18915. It is unlawful for any person to prepare, process, manufacture, or sell any meat or meat food product which is mislabeled.

Article 10. Dyes, Artificial Colors, and Adulteration

18941. This article does not prevent the use of any casing which contains harmless dye on any meat product that is not comminuted. Any such transparent or semitransparent casing shall not, however, have an amber or smoked color of such shade, degree, or intensity as to give a false impression with respect to smoking or degree of smoking of the meat or meat product.

18942. For the purpose of this chapter, any meat, meat product, sausage casing, or other casing that contains any dye or artificial coloring shall be deemed adulterated and the director shall render it unfit for human consumption with a suitable denaturing agent.

18943. It is unlawful for any person to sell any meat or meat product, sausage casing or other casing that contains dye or artificial coloring.

18944. It is unlawful for any person to prepare, process, manufacture, or sell any meat or meat food product which is adulterated.

18945. Notwithstanding the provisions of this article, domestic animal fats may be used in the manufacture of margarine or shortening which contains harmless coloring.

Article 11. Seizure of Meat or Meat Food Products

18971. The director may seize and retain any meat or meat food product that is slaughtered or manufactured in violation of this chapter. The meat or meat food product shall be held under retained tags until released by the director or by a court of competent jurisdiction.

18972. It is unlawful for any person to remove retained tags or dispose of any product which is retained and held until authorized to do so by the director or by a court of competent jurisdiction.

18973. The director may seize and destroy for food purposes any meat or meat product wherever found to which any

preservative, chemical, or other substance not permitted by the California Meat Inspection Regulations has been added.

18974. The director may seize and destroy for food purposes any meat or meat food product which is prepared for human consumption from the meat of cattle, calves, sheep, swine, or goats, wherever found, to which horsemeat has been added.

18975. Since it cannot be determined for certain, by any present known method of inspection, whether meat is unwholesome unless the organs and other tissues of an animal are inspected when slaughtered, and as meat and meat products which are derived from uninspected animals may be unfit for human food, the director, except as otherwise provided in Section 18976, shall seize and destroy for human food purposes any meat or meat food product that does not bear the "Inspected and Passed" stamp, brand, mark, or label which is required by this chapter.

18976. Section 18975 does not affect any of the following:

(a) The transportation of any dead and condemned carcass of any animal to a rendering plant.

(b) The transportation of any meat or meat product to which a statement is attached in accordance with the provisions of Section 18712.

Article 12. Rendered, Cured, or Smoked Meat Records

19001. As used in this article, "records" mean the rendered, cured, or smoked meat records which are required to be kept by Section 19002.

19002. The operator of an establishment who renders, cures, or smokes meat for a producer or owner of meat shall keep accurate and sufficient records of the amount and kind of meat rendered, cured, or smoked for each producer or owner.

19003. The records shall be available for inspection at all times by the director or his authorized representative.

19004. The records shall give the name and address of each person for whom meat is rendered, cured, or smoked.

Article 13. Horsemeat Records

19031. As used in this article, "horsemeat records" mean the records which are required to be kept by Section 19033.

19032. This article does not apply to any of the following:

(a) Retail sales of any fresh or processed meat or meat product in a quantity of five pounds or less to any one person.

(b) Any canned or prepackaged meat or meat product in any package of five pounds or less which is conspicuously labeled to show the percentage by weight of horse, mule, or burro meat that is contained in the package.

19033. Any person that slaughters any horse, mule, or burro, or who by purchase or otherwise acquires possession of the meat of any horse, mule, or burro, and that sells or otherwise disposes of such meat, shall make and keep for one year a correct record, separate from all other business, of each such transaction, recorded at the time of the transaction, which shows all of the following:

(a) The quantity of meat acquired or disposed of.

(b) The names and addresses of the parties to the transaction.

(c) The date.

(d) The place to which such meat was shipped or delivered.

(e) The name of the person that made the shipment or delivery.

19034. All horsemeat records shall be open at all times during business hours to the inspection of the director, any health officer or sanitation inspector, or any peace officer.

19035. It is unlawful for any person that is required to keep horsemeat records to fail to keep such records, or to fail or refuse to permit an authorized inspection of the horsemeat records.

19036. Any violation of any provision of this article is a misdemeanor.

CHAPTER 5. FOREIGN COLD STORAGE MEAT

Article 1. Definitions

19201. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

19202. "Foreign cold storage meat" means any cold storage meat that has been imported into this state from without the United States. It does not include cold storage meat which is produced in the Dominion of Canada and imported from the Dominion of Canada pursuant to the laws of the United States.

19203. "Meat" includes dressed rabbits and dressed poultry.

Article 2. General Provisions

19231. The director may make such regulations as are reasonably necessary to enforce this chapter.

19232. Any money which is collected under the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

Article 3. Licenses

19261. The director, upon application of any person importing or selling at wholesale foreign cold storage meat,

shall issue a license to such applicant upon the payment of an annual fee of twenty-five dollars ($25).

19262. All licenses shall expire on June 30th of each year.

19263. A license shall not be issued for a period of less than one year.

19264. It is unlawful for any person to import or sell at wholesale any foreign cold storage meat unless he has a license to do so issued by the director.

Article 4. Inspection

19291. The director shall cause all foreign cold storage meat to be inspected upon arrival.

19292. The director shall establish such bacteriological or chemical standards as he deems proper to determine the wholesomeness and fitness of foreign cold storage meat for human consumption.

19293. The director may do all of the following:

(a) Prescribe such inspection fees as may be necessary to defray the actual cost of inspection.

(b) Enter upon any premises to make inspections and investigations or examinations of books, papers, or documents.

19294. All foreign cold storage meat which is inspected and passed for food shall be marked with a tag or brand of such size and design as the director shall establish in the regulations which are adopted pursuant to this chapter.

19295. The tag or brand shall bear the words "foreign cold storage meat inspected and passed by the State Department of Agriculture." The tag or brand shall not be removed until such meat is cut for retail. Foreign cold storage meat which is inspected and passed for food and so tagged or branded is at all times subject to reinspection by the director.

Any foreign cold storage meat which is found unfit for human consumption shall be marked conspicuously with the words "unfit for human consumption."

19296. A person shall not sell for human food any foreign cold storage meat which has been found to be unfit for human consumption and is so marked pursuant to Section 19295.

19297. It is unlawful for any person to import or sell at wholesale any foreign cold storage meat without first submitting it to inspection and examination at the port of entry.

Article 5. Reports and Accounts

19321. Every wholesaler, dealer, or importer that sells, handles, or furnishes any foreign cold storage meat shall forward by registered mail to the director a certified statement on the first day of July, October, January, and April of all sales of such meat, except sales to retailers, hotels, restaurants, lunchrooms, dining cars, or boardinghouses, made by him during the last preceding three months and in each case shall

state the name and address of the purchaser and the amount of each sale.

19322. If rabbits and poultry are shipped or handled together, all accounts thereof shall be segregated as to each such item.

DIVISION 10. CATTLE PROTECTION

CHAPTER 1. DEFINITIONS

20001. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

20002. "Animal," "calf," and "cattle" mean only bovine animals.

20003. "Brand" means a design which is permanently impressed on the hide of an animal by burning with acid, a chemical compound, or a hot iron.

20004. "Brand" includes "brand and mark" if a mark is recorded or used with a brand.

20005. "Bureau" means the Bureau of Livestock Identification.

20006. "Carcass" means the carcass of an animal.

20007. "Cattle record brand" means a brand used to classify an animal for the purpose of keeping records which relate to the animal.

20008. "Chief" means the Chief of the Bureau of Livestock Identification.

20009. "Hide" means the hide of an animal.

20010. "Inspector" means a hide and brand inspector. It includes the chief, field coordinator, supervising hide and brand inspectors, investigators, and persons employed on a collaborative basis pursuant to Section 483 to carry out the provisions of this division.

20011. "Mark" means a design which is cut into or from the ear, dewlap, or other part of an animal.

20012. "Vent" means a design which is permanently impressed on the hide of a branded animal for the purpose of voiding the prior brand.

CHAPTER 2. GENERAL PROVISIONS

Article 1. Application

20151. The provisions of this division, including the payment of fees, are applicable to all state and county institutions which are engaging in livestock operations.

Article 2. Regulation

20171. The director may make such regulations as may be reasonably necessary to carry out this division and to protect the cattle of this state from theft and misappropriation.

20172. The regulations shall be published in one or more stock journals of general circulation in the state before they become effective.

Article 3. Investigations

20201. The director may make any necessary investigations relative to reported violations of this division, pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

20202. Copies of records, audits and reports of audits, inspection certificates, certified reports, findings and all papers on file in the office of the director are prima facie evidence of the matters which are contained in them, and may be admitted into evidence in any hearing pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Article 4. Criminal Penalties

20221. Every person that violates any provision of this division is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than 6 months, or by both such fine and imprisonment. Each violation during any day constitutes a separate offense.

20222. Any person that uses an unrecorded, forfeited, canceled or suspended brand shall pay a penalty of twenty-five dollars ($25) which is in addition to any other penalty which is provided by law.

Article 5. Civil Penalties and Remedies

20251. Any person that violates any provision of this division, or any regulation which is issued pursuant to it, is liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each violation. Any money which is recovered under this section shall be paid into the Department of Agriculture Fund.

20252. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action for civil penalties in the name of the people of this state in any court of competent jurisdiction in this state against any person violating any provision of this division.

20253. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this division or any regulation which is duly issued by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Article 6. Collection and Disposition of Money

20281. The department shall, at least once a month, report to the State Controller the total amount of money collected for fees, penalties, judgments, or otherwise. It shall, at the same time, pay into the State Treasury the entire amount of such receipts. The receipts shall be credited to the Department of Agriculture Fund.

20282. Any money in the Department of Agriculture Fund derived under any of the provisions of this division may be expended for the administration and enforcement of any of the provisions of the following portions of this code, notwithstanding any other provision of law which limits the expenditure of any such money to some specific section, article, or chapter of this division:

(a) Part 1 (commencing with Section 16301), Division 9.

(b) Chapter 1 (commencing with Section 17401), Part 2, Division 9.

(c) Chapter 4 (commencing with Section 17951), Part 2, Division 9.

(d) Chapter 1 (commencing with Section 18201), Part 3, Division 9.

(e) Division 10 (commencing with Section 20001).

(f) Division 11 (commencing with Section 23001).

(g) Chapter 1 (commencing with Section 24501), Part 1, Division 12.

(h) Chapter 1 (commencing with Section 26401), Part 3, Division 12.

20283. A civil action may be brought by the department to recover any fee, penalty, or other money that becomes due pursuant to this division.

Chapter 3. Enforcement

Article 1. Bureau of Livestock Identification

20401. There is in the department the Bureau of Livestock Identification.

20402. The bureau is administered by a chief who is appointed by the director pursuant to the State Civil Service Act, Part 2 (commencing with Section 18500), Division 5, Title 2 of the Government Code.

20403. The chief shall administer and enforce this division and shall perform such other duties within the scope of his employment as the director may require.

20404. The chief is responsible to the director for the proper administration and enforcement of this division.

20405. The chief shall assist in the prosecution of persons charged with violation of any provision of this division.

20406. Subject to the approval of the director, the chief shall appoint such inspectors and other assistants as may be necessary to carry out this division.

20407. Subject to the approval of the director, the chief may employ investigators to investigate reported thefts or losses of cattle.

20408. All money which is received by any inspector or other employee pursuant to this division shall be forwarded to the department at least biweekly.

Article 2. Inspectors and Other Peace Officers

20431. Each inspector has the power of a peace officer in carrying out this division.

20432. Each inspector may enforce the provisions of Chapter 5 (commencing with Section 484), Title 13, Part 1 of the Penal Code, with reference to theft of any animal or carcass.

20433. Each sheriff, member of the California Highway Patrol, and other peace officer shall cooperate and assist in enforcing this division.

20434. Each sheriff or other officer to whom a complaint which relates to the loss or theft of cattle is made shall forthwith transmit to the bureau a report which shows all of the following:

(a) The number of animals that are involved.

(b) A description of the animals, including any marks and brands on them.

(c) The date of the loss or theft.

(d) Any other information which the chief may by regulation require.

20435. If an inspector or other peace officer finds any animal, hide, carcass, or portion of a carcass in the possession of any person that he has reason to believe is not the legal owner or entitled to the possession of it, he shall take possession of it or notify the person in possession where to leave it pending investigation.

20436. A person shall not, without a release from the inspector or peace officer, dispose of the animal, hide, carcass, or portion of a carcass within 30 days after receiving the notice

pursuant to Section 20435 or until it is released by the inspector or peace officer.

20437. A hide or carcass shall not be held pursuant to Section 20435 for more than 30 consecutive days, unless the notice of seizure is renewed by the inspector or peace officer.

20438. Any inspector or peace officer may stop any conveyance which is transporting any animal, hide, carcass, or portion of a carcass on any public thoroughfare for the purpose of making an investigation and may take possession of the animal, hide, carcass, or portion of a carcass and hold it for not to exceed 30 days pending an investigation.

20439. Any expense which is incurred in caring for any property which is seized pursuant to this article shall be paid by the owner of the property. The cost of caring for the property so held is a lien upon the property. The lien may be enforced in the manner which is prescribed in Section 3052 of the Civil Code.

20440. Any animal which is seized by or comes into the possession of an inspector pursuant to this division shall be disposed of as provided in Chapter 7 (commencing with Section 17001), Part 1, Division 9 of this code.

Article 3. Livestock Identification Advisory Board

20461. As used in this article, "board" means the Livestock Identification Advisory Board.

20462. There is in the department the Livestock Identification Advisory Board, which consists of five members.

20463. The director shall appoint the members to the board as follows:

(a) Two shall be engaged in the beef cattle industry.

(b) Two shall be engaged in the dairy industry.

(c) One shall be engaged in the livestock marketing business.

20464. In making his selection of the membership of the board, the director shall take into consideration the recommendations of organizations and associations of cattlemen, dairymen, livestock marketing agencies, and general farm organizations.

20465. The term of office of the members of the board is four years. Any vacancy which occurs during an unexpired term shall be filled by appointment for the unexpired term.

20466. The members of the board shall serve without compensation but are entitled to their traveling expenses in the same amount as is provided for other nonsalaried board and commission members who serve the state.

20467. The board shall be advisory to the chiefs of the Division of Compliance and of the Bureau of Livestock Identification in the department.

20468. The members of the board shall confer with all of the following regarding matters which are involved in the

administration of the enforcement functions of the Bureau of Livestock Identification:

(a) The chiefs of the Division of Compliance and of the Bureau of Livestock Identification.

(b) Livestock producers and marketers.

(c) Farm and livestock organizations.

(d) Other cooperating agencies.

20469. The board shall make recommendations to the chiefs of the Division of Compliance and of the Bureau of Livestock Identification relative to all of the following:

(a) Improvements and changes in the administration and enforcement of the hide and brand laws and regulations which are adopted pursuant to such laws.

(b) Procedures which are followed by the Bureau of Livestock Identification.

(c) Curbing of livestock thefts.

(d) Legislation which is designed to improve the functioning of the bureau.

20470. The board shall meet at the call of its chairman. It shall meet at least once in every three months.

20471. The meetings of the board shall be held in the offices of the department at Sacramento, or elsewhere within the state, if necessary for the proper performance of its duties.

20472. All meetings of the board shall be open and public.

20473. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 4. BRANDS AND BRAND RECORDS GENERALLY

Article 1. Requirements

20601. It is the ultimate object of this division to provide for statewide recordation of brands with the entire state as one branding district.

20602. Brands for the purpose of establishing or indicating ownership of cattle may be recorded pursuant to this chapter. Brands for other purposes shall not be recorded.

20603. The chief shall, by regulation, prescribe the location on the animal where different types of brands, including recorded brands and cattle record brands, may be applied.

20604. It is unlawful for any person to brand any animal except in accordance with the provisions of this chapter.

20605. It is unlawful for any person to use an unrecorded, forfeited, or canceled brand.

20606. It is unlawful for any person to apply a recorded brand in any location on the animal except that which is specified on the brand registration certificate.

The use of a brand on any location except that which is specified on the brand registration certificate is the same as the use of an unrecorded brand.

20607. It is unlawful for any person to use a brand on cattle indicating ownership unless the cattle are owned by him or he has been authorized by the owner of the cattle and the brand is recorded under the owner's name and is on file with the Bureau of Livestock Identification.

20608. Possession or ownership of cattle with an unrecorded, forfeited, or canceled brand is prima facie evidence that the person in possession or the owner of the cattle has branded them with such brand.

20609. In every suit at law or in equity, if the title to any animal is involved, the brand of the animal is prima facie evidence that the owner of the brand was the owner of the animal at all times during which the brand was duly recorded as provided in this code.

The right of any person to use such brand may be established by a certified copy of the brand records on file in the bureau.

Article 2. Venting Brand Requirements

20631. Venting a brand consists of rebranding a branded animal, by the owner of the animal, for the purpose of voiding his prior brand.

20632. A vent brand may be applied on the loin of an animal which corresponds to the side of the owner's registered brand.

20633. Only the owner's recorded brand may be used as a vent. Recordings shall not be issued which allow the use of any other brand as a vent.

20634. A recording shall not be granted for a V brand on the left shoulder of an animal.

Article 3. Applications

20661. Any person that desires to use a brand in this state may acquire the right to do so pursuant to this chapter. Application forms for this purpose shall be furnished by the bureau upon request.

20662. To conform to the objective of this chapter, all applications for the recordation of a brand shall be accepted by the chief only if they are not in conflict with any other recorded brand in this state.

20663. An application for the recordation of a brand shall be filed with the bureau.

20664. The application shall contain all of the following:

(a) A facsimile of the brand which is sought to be recorded.

(b) A statement of the location on the animal where the brand is to be applied.

(c) The name and address of the applicant.

(d) The signature of a parent or guardian if the applicant is under 21 years of age.

20665. A mark may be recorded only with a brand. If a mark is sought to be recorded with a brand, the application shall also contain a diagram which shows the manner of marking.

20666. Upon receipt of an application, the bureau shall examine the application and compare the design applied for with brands that are already of record.

20667. An application shall not be accepted for the recordation of a brand which consists only of a mark.

20668. An application shall not be accepted for the recordation of a brand if the brand is to be applied to any of the following:

(a) Either jaw.
(b) The face.
(c) The nose.
(d) Either loin.
(e) The breeching of an animal.

20669. An application shall not be accepted for the recordation of a brand which is accompanied by a mark if the use of the mark involves cutting off more than one-half of an ear.

20670. An application shall not be accepted for the recordation of a brand except upon the payment of the fee for the recordation of the brand.

20671. If the application does not conform to the requirements of, or cannot be accepted pursuant to, this chapter, a statement of the reason why it cannot be accepted shall be transmitted to the applicant.

Article 4. Recordation

20691. The bureau shall maintain a record of all brands that are recorded, except forfeited or canceled brands which are subject to Section 20701.

20692. Any person, upon request to the bureau, shall be furnished information as to any recorded brand.

20693. A brand shall not be recorded if it consists of any letters or characters which are applied in more than one branding location on the animal.

20694. A brand shall not be recorded for any person under 21 years of age unless the application is countersigned by his parent or guardian.

20695. Recordation of a brand consists of entering in the brand records the matters which are contained in the application, together with the date of recordation, and the execution by the bureau of a cattle brand registration certificate.

20696. The original cattle brand registration certificate shall be kept on file in the bureau. A duplicate certificate shall be issued to the person in whose name the brand is recorded.

20697. The issuance to a person of a cattle brand registration certificate confers upon the person to whom it is issued both of the following:

(a) The right to use the brand until the right to use it is forfeited or the record of the brand is canceled pursuant to this chapter.

(b) The right to use the same brand on the same location on horses, mules, burros, sheep, and swine if not in conflict with a previously recorded brand.

20698. The right to use a brand is a property right and may be sold or otherwise transferred.

20699. A transferee of a brand shall not use the brand until the transfer has been recorded by the bureau.

20700. The record of any brand may be canceled at any time upon the written request of the person in whose name it is recorded.

20701. The records of brands which have been forfeited or canceled for more than five years may be removed from the files and destroyed.

Article 5. Suspension and Forfeiture

20721. The right to use a recorded brand is lost by the failure to pay the fees which are required by Article 6 (commencing with Section 20751) of this chapter.

20722. If the renewal fee which is required by Article 6 (commencing with Section 20751) of this chapter is not paid by January 30th of the year after the recordation of the brand, or by January 30th of the year which follows the last year for which renewal fee has been paid, the right to use the brand is suspended as of January 1st of such year.

20723. If the right to use a brand is suspended for more than one year, it becomes forfeited on January 1st following the year of suspension. The brand may, thereafter, be re-recorded by the former owner or it may be applied for by any other person pursuant to this chapter.

20724. The right to use any brand which conflicts with any brand which has a prior cattle brand registration certificate number pursuant to this chapter is forfeited. All recordations shall be on a statewide basis.

Article 6. Fees and Penalties

20751. The fee for each application for recording a brand is five dollars ($5).

20752. The fee entitles the applicant to the recordation of one brand and one duplicate brand registration certificate. The fee for each additional duplicate is two dollars ($2).

20753. The payment of the fee for recording a brand confers upon the owner of the brand the right to use it until the end of the calendar year in which the brand is recorded

20754 Except as otherwise provided in Section 20755, the owner of a brand shall, on or before January 30th of

each year after its recordation, pay to the bureau an annual renewal fee of three dollars ($3) for the right to continue to use the brand.

20755. The owner of a recorded brand may, on or before January 30th of any year, pay in advance to the bureau a sum which is a multiple of three dollars ($3). The payment entitles him to use the brand for any number of years, but not to exceed 10 years, at the rate of three dollars ($3) per year from and after January 1st of such year. If such advance payment is made, annual renewals for each of the years within the period for which advance payment has been made are not required.

20756. If the right to use a brand is suspended for failure to pay the renewal fee, it may be reinstated within the calendar year in which the suspension occurs upon the payment of a reinstatement fee of six dollars ($6).

20757. A person may not re-record a forfeited brand unless he makes an affidavit of nonuse during the period of suspension and forfeiture or unless his application for re-recording the forfeited brand is accompanied by a penalty of twenty-five dollars ($25) for using a forfeited brand. The fee for re-recording a forfeited brand is five dollars ($5).

20758. The fee for recording the transfer of a brand, including a new certificate, is five dollars ($5).

20759. If the applicant fails to submit within 60 days of the date of receipt by the department of application for recording or re-recording a brand, or for recording the transfer of a brand, any information or document which is required by this chapter, the application lapses. The applicant is not entitled to the recording or re-recording of the brand, or the recording of the transfer of the brand, unless and until he submits a new application and another fee for it.

Article 7. Similar Brands

20791. If the brand records on file with the bureau disclose that two or more brands have been recorded which appear to be so similar as to be misleading or conflicting, the chief may, and upon request of the owner of one of such brands he shall, cause an investigation to be made and a hearing held upon the matter.

20792. Notice of the hearing shall be given to each interested person at least 10 days prior to the hearing.

20793. At the hearing, the chief shall first determine if the brands are so similar as to be misleading or conflicting. The chief shall dismiss the proceedings as to any brands which he finds are not so similar as to be misleading or conflicting.

20794. If, at the hearing, the chief finds that two or more brands have been recorded which are so similar as to be misleading or conflicting, he shall determine which of the conflicting brands has been of record for the longest consecutive

period of time. The owner of such brand has the right to continue to use his brand. The conflicting brand shall be canceled.

20795. The owner of a recorded brand may request the chief to make an investigation if there are cattle other than his own which bear a brand so similar to such owner's brand as to be misleading or conflicting.

20796. If, after the investigation, the chief finds sufficient cause for such action, he may require that the cattle, other than those of the owner of the brand which is recorded, be branded with some other brand which is approved by the chief and recorded pursuant to this chapter.

20797. Any person that is aggrieved at any determination of the chief pursuant to this article may appeal to the director within 15 days. The director may affirm, reverse, or modify the determination of the chief.

CHAPTER 5. CATTLE RECORD BRANDS

20901. Notwithstanding any other provision of this division, cattle may be branded pursuant to this chapter.

20902. A cattle record brand shall be used only for purposes of identification. It is not evidence of ownership.

20903. A cattle record brand shall not be recorded.

20904. A cattle record brand may be placed upon either loin in front of the hip and behind the ribs or on the right jaw of the animal.

20905. A cattle record brand for dairy cattle of the Holstein, Jersey, Guernsey, Ayrshire, Brown Swiss, Dutch Belted, and Milking Shorthorn breeds may be placed upon the right hip rather than upon the loin.

20906. A cattle record brand consists of:

(a) Consecutive numerals, letters, or combination of numerals or letters if placed upon the loin or right jaw of an animal.

(b) At least three consecutive numerals which constitute a number greater than 200 if placed upon the right hip of an animal.

CHAPTER 6. INSPECTION OF CATTLE

Article 1. Requirements, Generally

21051. Except as otherwise provided in this chapter, cattle shall be inspected prior to any of the following:

(a) Transportation out of an area which has full point of origin inspection.

(b) Transportation out of the state.

(c) Transportation across an established cattle movement zone line or boundary.

(d) Transportation by or to a new purchaser.

(e) Slaughter.

(f) Release or sale from a public stockyard, public saleyard, or public or private cattle sales market.

(g) Release from a posted stockyard or posted saleyard.

21052. It is unlawful for any person that owns or has custody of cattle to transport such cattle or to slaughter, release, or sell such cattle without the inspection which is required by Section 21051.

For the purposes of this section, a common carrier which transports cattle does not have custody of the cattle.

21053. Inspection is not required in any of the following cases where sale is not made and cattle are shipped by the owner for purposes other than marketing or slaughter:

(a) The cattle are accompanied by a certificate of ownership and are moved only between points in the same county or to a point in a county the boundary line of which passes through the ranch to or from which the animals are removed by the owner for transportation

(b) The cattle are moved only between points in a cattle movement zone which is established by the director pursuant to Article 3 (commencing with Section 21111) of this chapter. Inspection may, however, be required pursuant to Article 4 (commencing with Section 21141) of this chapter.

21054. Inspection is not required in cases where cattle are being transported to or from a fair or livestock exhibit if the shipment is accompanied by a certificate of the manager or an official of the fair or exhibit, which shows all of the following:

(a) Any brands and marks.

(b) The names of the shipper and consignee.

(c) The point of origin and destination of the shipment.

21055. Inspection is not required prior to slaughter by licensed slaughterers at slaughterhouses where the chief determines it is impossible or impractical to have inspection prior to slaughter. The chief shall, from time to time, designate which slaughterhouses are within this category. Slaughterers at such slaughterhouses shall keep the records which are required by Section 22045. They shall also keep the hides of animals which are so slaughtered until the hides are inspected or released.

21056. Inspection is not required prior to slaughter of an animal by the producer of the animal pursuant to Section 22002. The hides of such animals shall, however, be retained as provided in Section 21455 and records shall be kept as provided in Section 22008.

21057. Inspection is not required prior to slaughter of any calf which is under the age of eight months by the producer of the calf. If, however, it is transported, the carcass of such animal with the hide on it shall be inspected en route or at point of destination.

21058. Inspection is not required prior to transportation to a point and from an area designated by the chief

pursuant to Section 21081 as one in which inspection may be made en route or at destination.

21059. Any person that receives cattle from any cattle sale market, either public or private, including public stockyards other than posted stockyards where sales of cattle are held, may, upon request and upon payment of a fee of five cents ($0.05) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of brands made.

Article 2. En Route or Destination Inspection

21081. If the chief determines that in any particular area in which there is operating a licensed slaughterhouse, public salesyard, or stockyard, or other cattle sales market, the volume of shipments or other factors render it impossible or impractical to have inspection prior to shipment, he may, by order, authorize inspection en route or at the point of destination.

21082. The chief shall transmit copies of the order to the peace officers in the area which is affected by the order and to the California Highway Patrol.

21083. The order shall specify the point to which and the area from which the shipments may be made.

21084. All cattle which are shipped pursuant to this article shall be accompanied by a certificate of ownership or certificate of consignment The original certificate shall be surrendered to the inspector prior to the inspection of the cattle.

21085. The certificate of consignment or certificate of ownership shall show all of the following:

(a) The date

(b) The loading point.

(c) The address of the owner

(d) The destination of the shipment.

(e) The number and description of the cattle including their brands if any.

(f) The motor vehicle license number of the vehicle which transports the cattle.

21086. A copy of the certificate shall be kept on file in the office of the seller for a period of one year after the sale.

21087. The certificate of consignment may be attached to and become a part of the brand certificate which is issued by the inspector, in lieu of the information which is required by Section 21203.

Article 3. Cattle Movement Zones

21111. The director shall, by regulation, establish cattle movement zones.

21112. In formulating a cattle movement zone, the director shall consult with the Livestock Identification Advisory

Board. He may consult with interested parties in each proposed zone.

21113. A cattle movement zone may consist of one or more counties or geographical areas.

Article 4. Point of Origin Inspection Area

21141. The director shall, by regulation, provide that full point of origin inspection shall be maintained in any county or geographical area which is described within the regulation if at least 65 percent of the persons that own cattle within the county or geographical area are present at a public hearing which is called by the director for the consideration of the regulation and vote in favor of full point of origin inspection.

21142. At the public hearing, before the cattle owners vote on whether or not they desire full point of origin inspection, the director shall inform them of all relevant facts and of the cost of full point of origin inspection.

21143. Notwithstanding any other provision of this article, the director, under cooperative agreement with any individual, association, or board of supervisors, may provide full point of origin inspection in any county or geographical area.

Article 5. Procedure

21171. Inspection of cattle consists of the examination of the cattle for all brands and marks, and, in the case of unbranded cattle, for natural marks, sex, and breed. It also includes the issuance of a certificate of inspection.

21172. If inspection is required, the person that requests the inspection shall notify the inspector. The inspector shall make his inspection as soon as practicable after he is notified.

21173. If requested to do so, the person in charge of the animals shall furnish the inspector with a list of the brands and marks on them to the best of his ability.

21174. If, upon inspection, there is found any animal which does not bear the recorded brand of the person that presents the animal for inspection, such person shall show the inspector a bill of sale, certificate of inspection, or other proof of ownership of such animal.

Article 6. Certificate of Inspection

21201. It is unlawful for any inspector to issue a certificate of inspection unless he personally made the inspection between sunrise and sunset.

21202. If satisfied that the person that offers the cattle for inspection is in lawful possession of them, the inspector shall issue a certificate of inspection.

21203. The certificate of inspection shall be signed by the inspector and shall show all of the following:

(a) The place and date of inspection and the number of animals inspected.

(b) The sex, the brand, if any, on each branded animal recorded in the name of the owner of the animal, or the marks and brands under which the animal was offered for inspection, and such additional marks and brands as may be required by the chief.

(c) The sex, natural marks, and breed of unbranded animals.

(d) If the animals are to be transported, the names of the shipper and of the consignee and the origin and destination of the shipment.

(e) The number of beef cattle and the number of dairy cattle insofar as these matters may be determined.

21204. One copy of the certificate of inspection shall accompany the shipment and another copy shall be sent to the consignee forthwith.

21205. Unless the inspector who issued the certificate is notified and approves, it is unlawful for any person to remove any animal and substitute another for it, or to add other animals or take animals away from any lot of cattle for which a certificate has been issued until after the shipment or slaughter is completed.

21206. Cattle which are shipped for slaughter that have been inspected prior to shipment shall be given a brand inspection at destination. A charge shall not be made for such inspection if the duplicate copy of a certificate of inspection or a salesyard bill of sale is produced and either:

(a) The certificate or salesyard bill of sale was issued within five days prior to slaughter.

(b) The cattle, which are owned by the slaughterer, are held in enclosures that are used exclusively by the slaughterer, which are located within one mile of the slaughterhouse, and the cattle are driven, not transported, from the enclosure to the slaughterhouse

Article 7. Duplicate Brand Inspection Certificates

21231. Unless the shipment is released pursuant to Section 21233 or 21744, no common carrier, or owner or driver of any conveyance shall receive for transportation or transport any cattle until they have been inspected, and the carrier, owner, or driver has been furnished with duplicate brand inspection certificates that are signed by an inspector, which show all of the following:

(a) Any brands and marks.

(b) The names of the shipper and consignee.

(c) The origin and destination of the shipment.

21232. The duplicate brand inspection certificate shall accompany to destination any cattle which are transported over a public thoroughfare.

21233. The chief may release, or provide for the release of, cattle without the inspection which is required by Section 21231, but inspection shall be made en route or at the point of destination. The owner shall keep such cattle segregated until they are inspected.

21234. The director may authorize the inspection of cattle upon their release from a stockyard, salesyard, or cattle sales market.

The director may contract with individual yards or markets for the performing of such inspection on the basis of a return to the department of all costs which are involved in performing the inspection.

21235. When cattle are shipped from a public stockyard or from a public salesyard to another public stockyard or public salesyard:

(a) If the shipment is accompanied by a duplicate California brand inspection certificate which releases the shipment from the stockyard or salesyard of origin to another stockyard or salesyard which is designated in the certificate, the cattle shall be inspected before being offered for sale at the stockyard or salesyard of destination, and a brand inspection certificate issued.

(b) If a duplicate certificate does not accompany the shipment, on presentation of proof of ownership which is satisfactory to the bureau, the cattle shall be inspected prior to being offered for sale at the stockyard or salesyard of destination, and a brand inspection certificate issued.

21236. Any brand inspection certificate which has been altered, defaced, or changed is void. An inspector may, however, draw a line through an error on a certificate without voiding the certificate, if he initials and dates such alteration.

21237. Except as otherwise provided in Section 21236, it is unlawful for any person to alter, deface, or change any brand inspection certificate.

Article 8. Shipping Permits

21261. The chief may provide for the issuance of shipping permits for inspected cattle which are shipped by railroad, or for cattle that are covered by one certificate of inspection, which are transported in more than one conveyance.

Article 9. Fees

21281. All brand inspection fees are due and payable at the time of the inspection. The amount which is due for all inspections that are made shall be paid to the inspector within 15 days after the issuance of the brand inspection certificates

for the cattle which were inspected, unless there is on deposit with the bureau a bond in an amount and form which is approved by the chief or a cash deposit to cover the payment of such fees.

21282. Any fees which are due and payable for brand inspections which are not paid as required by this article may be recovered by the director pursuant to Section 281. Inspection services may be refused for nonpayment of prior services which have been rendered.

21283. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is thirteen cents ($0.13) for each animal which is inspected.

21284. A charge shall not be made for the inspection of suckling calves which are accompanying their mothers if they are transported for purposes other than for sale or slaughter and without a change in ownership.

21285. The fee is thirteen cents ($0.13) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

21286. The fee is thirteen cents ($0.13) for the inspection of each animal which originated in another state and was shipped to this state for slaughter, if such animal is unloaded in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

21287. (a) The fee is eight cents ($0.08) for each animal which is inspected pursuant to subdivision (a) of Section 21235

(b) The fee, except as provided in Section 21289, is thirteen cents ($0 13) for each animal which is inspected pursuant to subdivision (b) of Section 21235.

The fees which are required by this section shall be paid by the person or his agent that consigned the cattle to the market.

21288 The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is ten cents ($0.10) if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a point-of-origin area or out of this state.

21289. The fee for the inspection of cattle is twenty cents ($0.20) for each animal which originated in any county or geographical area where a full point of origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of this chapter. A fee shall not be charged for any suckling calves which are accompanying their mothers if they are not shipped for sale or slaughter and no change of ownership is involved.

21290. The total of all fees which are collected upon the same cattle that are moving from points within this state through one public stockyard which is posted by the Secretary of Agriculture of the United States, or through one public salesyard, shall not exceed twenty-five cents ($0.25) per animal for all inspection including inspection at point of shipment, en route, or at first destination, inspection upon release from a public stockyard or a public salesyard, and inspection at place of slaughter.

21291. The fees which are provided by this article are maximum fees. The director may adopt a schedule of fees which are below the maximum fees which are established in this article and may adjust such schedule from time to time whenever he finds that the cost of administering and enforcing the following portions of this code may be maintained with such below-maximum fees:

(a) Part 1 (commencing with Section 16301), Division 9.

(b) Part 2 (commencing with Section 17401), Division 9.

(c) Chapter 1 (commencing with Section 18201), Part 3, Division 9.

(d) Division 10 (commencing with Section 20001).

(e) Division 11 (commencing with Section 23001).

(f) Chapter 1 (commencing with Section 24501), Part 1, Division 12.

(g) Chapter 1 (commencing with Section 26401), Part 3, Division 12.

Article 10. Records and Memorandums

21321. The inspector shall make a memorandum which shows the number, sex, brands, or marks on each animal which is inspected, and the names of the owner or claimant, consignor, and consignee.

21322. The memorandum of the inspection shall be retained for record purposes by the inspector for at least two years after the date of the inspection.

21323. The bureau shall maintain for a period of five years a file of brand inspection certificates in such manner as to disclose the number of cattle which have been inspected.

21324. Any person is entitled to examine any inspection certificates on file with the bureau.

Chapter 7. Inspection of Hides and Carcasses

Article 1. Requirements

21451. Except as otherwise provided in this chapter, inspection of carcasses with the hide on and of hides shall be made in the same manner as inspection of cattle pursuant to Chapter 6 (commencing with Section 21051) of this division.

21452. The chief may provide for the release of hides or carcasses from inspection in cases in which inspection would serve no useful purpose.

21453. A new inspection need not be made of the hide or carcass of an animal which was inspected at the place of shipping or of slaughter within 15 days prior to slaughter.

21454. A new inspection need not be made of the hide or carcass of an animal which is owned by a slaughterer if the animal is both:

(a) Held in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse.

(b) Driven, not transported, from the enclosure to the slaughterhouse.

21455. Every person not a licensed slaughterer that slaughters any cattle or calves, except calves which are marketed with the hides on, shall do all of the following:

(a) Keep in his possession the hide, with the brands attached to it, without any alteration or disfiguration, until the hide is inspected or released.

(b) Exhibit the hide to any inspector or peace officer on demand.

21456. A person shall not have in his possession a carcass or any meat from a carcass which was not slaughtered by a licensed slaughterer, unless he has in his possession and exhibits to any inspector or peace officer on demand one of the following:

(a) The hide of the animal from which the meat was obtained, with the ears and the brands attached to it, without alteration or disfiguration.

(b) A certificate of inspection or release of the hide or of the carcass with the hide on it, which was issued pursuant to this article.

(c) A bill of sale, memorandum of sale, or other written instrument, which is signed by the seller or donor of the meat, that shows the name and address of the seller or donor.

21457. A person shall not remove any evidence of inspection from a hide until after it has been partially tanned.

21458. A person shall not sell, give away, deliver, transport, buy, accept, or receive the hide of any animal unless the hide has been inspected or released.

21459. A person shall not obliterate, alter, or remove a brand which is on a hide, or burn or in any manner destroy the hide until it has been inspected or released.

Article 2. Procedure

21481 The director shall, by regulation, prescribe the method by which hides and carcasses which have been inspected may be identified.

21482. If, upon inspection, there is found any carcass or hide which does not bear the recorded brand of the person

that presents the carcass or hide for inspection, such person shall show the inspector a bill of sale, certificate of inspection, or other proof of ownership of such carcass or hide.

Article 3. Certificates of Inspection

21511. Each inspector, prior to issuing a certificate of inspection for a hide, or carcass with the hide on it, shall identify the hide or carcass by the method which is prescribed by the chief.

Article 4. Duplicate Brand Inspection Certificates

21531. Unless the shipment is released pursuant to Section 21532, no common carrier, or owner or driver of any conveyance shall receive for transportation or transport any hide or carcass until it has been inspected and the carrier, owner, or driver has been furnished with duplicate brand inspection certificates that are signed by an inspector which show all of the following:

(a) Any brands and marks.

(b) The names of the shipper and consignee.

(c) The origin and destination of the shipment.

21532. The chief may release, or provide for the release of, any carcass or hide without the inspection which is required by Section 21531. Inspection shall, however, be made en route or at point of destination.

Article 5. Fees

21561. All brand inspection fees are due and payable at the time of the inspection. The amount which is due for all inspections that are made shall be paid to the inspector within 15 days after the issuance of the brand inspection certificates for the hides or carcasses which were inspected unless there is on deposit with the bureau a bond in an amount and form which is approved by the chief or a cash deposit to cover the payment of such fees.

21562. Any fees which are due and payable for brand inspections that are made which remain unpaid or are not paid as required by this article may be recovered by the director pursuant to Section 281. Inspection services may be refused for nonpayment of prior services which have been rendered.

21563. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is thirteen cents ($0.13) for each carcass or hide which is inspected.

21564. The fee is eight cents ($0.08) for the inspection of any cattle hide or calfskin which is classified as reduction hide or skin.

21565. A charge shall not be made for the inspection of any hide which has been previously inspected pursuant to this chapter.

21566. The fees which are provided by this article are maximum fees. The director may adopt a schedule of fees which are below the maximum fees that are established in this article and may adjust such schedule from time to time whenever he finds that the cost of administering and enforcing the following portions of this code may be maintained with such below-maximum fees:

(a) Part 1 (commencing with Section 16301), Division 9.

(b) Part 2 (commencing with Section 17401), Division 9.

(c) Chapter 1 (commencing with Section 18201), Part 3, Division 9.

(d) Division 10 (commencing with Section 20001).

(e) Division 11 (commencing with Section 23001).

(f) Chapter 1 (commencing with Section 24501), Part 1, Division 12.

(g) Chapter 1 (commencing with Section 26401), Part 3, Division 12.

Article 6. Reports

21591. The bureau shall maintain for a period of five years a file of brand inspection certificates in such manner as to disclose the number of carcasses or hides which have been inspected.

21592. Any person is entitled to examine any inspection certificates on file with the bureau.

Chapter 8. Sale and Gift of Cattle, Their Carcasses and Hides

Article 1. Bills of Sale

21701. As used in this article, "animal" includes:

(a) A bovine animal.

(b) The carcass of a bovine animal from which the hide has not been removed.

(c) The hide of a bovine animal.

21702. A person shall not buy, sell, or accept any animal, unless the seller or donor gives, and the buyer or donee receives, at the time of the delivery of the animal, a written bill of sale or written instrument from the owner or his agent which gives the number, kind, breed, and sex, and, if branded, the brand and location of the brand on each animal.

21703. The bill of sale or other instrument shall be signed by the seller or his agent, and shall show all of the following:

(a) The date of delivery.

(b) The name and address of the seller or his agent.

(c) The name and address of the buyer or donee.

21704. The failure of the seller or donor to give a written bill of sale or written instrument to the buyer or donee has no effect upon the validity of any sale or contract of sale or

gift of an animal nor upon the rights of either the buyer, donee, seller, or donor.

21705. If by any provision of this division a certificate, bill of sale, or other document is required to accompany any shipment of animals, nothing in this division shall be construed to make the carrier, driver, or any person other than the shipper responsible for the form or accuracy of the document.

21706. Any invoice of sale or bill of sale which has been altered, defaced or changed is void. An inspector may, however, indicate on a bill of sale any number of cattle which are sold by the holder of the bill of sale, if he initials and dates such alterations on the bill of sale.

21707. Except as otherwise provided in Section 21706, it is unlawful for any person to alter, deface or change any invoice of sale or bill of sale.

21708. An auctioneer shall not offer any milking cow for sale at any auction sale of cattle unless the milking cow has been milked out and stripped within 12 hours of the time such offer to sell the cow takes place.

Article 2. Public Salesyards

21731. Stockyards which are posted by the United States Department of Agriculture under the Packers and Stockyards Act (7 U.S.C., Sec. 181 et seq.), agricultural fairs, 4-H Clubs, Future Farmers, Junior Farmers, and associations which sponsor purebred cattle sales for their members are exempt from the license provisions of this article.

21732. The license and bond provisions of this article do not apply to the sale by an auctioneer of cattle on the premises of the owner of the cattle whether or not such a sale includes the sale of cattle of other livestock owners in the vicinity of such premises. If, however, an animal which does not belong to the owner of the premises is auctioned, the auctioneer shall specifically designate the person that is the owner of the animal.

21733. A person shall not engage in the business of selling cattle at a public salesyard unless he has done all of the following:

(a) Obtained a license from the bureau to carry on such business at each such salesyard.

(b) Executed for each such salesyard a bond to the state in the sum of one thousand dollars ($1,000).

21734. The bond required pursuant to Section 21733 is subject to the approval of the director and shall be conditioned as follows:

(a) That the person shall not sell any cattle unless he is the owner of the cattle or is authorized to sell them by the owner.

(b) That, if he does sell any cattle which he does not own without authorization from the owner, he shall, in addition to all other statutory penalties, pay the value of the animals.

21735. Any amount which is recovered upon the bond shall be paid to the owner of the animal.

21736. The bureau shall grant to every applicant that complies with this article and the regulations which are adopted pursuant to it, a separate license to operate each salesyard for the balance of the current calendar year upon the payment of a fee of one hundred dollars ($100) for each salesyard.

21737. A permit shall be granted by the bureau to change the address or location of a previously licensed salesyard. No additional license fee or bond shall be collected for issuing a permit to change the address or location.

21738. Each such license shall be renewed on or before the first day of each succeeding calendar year. The renewal fee is one hundred dollars ($100) for each salesyard.

21739. The director may, after notice and hearing, revoke a license which is issued to a person that is engaging in the business of selling cattle at public salesyards or that operates such public salesyard for the sale of livestock, for any willful violation of any provision of this division or the regulations which are issued pursuant to it.

21740. Any proceeding which is held pursuant to Section 21739 shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all of the powers which are granted in that chapter.

21741. Any person that delivers any cattle to a public stockyard or public salesyard shall furnish to the inspector, before the inspector inspects the cattle for reforwarding, one of the following:

(a) If the cattle originate in this state, a certificate of consignment or brand inspection certificate.

(b) If the cattle do not originate in this state, proof of ownership of the cattle.

21742. The certificate of consignment shall be signed by the owner of the cattle or his agent. It shall show all of the following:

(a) The consignee.

(b) The number, kind, and brand of the cattle.

(c) In the case of unbranded cattle, the breed of the cattle.

21743. Any person that is engaged in the business of selling cattle on consignment at any public stockyard, public salesyard, or public cattle sales market shall prepare prior to inspection and keep after each sale a certificate of consignment which contains all of the following:

(a) The name and address of the owner.

(b) The name and address of the consignee.

(c) A description of each animal which shall indicate the sex, the breed and. in the case of branded animals, the brand and brand location.

(d) Signature of the owner or his agent.

The certificate of consignment shall be kept by the seller for a period of one year after the date of sale. Any such certifi-

cate shall be exhibited on the demand of any peace officer or any agent of the department.

21744. Cattle shall not be released from a public stockyard, public salesyard, public cattle sales market, or any other public consignment sale unless they are accompanied by a brand inspection certificate or by a bill of sale or certificate of sale which is issued and signed by a representative of the salesyard, as agents for the consignor.

21745. The bill of sale or certificate of sale which is required pursuant to Section 21744 shall contain all of the following information on a form that is approved by the chief:

(a) Date of sale.

(b) Name and address of the buyer.

(c) Description of each animal that is sold which includes its brands and brand location, sex and breed of unbranded animals.

(d) Origin and destination of the animals.

21746. The director may make regulations which govern the brand inspection of cattle at public salesyards and at public stockyards.

21747. It is unlawful for any person to sell cattle at a public salesyard unless an inspector has done one of the following:

(a) Checked the brand inspection certificates of cattle which are being offered for sale.

(b) Made a brand inspection of animals which are consigned or shipped to such yard which have not previously been inspected.

21748. It is unlawful for any person to release any cattle which are sold at a public salesyard unless the required brand inspection certificate has been prepared by the inspector in advance of the release of the cattle from the salesyard.

21749. Except as otherwise provided in Section 21750, any person that engages as a business in the sale of cattle at a public salesyard without a license is, in addition to all other penalties, liable to a penalty of twenty-five dollars ($25) and an additional penalty of one dollar ($1) per day for every day he has operated a public salesyard without a license.

21750. Any public cattle salesyard operator that has had a previous license and continues to operate a public salesyard after the expiration of his license is not required to pay penalties pursuant to Section 21749 if he applies for a new license within 30 days after the expiration of his license.

CHAPTER 9. INJURY TO, OR THEFT OF, CATTLE

Article 1. Driving Cattle From Their Range

21851. As used in this article, "range" means the enclosed or unenclosed lands outside of cities, towns, and villages in this state, whether of the public domain or in private owner-

ship, upon which by custom, license, or otherwise, cattle are kept or permitted to roam and feed.

21852. Any person that is not the owner or does not have the right of possession of any cattle, that is found driving such cattle off its usual range, without the consent of the owner, is guilty of grand theft.

Article 2. Livestock Killed or Injured on Railroads

21881. If any animal is killed or injured upon the right-of-way of any railroad in this state, the owner or operator of the railroad equipment injuring or killing the animal shall report it as soon as possible, but in no event later than 96 hours after the collision.

21882. The report shall contain all of the following:

(a) A description of the animal.

(b) The brands and marks and the position of the brands and marks, if any, upon the animal.

(c) The location of the animal.

(d) The location of the point of collision, listing the county, the nearest post office, and milepost.

21883. The report shall be given by telephone, telegraph, or mail to the owner of the animal if known. If the owner of such animal is unknown, the report shall be given to the office of the sheriff, constable, or brand inspector whose office or established headquarters is, to the knowledge of the railroad employee who makes the report, the nearest to the place of the collision.

21884. Reports by telephone shall be confirmed within 24 hours by telegraph or mail to the office of the sheriff. A copy shall be sent to the bureau.

21885. Upon receiving the report the officer or brand inspector shall attempt to ascertain the ownership of the dead or injured animal and notify the owner of the death or injury of the animal.

21886. It is unlawful for any person to bury, conceal, or destroy any animal, or do anything to the carcass of any animal, which will tend to make ascertainment of its ownership more difficult until the owner has been notified or the officer or brand inspector has identified the brands and marks, if any, and their position upon the animal.

Chapter 10. Slaughter of Cattle

Article 1. Generally

22001. Except as otherwise provided in this chapter, a person shall not, unless he has a slaughterer's license, slaughter, or request or hire any person that is not a licensed slaughterer to slaughter, an animal and offer the meat for sale.

22002. Any producer of cattle may slaughter or have slaughtered for him on his own premises, for his own consumption and in small numbers cattle of his own production. He may sell or give away a portion of the meat of such cattle, except to a peddler, retailer, hotel, restaurant, or any person offering the meat for public consumption.

22003. If a producer of cattle sells any meat of the cattle pursuant to Section 22002, he shall give to the buyer, and the buyer shall receive, a sales tag or sales memorandum, which shows the names of the seller and buyer, the date of the sale, and the quantity which is sold. The buyer shall retain the tag or memorandum for 30 days and exhibit it upon request of any inspector or any peace officer.

22004. Cattle which are slaughtered by or for the producer of the cattle at his premises and for his own consumption may be transported with the hide on, after complete removal of the viscera, head, and feet, to any licensed frozen food locker plant to be skinned, split, and quartered by the operator of the plant.

22005. The skinning, splitting, and quartering of the cattle at the licensed frozen food locker plant does not require a slaughterer's license, and the frozen food locker plant is not subject to the inspection service which is required by Chapter 4 (commencing with Section 18651), Part 3, Division 9 of this code in the skinning, splitting, and quartering of the cattle.

22006. The licensed frozen food locker plant operator shall maintain a record of every transaction which involves uninspected meat for a period of five years. The record shall show the name of the producer of the cattle and the number of carcasses which were delivered by the producer.

22007. Any owner or producer of livestock may have them inspected and slaughtered by a licensed slaughterer. He may, thereafter, sell the meat from such livestock.

22008. Every person that is not a licensed slaughterer that slaughters cattle shall do all of the following:

(a) Keep a record in a book which he keeps for that purpose of all cattle which are slaughtered by him, with a description of the cattle, including the brands and marks, and the date of slaughter.

(b) Exhibit the record book on demand of any inspector or peace officer.

Article 2. Licensed Slaughterers

22031. A person shall not engage in the business of slaughtering cattle unless he first procures a license and executes a bond pursuant to this article for each slaughterhouse in which he operates

22032. Each applicant for a slaughterer's license shall file an application with the bureau.

22033. The application shall be in a form which is prescribed by the director and shall contain all of the following:

(a) The name and address of the applicant.

(b) Where each slaughterhouse in which he is to operate is located and to whom it belongs.

(c) Such other information as the director may, by regulation, require.

22034. The bureau, after notice and hearing before the director, shall refuse to issue a license to any applicant unless the chief finds that he is both:

(a) Qualified to operate pursuant to this division.

(b) Properly equipped to engage in the business of slaughtering in a clean and sanitary manner.

22035. A previous violation of any provision of this division is good and sufficient ground for denial of a license.

22036. The bureau shall issue to every applicant, that complies with this article, a license to slaughter cattle and sell the meat of such cattle for the unexpired quarter by periods of the current calendar year.

22037. The applicant shall pay the following annual fees in advance to the bureau:

(a) For each slaughterhouse at which he slaughters less than 51 animals per month, twenty dollars ($20).

(b) For each slaughterhouse at which he slaughters 51 or more and less than 101 animals per month, fifty dollars ($50).

(c) For each slaughterhouse at which he slaughters 101 or more animals per month, one hundred dollars ($100).

The annual fee shall be reduced one-fourth for each quarter of the current calendar year which has expired prior to the effective date of such license. No license shall be issued for a quarter of a year unless it is the only remaining unexpired quarter of the current calendar year on the effective date of the license.

22038. Before beginning business, the applicant shall execute a bond to the state in the sum of one thousand dollars ($1,000) approved by the director, conditioned as follows:

(a) That he shall not slaughter, or sell any cattle or the meat of any cattle, unless he is the owner of the cattle or meat, or is authorized to slaughter or sell the cattle or meat by the owner of the cattle or meat.

(b) That if he slaughters any cattle which he does not own without authorization from the owner, he shall, in addition to all other statutory penalties, pay the value of such animal.

22039. All amounts which are recovered on the bond shall be paid to the owner of the animal.

22040. The director may, after notice and hearing, revoke a slaughterer's license for any violation of any provision of this division.

22041. The director may, after notice and hearing, revoke the license of any slaughterer that is operating a slaughterhouse in an unclean or insanitary manner.

22042. A proceeding for refusal or revocation of license shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1. Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted in that chapter.

22043. A license which is revoked shall not be reissued except upon payment of an additional reinstatement fee of twenty-five dollars ($25).

22044. Every licensed slaughterer of cattle shall have on file in his office prior to slaughter and shall keep for one year after slaughter, the original bill of sale of cattle which are purchased by him or a consignment slip on cattle which are consigned to him or the certificate of inspection of all cattle which are slaughtered by him.

22045. Every licensed slaughterer that slaughters cattle where inspection prior to slaughter is impossible or impractical shall keep a record which sets forth the name of the person from whom the cattle were purchased and identifies them as to color, age, weight, sex, and brand, if any. The record shall be open to inspection by any agent of the department or peace officer.

22046. Every licensed slaughterer that does not have brand inspection prior to slaughter on each day on which he slaughters, and whose hides are not inspected during the month, shall on or before the 15th day of each month mail to the bureau a written report which shows in separate columns all of the following:

(a) The number of calves, cows, steers, stags, and bulls which were slaughtered during the preceding calendar month.

(b) The number which he slaughtered on each date.

(c) From whom the animals were purchased.

(d) The date of purchase.

(e) The brands on branded cattle and the sex and breed of unbranded cattle.

22047. It is unlawful for a licensed slaughterer to allow anyone to slaughter cattle at the licensee's plant, except a person that is licensed to slaughter there or an employee of such person.

22048. If a licensed slaughterer desires to change to another location, he shall apply to the bureau to have his license transferred. The bureau may transfer the license without additional cost.

22049. It is unlawful for a licensed slaughterer to slaughter cattle at any place other than a slaughterhouse at which he is licensed to slaughter.

22050. It is unlawful for a licensed slaughterer to slaughter cattle unless his bond is in force and valid at the time of slaughter.

22051. Except as otherwise provided in Section 22052, any person that slaughters cattle unlawfully and without a license

is, in addition to all other penalties, civilly liable to the director for all of the following:

(a) The amount of the annual fee due under the provisions of Section 22037 for the entire period during which he operated without such license.

(b) A penalty of twenty-five dollars ($25).

(c) A penalty of fifty cents ($0.50) per day for every day he slaughtered cattle unlawfully and without a license.

22052. Any slaughterer that has had a previous license and continues to slaughter cattle after the expiration of his license is not required to pay the penalty pursuant to Section 22051 if he applies for a new license within 30 days after the expiration of his license.

Article 3. Purchase and Sale of Meat

22081. A wholesaler of meat shall not purchase the meat of any animal except from any of the following:

(a) A licensed slaughterer.

(b) Another wholesaler having an established place of business.

(c) An owner or producer of livestock which are slaughtered pursuant to Section 22007.

22082. A peddler or retailer of meat shall not purchase the meat of an animal from any person not known to him to be a licensed slaughterer, or a regular wholesale dealer in meat that has an established place of business, except that he may purchase from the owner or producer of an animal the meat of the animal if it was inspected and slaughtered pursuant to Section 22007.

22083. Every peddler or retailer of meat that purchases the meat of any animal shall enter all of the following in a book which he keeps for that purpose and exhibit it on demand to any agent of the department or any peace officer:

(a) The name and address of the person from whom the meat was purchased or obtained.

(b) The date of purchase and the price which was paid.

(c) An itemized description of the weight and quantity which was purchased.

(d) The time and place of the delivery of the meat.

22084. A person, other than a regular wholesaler of meat that has an established place of business or a licensed slaughterer, shall not give, sell, or deliver to any peddler of meat any part of the carcass of an animal.

This section does not apply to the meat of an animal inspected and slaughtered pursuant to Section 22007.

22085. It is unlawful for any person that is not the keeper of a shop or meat market, to sell the meat of any animal unless he possesses the hide, with ears attached and brands untampered with, of the animal from which the meat was ob-

tained and unless he exhibits it to any inspector or peace officer upon demand.

22086. It is unlawful for any person to misrepresent the type, kind, or quality of a dressed carcass of any animal or part of such carcass, or the sex, age, or quality of any animal the meat of which is sold.

DIVISION 11. HORSES, MULES, BURROS, SHEEP, AND SWINE

CHAPTER 1. GENERAL PROVISIONS

Article 1. Application

23001. The provisions of this division, including the payment of fees, are applicable to all state and county institutions which are engaging in livestock operations.

Article 2. Regulations

23021. The director shall enforce this division. He may make such regulations as are reasonably necessary for such enforcement.

Article 3. Investigations and Seizures

23041. The director may make any necessary investigations relative to reported violations of this division, pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

23042. Copies of records, audits and reports of audits, inspection certificates, certified reports, findings and all papers which are on file in the office of the director are prima facie evidence of the matters which are contained in them, and may be admitted into evidence in any hearing pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

23043. Any agent of the department or any peace officer may, for the purpose of making an investigation, do any of the following:

(a) Stop any conveyance which is transporting on any public thoroughfare any horse, mule, burro, or sheep, the carcass of any such animal which has the skin on it, or the hide or skin of any such animal.

(b) Take possession of any horse, mule, burro, or sheep, the carcass of any such animal which has the hide or skin on it, or the hide or skin of any such animal and hold it for 30 days pending an investigation.

23044. Any expense which is incurred pursuant to Section 23043 shall be paid by the owner. The cost of caring for the property which is held pursuant to Section 23043 is a lien

upon the property. The lien may be enforced in the manner which is prescribed in Section 3052 of the Civil Code.

23045. Any animal which is seized by, or comes into the possession of an inspector pursuant to this division shall be disposed of pursuant to Chapter 7 (commencing with Section 17001), Part 1, Division 9 of this code.

Article 4. Criminal Penalties

23071. Every person that violates any provision of this division is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than 6 months, or by both such fine and imprisonment. Each violation during any day constitutes a separate offense.

Article 5. Civil Penalties and Remedies

23091. Any person that violates any provision of this division or any regulation which is issued pursuant to it is liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each violation. Any money which is recovered pursuant to this section shall be paid into the Department of Agriculture Fund.

23092. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action for civil penalties in the name of the people of this state in any court of competent jurisdiction in this state against any person violating any provision of this division.

23093. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this division or any regulation duly issued by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Article 6. Collection and Disposition of Money

23121. Any money in the Department of Agriculture Fund which is derived pursuant to this division may be expended for the administration and enforcement of any of the provisions of the following portions of this code, notwithstand-

ing any other provision of law which limits the expenditure of any such money to some specific purpose or to the administration or enforcement of some specific section, article, or chapter, of this division:

(a) Part 1 (commencing with Section 16301), Division 9.

(b) Chapter 1 (commencing with Section 17401), Part 2, Division 9.

(c) Chapter 4 (commencing with Section 17951), Part 2, Division 9.

(d) Chapter 1 (commencing with Section 18201), Part 3, Division 9.

(e) Division 10 (commencing with Section 20001).

(f) Division 11 (commencing with Section 23001).

(g) Chapter 1 (commencing with Section 24501), Part 1, Division 12.

(h) Chapter 1 (commencing with Section 26401), Part 3, Division 12.

23122. The director shall, at least once each month, report to the State Controller the total amount of any money which is collected for fees, penalties, judgments or otherwise. He shall, at the same time, pay into the State Treasury the entire amount of the receipts. The receipts shall be credited to the Department of Agriculture Fund.

23123. A civil action may be brought by the director to recover any fee, penalty, or other money that may become due pursuant to this division.

23124. The director shall, within 30 days prior to the general session of the Legislature, submit to the Governor a full and true report of transactions pursuant to this division during the preceding biennium, including a complete statement of receipts and expenditures during the period.

Chapter 2. Brands and Brand Records

Article 1. Horses, Mules, Burros, or Sheep

23251. Any person that desires to use a brand on horses, mules, burros, or sheep shall be governed by the same provisions and procedures with reference to such animals as are made applicable to the branding of cattle in Chapter 4 (commencing with Section 20601) of Division 10 of this code, except Section 20668.

23252. Any person that owns a registered cattle brand may use the same brand on the same location on horses, mules, burros, sheep, or swine if it is not in conflict with a previously registered brand.

Article 2. Swine

23281. Brands for swine may be recorded pursuant to the same provisions and procedures as are made applicable to the recording of brands for cattle in Chapter 4 (commencing with

Section 20601) of Division 10 of this code, except Section 20668. Such recording, however, is not mandatory.

CHAPTER 3. INSPECTION OF ANIMALS

Article 1. Horses, Mules, and Burros

23401. Inspection of horses, mules, and burros for shipment out of the state may be made at the request of the owner in the same manner and for the same fees as are provided for bovine animals pursuant to Chapter 6 (commencing with Section 21051) of Division 10 of this code.

23402. The fee for an inspection prior to slaughter shall be the same as is charged for the inspection of cattle pursuant to Chapter 6 (commencing with Section 21051) of Division 10 of this code.

23403. Inspection of horses, mules, or burros prior to slaughter consists of the examination of such animals for brands and, in the case of unbranded horses, mules or burros, for natural marks. It also includes the issuance of a certificate which shows the brands or natural marks on the animals.

23404. A certificate of inspection shall not be issued unless a bill of sale or other proof of ownership is exhibited at the time of the inspection.

CHAPTER 4. INSPECTION OF HIDES

Article 1. Horses, Mules, and Burros

23551. A person shall not sell, give away, deliver, transport, buy, accept, or receive the hide of any horse, mule, or burro unless the hide has been inspected and a brand inspection certificate issued or it has been released by the director, subject to inspection en route or at destination.

CHAPTER 5. SLAUGHTER

Article 1. Horses, Mules, and Burros

23651. A person shall not operate an establishment in this state for the purpose of slaughtering horses, mules, or burros unless he has done all of the following:

(a) Obtained a license from the director to carry on such business.

(b) Executed a bond to the state in the sum of one thousand dollars ($1,000).

23652. The bond which is required pursuant to Section 23651 is subject to the approval of the director and shall be conditioned as follows:

(a) That such person shall not slaughter or sell any horse, mule, or burro, or the meat of any such animal, unless he is

the owner of the animal, or is authorized to do so by the owner.

(b) That if he shall slaughter any horse, mule, or burro which he does not own without authorization from the owner, he shall, in addition to all other statutory penalties, pay double the value of such animal.

23653. Any amount which is recovered on the bond shall be paid as follows:

(a) One-half to the owner of such animal.

(b) One-half to the Department of Agriculture Fund to be used for the purpose of carrying out this division.

23654. The director shall grant to every applicant that complies with this division and the regulations which are adopted pursuant to it, a license to operate an establishment for the balance of the current calendar year.

23655. The applicant shall pay to the director the following annual fees in advance:

(a) For each slaughterhouse at which he slaughters less than 51 animals per month, twenty dollars ($20).

(b) For each slaughterhouse at which he slaughters 51 or more and less than 101 animals per month, fifty dollars ($50).

(c) For each slaughterhouse at which he slaughters 101 or more animals per month, one hundred dollars ($100).

23656. The annual fee shall be reduced one-fourth for each quarter of the current calendar year which has expired prior to the effective date of such license. No license shall be issued for a quarter of a year unless it is the only remaining unexpired quarter of the current calendar year at the effective date of the license.

23657. The director, after notice to the interested party and a hearing, may refuse to grant a license or renewal of a license and may revoke or suspend any license for a willful violation of any provision of this division.

23658. A license which is refused or revoked by the director shall not be reissued except upon the payment of a renewal fee of twenty-five dollars ($25).

23659. Any proceeding which is held pursuant to Section 23657, shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted in that chapter.

23660. Any previous violation by the applicant or by any person connected with the applicant, of any of the provisions of Part 1 (commencing with Section 16301) of Division 9, Division 10 (commencing with Section 20001), or Division 11 (commencing with Section 23001) is good and sufficient grounds for denial of a license.

23661. Every licensed slaughterer of horses, mules, or burros shall have on file in his office for a period of one year after slaughter the brand inspection certificate and the original bill of sale of the animals purchased and slaughtered by him.

23662. It is unlawful for a slaughterer of horses, mules, or burros to slaughter any such animals unless the horses, mules, or burros have been inspected by the director prior to slaughter.

CHAPTER 6. SALE OR GIFT

Article 1. Horses, Mules, Burros, and Sheep

23801. A person shall not buy, sell, or accept a horse, mule, burro, or sheep, the carcass of any such animal from which the hide or skin has not been removed, or the hide or skin of such animal, unless the seller or donor gives, and the buyer or donee receives, at the time of delivery of the animal, carcass, or hide, a written bill of sale or written instrument, which states the number, kind, and brand or brand and marks of each such hide, skin, carcass, or animal, that is signed by the party that gives it.

23802. The failure of the seller or donor to give a written bill of sale or written instrument to the buyer or donee pursuant to Section 23801 does not have any effect upon either of the following:

(a) The validity of any sale or contract of sale of any horse, mule, burro, or sheep.

(b) The rights of either the buyer or donee or seller or donor of the horse, mule, burro, or sheep.

Article 2. Horses, Mules, and Burros

23831. Any person that is engaged in the business of selling horses, mules, burros, or the hides of any such animals, on consignment at any public or private salesyard shall prepare prior to inspection, and keep after each such sale, a certificate of consignment which contains all of the following information:

(a) The name and address of the consignor.

(b) A description of each animal which is sold that includes its sex, breed, color, approximate weight, approximate age, natural marks, and a description of each brand and its location.

(c) Reasonable proof of the ownership of the animal.

(d) The license number of any vehicle which transports the animal to the salesyard. If the animal is transported in a trailer, the license number of both the trailer and the vehicle which pulls it shall be given.

(e) The signature of the consignor.

23832. The certificate of consignment shall be kept on file in the office of the seller for a period of at least one year after the sale. All certificates of consignment shall be exhibited on the demand of any peace officer or any agent of the department.

CHAPTER 7. TRANSPORTATION

Article 1. Horses, Mules, and Burros

23951. This article does not make it unlawful for any farmer that does not have a license issued pursuant to the article to operate his own truck to transport his own livestock or the livestock of his neighbors.

23952. It is unlawful for any person, or the agent of any person, that buys any horse, mule, or burro for transportation in his own or any borrowed conveyance, for sale or slaughter, to receive such animal for transportation or to transport it, unless such person or agent has a license from the director which authorizes such person or agent to do so.

23953. Each applicant for a license shall file with the director a written application which states all of the following:

(a) His name.

(b) His present address and his addresses for the preceding three years.

(c) Every county in which he proposes to carry on the business.

23954. Each applicant shall pay to the director in advance an annual fee of twelve dollars ($12).

23955. The annual fee shall be reduced one-fourth for each quarter of the current calendar year which has expired prior to the date of the filing of the application for such license.

23956. A license shall not be issued for a quarter of a year unless the quarter is the only remaining unexpired quarter of the current calendar year on the date of the filing of the application for the license.

23957. Each person, or agent of any person, that violates Section 23952 and thereafter applies for a license shall pay twelve dollars ($12) in addition to the fee which is otherwise required by this article, unless he:

(a) Has had a previous license.

(b) Has continued to operate after the expiration of his license and obtains a new license within 30 days after the expiration of his previous license.

Article 2. Sheep

23981. A person shall not transport any sheep, unless the sheep are accompanied by a bill of lading which shows all of the following:

(a) The name of the owner of the sheep.

(b) The destination of the sheep.

DIVISION 12. POULTRY, RABBITS, EGGS, AND EGG PRODUCTS

PART 1. POULTRY AND RABBITS

CHAPTER 1. GENERAL PROVISION

Article 1. Application

24501. The provisions of this part, including the payment of fees, are applicable to all state and county institutions which are engaging in livestock operations.

Article 2. Investigations

24521. The director may make any necessary investigations relative to reported violations of this part, pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

24522. Copies of records, audits and reports of audits, inspection certificates, certified reports, findings and all papers on file in the office of the director are prima facie evidence of the matters which are contained in them, and may be admitted into evidence in any hearing pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Article 3. Civil Remedies

24541. The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation of any provision of this part has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this part or regulation which is duly issued by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

CHAPTER 2. PLANT SANITATION

Article 1. Definitions

24651. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

24652. "Fowl" includes chickens, turkeys, ducks, geese, and other domesticated birds.

24653. "Growing poultry" means feeding and caring for poultry.

24654. "Marked" means plainly, legibly, and conspicuously labeled, stamped, tagged, stenciled, or branded to show the name and address of the poultry plant where, or the name and address of the distributor in California for whom, the poultry meat was slaughtered, prepared, packed, or repacked, cut up or recut, or handled.

24655. "Mislabel" means the placing, or presence of any false, deceptive, or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign, or other descriptive designation.

24656. "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl, with the head, feet, and entrails intact.

24657. "Poultry" means domesticated fowl and domesticated rabbit which are intended for use for human food.

24658. "Poultry meat" means the carcass of poultry or any part of such carcass.

24659. "Poultry plant" means any of the following:

(a) Any place where poultry is slaughtered, dressed, or drawn.

(b) Any place, except a retail store or eating place, where poultry meat or poultry meat food products are cooked, cured, smoked, cut up, recut, packed, or repacked, or otherwise prepared for human food.

24660. "Producer" means any person that is engaged in the business of growing any poultry, which is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

24661. "Sanitary" means free from unnecessary dirt, filth, and contamination and free from any other substance or organism which is known to be injurious to human health.

Article 2. General Provisions

24681. The director shall adopt regulations for carrying out this chapter.

24682. No regulation which requires alterations in poultry plants or changes in equipment shall be effective until six months after the date on which the director gives notice to the persons that are licensed pursuant to this chapter.

24683. The director shall furnish to each person that holds a license, or makes application for a license, a copy of the regulations which are adopted pursuant to this chapter.

24684. The director may bring an action to enjoin the violation or threatened violation of this chapter or any regulation which is adopted pursuant to it in the superior court in and for the county in which the violation occurred or is about to occur.

24685. Any proceeding pursuant to Section 24684 shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Article 3. Exemptions

24711. This chapter does not apply to a poultry plant which is operated under the sanitary regulations of the Consumer and Marketing Service of the United States Department of Agriculture.

24712. This chapter does not apply to poultry meat which bears the official mark of a city, county, or state poultry plant inspection service for sanitation outside of the state which has requirements equal to those which are provided for by this chapter if such out-of-state requirements have been approved by the director. If, however, any packing, repacking, or cutting up or recutting is done, except in a retail store or public eating house, in this state it shall be done in a poultry plant which is licensed pursuant to this chapter.

24713. This chapter does not apply to a poultry plant where poultry which was produced on the premises is slaughtered if the poultry meat which is derived from the poultry is sold by the producer in any of the following ways:

(a) At retail upon such premises.

(b) At retail off of such premises, either direct to consumers at their homes or at a retail stand which is operated by the producer in a farmers' market.

(c) On or off the premises where it was produced, to retail stores or public eating houses.

As used in this section, "producer" includes only an individual producer who does not employ, except in unforeseeable exigencies, any person except members of his immediate family.

24714. This chapter does not apply to a poultry plant where poultry is slaughtered, dressed, and sold upon the premises where it was produced for purposes other than resale, if the entire poultry meat output of the producer is so sold.

Article 4. Licenses

24741. A person shall not operate a poultry plant unless he has obtained a license pursuant to this chapter.

24742. Each person shall, before operating a poultry plant, file an application with the director for a license to operate the poultry plant. The application shall be in such form as the director may prescribe.

24743. The application for a license shall be accompanied by the license application fee.

24744. The application fee is forty dollars ($40) for a license for one year for each poultry plant which the applicant desires to operate.

24745. The license application fee shall be paid to the director with each application for a license or for the renewal of a license.

24746. A license or a license renewal shall be issued by the director for a period of one year from the last day of the month in which it is issued.

24747. Each person that holds a license for a poultry plant shall file an application for the renewal of the license on or before the date of the expiration of the license.

24748. A penalty fee of ten dollars ($10) shall be assessed upon all renewal applications that are not received by the department on or before the expiration date of the license for which the renewal is required.

24749 Plans and specifications for any intended construction or major reconstruction of a poultry plant shall be submitted to the director. The director shall approve or disapprove the plans and specifications within 30 days.

24750. The director may, after hearing, refuse to issue a license or renew a license and may revoke or suspend any license for any violation of, or failure to comply with, any provision of this chapter or any regulation which is adopted pursuant to it, or for any violation of, or failure to comply with, Section 25091.

24751. Any proceedings pursuant to Section 24750 shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3 of Title 2 of the Government Code. The director shall have all the powers which are granted in that chapter.

Article 5. Sanitation

24771. A person shall not do any of the following:

(a) Operate a poultry plant which is not sanitary.

(b) Operate a poultry plant in a manner or under conditions which are not sanitary.

24772. After each day's operation, a poultry plant and its outer premises shall be promptly cleaned in the manner which is prescribed by the regulations.

Article 6. Marks and Labels

24801. This article does not apply to New York dressed fowl until November 1, 1967.

24802. Poultry meat shall not be packed, repacked, cut up, recut, or sold unless each container or each carcass is marked in the manner which is required by this chapter and the regulations which are adopted pursuant to it.

Article 7. Violations

24831. It is unlawful for any person to do any of the following:

(a) Violate any provision of this chapter or any regulation which is adopted pursuant to it.

(b) Operate a poultry plant without a license.

(c) Mislabel poultry meat.

CHAPTER 3. POULTRY MEAT INSPECTION FOR WHOLESOMENESS

Article 1. Definitions

24951. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

24952. "Fowl" includes chickens, turkeys, ducks, geese, and other domesticated birds.

24953. "Growing poultry" means feeding and caring for poultry.

24954. "Marked" means plainly, legibly, and conspicuously labeled, tagged, stenciled, or branded pursuant to this chapter and any regulations which are adopted pursuant to it.

24955. "Mislabel" means the placing, or presence of any false, deceptive, or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign, or other descriptive designation.

24956. "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl with the head, feet, and entrails intact.

24957. "Poultry" means domesticated fowl or domesticated rabbit which is intended for use for human food.

24958. "Poultry meat" means the carcass of poultry or any part of such carcass.

24959. "Poultry meat inspector" means a person who after examination and demonstration has been issued a license by the director to inspect poultry meat for wholesomeness.

24960. "Poultry plant" means any of the following:

(a) Any place where poultry is slaughtered, dressed, or drawn.

(b) Any place, except a retail store or eating place, where poultry meat or poultry meat food products are cooked, cured, smoked, cut up, recut, packed, or repacked, or otherwise prepared for human food.

24961. "Producer" means a person that is engaged in the business of growing any poultry, which is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

24962. "Regulations" means regulations which are adopted by the director to carry out the provisions of this chapter.

24963. "Wholesome" means that the poultry or poultry meat is free from all of the following:

(a) Physical evidence of any disease which is injurious to human health.

(b) Diseases or conditions which have rendered or would render the poultry meat unsuited for human food.

(c) Serious destruction of the flesh by disease or injury.

(d) Contamination by any substance which is injurious to human health.

Article 2. General Provisions

24991. The director shall adopt regulations for carrying out this chapter.

24992. The regulations may include standards for poultry meat food products. The standards shall conform, so far as possible, to the standards which are adopted by the United States Department of Agriculture that pertain to the preparation and processing of poultry meat food products and the poultry meat which is used in such products.

24993. The director shall furnish to each person that holds a license which is issued pursuant to this chapter, or that makes an application for a license, a copy of the regulations.

24994. The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or the regulations which are adopted pursuant to it in the superior court in and for the county in which the violation occurred or is about to occur.

24995. Any proceeding pursuant to Section 24994 shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

24996. The director may inspect, reinspect, or order the reinspection of any poultry meat or poultry meat food product which is being processed or stored in a plant that is licensed under this part. He shall condemn or order the condemnation of any such poultry meat or poultry meat product and poultry meat food product which is found to be unwholesome.

24997. If an action of an inspector in condemning any poultry meat or poultry meat product is questioned, appeal by the licensed plant operator may be made to the immediate supervisor of the inspector, and from his decision appeal may be made to the Chief of the Bureau of Poultry Inspection whose decision is final.

Article 3. Exemptions

25021. This chapter, except Section 25128, does not apply to poultry meat which has been inspected and passed for wholesomeness by the United States Department of Agricul-

ture if the immediate container or carcass of the poultry meat bears the official wholesomeness inspection mark of such department at the time of sale. If, however, any cooking, curing, smoking, packing, repacking, cutting up or recutting is done in this state, except in a retail store or public eating house, it shall be done in a poultry plant under federal or state inspection.

25022. This chapter, except Section 25128, does not apply to poultry meat which bears the official mark of a city, county, or state poultry meat inspection service for wholesomeness in another state which has requirements equal to those provided for in this chapter, if such out-of-state requirements have been approved by the director.

25023. This chapter does not apply to poultry meat which is derived from poultry which is produced upon the premises where it is slaughtered if the poultry meat is sold by the producer in any of the following ways:

(a) At retail on the premises.

(b) At retail by the producer of the poultry meat off of the premises, either direct to consumers at their homes or at a retail stand which is operated by such producer in a farmers' market.

(c) On or off the premises where it was produced, to retail stores or public eating houses.

As used in this section, "producer" includes only an individual producer who does not employ, except in unforeseeable exigencies, any person except members of his immediate family.

25024. This chapter does not apply to poultry meat which is derived from poultry which is slaughtered, dressed, and sold on the premises where it is produced for purposes other than resale, if the entire poultry meat output of the producer of such poultry is so sold.

Article 4. Meat Inspector Licenses

25051. A person shall not act as a poultry meat inspector unless he has a license which is issued pursuant to this chapter.

25052. Each person before acting as a poultry meat inspector shall apply to and receive from the director a license to inspect poultry meat.

25053. The application fee for a license is ten dollars ($10).

25054. Every license shall expire on the last day of the calendar year for which it is issued.

25055. Application for renewal of a license accompanied by a fee of five dollars ($5) shall be made on or before the last day of the calendar year for which the license was issued.

25056. To any fee which is not paid when due, there shall be added a penalty of five dollars ($5).

25057. If a license lapses for two calendar years, it is not subject to renewal. Any application for the renewal of such license shall be considered a new application.

25058. The director shall, after the written and oral examination and demonstration which are prescribed by Section 25059, issue to any person who passes the examination and is otherwise qualified a license to inspect poultry meat for wholesomeness. If an applicant for a license to inspect poultry meat does not take such examination within one year after the date of the receipt of his application by the director, his application expires.

25059. The written and oral examination and demonstration which are required by Section 25058 shall show the applicant's ability to understand laws and regulations which pertain to poultry meat inspection and his knowledge of all of the following:

(a) Conditions which affect wholesomeness in poultry meat and poultry meat products.

(b) The anatomy of poultry.

(c) Routine processing techniques and equipment which are used in poultry processing plants, and poultry plant sanitation.

25060 The director shall, from time to time, arrange for the conducting of schools of instruction for poultry meat inspectors.

25061. The director may, after hearing, refuse to issue a license or renew a license and he may suspend or revoke any license for any violation of, or failure to comply with, any provision of this chapter or the regulations which are adopted pursuant to it. The director may suspend temporarily, pending hearing, any license for any willful or deliberate violation.

25062. Any proceedings under Section 25061 shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3 of Title 2 of the Government Code. The director shall have all the powers which are granted in that chapter.

Article 5. Requirements for Inspection

25091. A person shall not operate a poultry plant unless all the poultry meat in the poultry plant is inspected by a poultry meat inspector pursuant to the regulations.

25092. The poultry meat inspector shall inspect, pursuant to the regulations, and classify any poultry meat, poultry meat product, or poultry meat food product which is presented for inspection into one of the following classes:

(a) Wholesome.

(b) Retained for further inspection.

(c) Condemned for human food.

25093. The poultry meat inspector shall apply or direct the application of the proper marks, as determined by regulation.

25094. All poultry meat which is condemned for human food shall be disposed of pursuant to the regulations.

25095. Poultry meat may be passed for further processing in a plant which is licensed pursuant to this part.

25096. Notwithstanding any other provision of this chapter, any inspection which is required by this chapter does not require the evisceration, cutting, or any internal examination of any New York dressed fowl.

Article 6. Marks and Labels

25121. This article does not apply to New York dressed fowl until November 1, 1967.

25122. Poultry meat shall not be packed, repacked, cut up, recut, or sold unless each container or each carcass is marked in the manner which is required by this chapter and the regulations which are adopted pursuant to it

25123. A poultry meat inspector shall place or cause to be placed a mark on each carcass or container of poultry meat before the poultry meat is removed from a poultry plant.

25124. The marks which are required by this article are in addition to those required by Section 24802 but may be in combination with such marks.

25125. The director shall determine by regulation the official design of the marks which are required by this article.

25126. Each poultry plant shall submit samples of the proposed method of use of the design of a mark to the director. The method shall be approved by the director before it is used.

25127. It is unlawful for any person to sell or mark as inspected for wholesomeness any poultry meat that has not been inspected and passed for wholesomeness pursuant to this chapter and regulations which are adopted pursuant to it.

25128. It is unlawful for any person, other than the consumer of poultry meat, to remove from any whole carcass of poultry meat, or from any part of a dismembered carcass of poultry meat, any official wholesomeness inspection mark of the United States Department of Agriculture, or of any city, county, or state poultry meat inspection service. As used in this section, "consumer" includes a restaurant or other place where such poultry meat is cooked and sold for consumption on or off the premises.

Article 7. Violations

25151. It is unlawful for any person to violate any provision of this chapter, or any regulations which are adopted by the director pursuant to this chapter.

PART 2. CLASSIFICATION OF POULTRY AND RABBIT MEAT

CHAPTER 1. DEFINITIONS

25401. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

25402. "Class" means a division of poultry meat which is based on essential physical characteristics which with the weights differentiate between uses of the meat.

25403. "Fowl" includes chickens, turkeys, ducks, geese, and other domesticated birds.

25404. "Growing poultry" means feeding and caring for poultry.

25405. "Marked" means plainly, legibly, and conspicuously labeled, stamped, tagged, stenciled, or branded, in the manner which is prescribed by regulations of the director, to show the class of poultry meat.

25406. "Mislabel" means the placing, or presence of any false, deceptive, or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

25407. "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl with the head, feet, and entrails intact.

25408. "Poultry" means domesticated fowl and domesticated rabbit which is intended for use for human food.

25409. "Poultry meat" means the carcass of poultry or any part of the carcass, except the giblets. It does not include live poultry or processed poultry meat.

25410. "Poultry plant" means any of the following:

(a) Any place where poultry is slaughtered, dressed, or drawn.

(b) Any place where poultry meat is cut up, recut, packed or repacked, or otherwise prepared for human food.

25411. "Processing" means the commercial manufacturing of products of poultry meat by any method of cooking. It also includes all of the following:

(a) Cutting up into pieces smaller than the customary parts such as, in the case of poultry, necks, breasts, wings, backs, legs, thighs, or similar and identifiable portions of the carcass.

(b) Complete deboning of poultry meat.

25412. "Producer" means any person that is engaged in the business of growing any poultry, which is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

CHAPTER 2. GENERAL PROVISIONS

25551. The director shall adopt regulations for carrying out this part.

25552. The director shall enforce this part where any poultry meat is packed, repacked, cut up, or recut.

25553. The director and the commissioners of each county, under the supervision of the director, shall enforce this part where any poultry meat is offered for sale or sold.

25554. An enforcing officer may do all of the following:

(a) Enter and inspect any place or conveyance where any poultry or poultry meat is produced, prepared, packed, repacked, cut up, recut, stored, delivered for shipment, loaded, shipped, transported, or sold.

(b) Inspect all poultry and poultry meat and any container of poultry or poultry meat which is found at the place or conveyance which is entered and inspected.

(c) Take for inspection such representative samples of the poultry, poultry meat, or containers as may be necessary to determine whether or not this part has been violated.

25555. Any enforcing officer may, while enforcing this part, seize or hold as evidence all or any part of any lot of poultry meat which is found to be in violation of this part as may in his judgment be necessary to obtain the conviction of the party he knows or believes has violated or is violating any provision of this part.

25556. Any lot of poultry meat which does not comply in all respects with the provisions of this part and the regulations which are adopted pursuant to it is a public nuisance.

25557. Any enforcing officer who has reason to believe that any lot of poultry meat does not comply in all respects with this part, may hold the lot pending proceedings to condemn and abate it as a public nuisance pursuant to this chapter.

25558. The officer may affix to any lot which is held pursuant to Section 25557 a tag or notice which warns that the lot is held and states the reasons for which it is held. It is unlawful for any person, except an authorized enforcing officer, to detach, alter, deface, or destroy any such tag or notice which is affixed to any such lot, or remove or dispose of such lot in any manner or under conditions other than as prescribed by such tag or notice, except upon written permission of an authorized enforcing officer or by the order of a court.

25559. The officer by whom any lot of poultry meat is held shall cause a notice of noncompliance to be served upon the person in possession of the lot. The notice of noncompliance shall include a description of the lot, the place where and the reasons for which it is held, and shall give notice that the lot is a public nuisance and subject to disposal pursuant to this chapter, unless within a specified time the lot is reconditioned or the deficiency otherwise corrected so as to bring it into compliance.

25560. If the person served is not the sole owner of the lot of poultry meat, or does not have authority as agent for the owner to bring the lot into compliance, such person shall notify the officer by whom such lot is held, in writing, of the names and addresses of the owner and every other person that is known to him to claim an interest in the lot. Any person

served is liable for any loss sustained by such owner or other person whose name and address he has knowingly concealed from such officer.

25561. If the lot of poultry meat is not reconditioned or the deficiency otherwise corrected so as to bring it into compliance within the time which is specified in the notice, the enforcing officer shall cause a copy of the notice of noncompliance to be served upon every person that is designated in writing by the person in possession of the lot to be the owner or to claim an interest in it.

25562. Any notice which is required by this chapter may be served personally or by mail addressed to the person to be served at his last known address.

25563. The enforcing officer, with the written consent of every person that is served, may destroy the lot of poultry meat or otherwise abate the nuisance. If any such person fails or refuses to give such consent, the enforcing officer shall proceed as provided in Sections 25564 and 25565.

25564. If the lot of poultry meat which is held is perishable or subject to rapid deterioration, the enforcing officer may file a verified petition in any superior or inferior court of the state to destroy such lot or otherwise abate the nuisance. The petition shall show the condition of the lot, that the lot is situated within the county, that the lot is held, and that notice of noncompliance has been served pursuant to this chapter The court may thereupon order that such lot be forthwith destroyed or the nuisance otherwise abated as set forth in such order.

25565. If the lot of poultry meat which is held is not perishable or subject to rapid deterioration, the enforcing officer shall immediately report the condition of the lot to the director. Within five days from the receipt of such report, the director may file a petition in the superior court in the county where the lot is situated for an order to show cause, returnable in five days, why the lot should not be abated.

The owner or person in possession of the lot of poultry meat, on his own motion within five days from the expiration of the time specified in the notice of noncompliance may file a petition in such court for an order to show cause, returnable in five days, why the lot should not be released to petitioner and any warning tags previously affixed removed from it.

Final determination by court in either case shall be within a period of not to exceed 20 days from the date the petition is filed.

25566. The court may enter judgment ordering that the lot of poultry meat be condemned and destroyed in the manner directed by the court or relabeled, denatured, or otherwise processed, or sold or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the poultry meat is sold by order of court, the costs of storage, handling, and reconditioning or disposal

shall be deducted from the proceeds of sale and the balance, if any, paid into court for the owner.

CHAPTER 3. EXEMPTIONS

25701. This part, except Section 26008, does not apply to poultry meat or a container of poultry meat which is marked with the official class as prescribed by the Consumer and Marketing Service of the United States Department of Agriculture; if such official class marking meets the requirements of this part

25702. This part, except Section 26008, does not apply to poultry meat which is marked as to a class that is officially approved by another inspection service whose requirements for class markings meet the requirements of this part.

25703. This part does not apply to poultry meat which is derived from poultry which is produced upon the premises where it is slaughtered if the poultry meat is sold by the producer in any of the following ways:

(a) At retail upon such premises.

(b) At retail off of such premises, either direct to consumers at their homes or at a retail stand which is operated by the producer in a farmers' market.

(c) On or off the premises where it was produced, to retail stores or public eating houses.

As used in this section, "producer" includes only an individual producer who does not employ, except in unforeseeable exigencies, any person except members of his immediate family.

25704 This part does not apply to poultry meat which is derived from poultry which is slaughtered, dressed, and sold on the premises where it is produced for purposes other than resale, if the entire poultry meat output of the producer of such poultry is so sold

CHAPTER 4. POULTRY AND RABBIT MEAT CLASSES

25851. The classes of the kinds of poultry meat are as established in this chapter and any regulations which are adopted by the director pursuant to Section 25857.

25852. The classes of chicken meat, as determined by inspection of appearance and other physical characteristics, are as follows:

(a) "Rock Cornish game hen" or "Cornish game hen" means a young immature chicken of either sex (usually five to six weeks of age) which weighs not more than two pounds ready-to-cook weight that was prepared from a Cornish chicken of the progeny of a Cornish chicken crossed with another breed of chicken.

(b) "Broiler" or "fryer" means a young chicken (usually under 16 weeks of age) of either sex, that is tender-meated,

with soft, pliable, smooth-textured skin, and flexible breastbone cartilage

(c) "Roaster" means a young chicken (usually under eight months of age) of either sex, that is tender-meated, with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(d) "Caponette," "caponette fryer," or "caponette roaster" means a young chicken with the general characteristics of either a fryer or roaster which has been treated with the hormone stilbestrol or its equivalent.

(e) "Capon" means an unsexed male chicken (usually under 10 months of age), that is tender-meated with soft pliable, smooth-textured skin.

(f) "Hen" or "stewing chicken" or "fowl" means a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and nonflexible breastbone.

(g) "Stag" means a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(h) "Cock" or "old rooster" means a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

25853. The classes of turkey meat as determined by appearance are as follows:

(a) "Fryer" or "roaster" means a young, immature turkey (usually under 16 weeks of age) of either sex, that is tender meated with soft, pliable, smooth-textured skin, and flexible breastbone.

(b) "Young turkey" means a turkey (usually under eight months of age) that is tender meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster. For labeling purposes, the designation of sex within the class name is optional.

(c) "Yearling hen turkey" means a fully matured female turkey (usually under 15 months of age) that is reasonably tender meated and with reasonably smooth-textured skin.

(d) "Yearling tom turkey" means a fully matured male turkey (usually under 15 months of age) that is reasonably tender meated and with reasonably smooth-textured skin.

(e) "Mature turkey" or "old turkey (hen or tom)" means an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

25854. The classes of rabbit meat as determined by appearance and weight are as follows:

(a) "Rabbit fryer" means a young, domestic rabbit (usually under 12 weeks of age) with tender, fine-grained, and bright pearly white color which may be properly cooked by

broiling or frying and which weighs not less than 1½ pounds or over 3½ pounds ready-to-cook weight.

(b) "Rabbit roaster" means a domestic rabbit (over 12 weeks of age) which may be properly cooked by roasting, and which weighs 3½ to 5 pounds ready-to-cook weight.

(c) "Stewing rabbit" means a mature domestic rabbit of either sex (over six months of age) which may be properly cooked by stewing at any ready-to-cook weight.

25855. The following are the various classes of ducks:

(a) "Duckling" means a young duck of either sex (usually under 10 weeks of age) that is tender meated and has a bill that is not completely hardened and windpipe that is easily dented. This classification may include broilers, fryers, or roasters.

(b) "Duck" means a mature duck or an old duck (usually over 10 weeks of age) of either sex with toughened flesh, hardened bill, and a hardened windpipe.

25856. The following are the various classes of geese:

(a) "Young goose" means a goose of either sex which is tender meated, and has a windpipe that is easily dented.

(b) "Mature goose" or "old goose" means a goose of either sex which has toughened flesh and a hardened windpipe.

25857. The director may, by regulation, adopt any necessary new class designations and class specifications or modifications of existing class designations and class specifications. He shall, in exercising such authority, take into consideration the standard class designations and class specifications promulgated by the United States Department of Agriculture.

CHAPTER 5. REQUIREMENTS

26001. A person shall not pack, repack, cut up, recut, or sell poultry meat unless all carcasses and the parts of carcasses are placed in classes established pursuant to this part

The provisions of this section, except those which require that poultry, poultry meat, or carcasses be placed in classes and marked to show the class of poultry meat, do not apply to New York dressed fowl until November 1, 1967.

26002. Except as otherwise provided in Sections 26003, 26004, 26005, and 26006, a person shall not pack, repack, cut up, recut, or sell poultry meat unless each carcass or its wrapper or, in the case of cut-up poultry or poultry parts, the container is marked, in the manner which is prescribed by regulations of the director, to show the class of poultry meat.

26003. The provisions of Section 26002, except those which require that poultry, poultry meat, or carcasses be placed in classes and marked to show the class of poultry meat, do not apply to New York dressed fowl until November 1, 1967.

26004. Individual carcasses of poultry meat or packages of cut-up poultry or poultry parts need not be marked with class designation in any of the following cases:

(a) If they are prepared for use by institutions or public eating houses.

(b) If they are prepared for use for processing.

(c) If they are prepared for transportation or being transported to a plant for further preparation or packaging, and packaged in shipping containers which hold several carcasses or packages of such poultry.

Each shipping container shall be clearly and conspicuously marked with the proper designation of class, and of the intended use, in letters at least one-half of an inch in height, on a surface which is readily visible to the purchaser.

26005. Poultry parts which are displayed for sale to consumers in bulk without being packaged or wrapped, shall be segregated as to class of poultry meat. The class or classes shall be designated upon a placard which clearly identifies the poultry parts which are designated by the placard in a clear and conspicuous manner that is readily visible to the purchaser.

26006. Cut-up poultry meat which consists of all of the parts of a carcass, prepared, packaged, and offered for sale shall be from only one class of poultry meat. Containers of poultry parts of different classes, shall be marked to indicate the classes and the quantity of each.

26007. If a class of any kind of poultry meat contains two or more designations, any combination of the designations may appear in the class marking which is required by this chapter.

26008. (a) It is unlawful for any person to sell any whole carcass of chicken poultry meat unless such carcass, or the immediate package or other container in which it is sold, is plainly, legibly, and conspicuously labeled, stamped, tagged, or branded to show the name and address of the poultry plant where the chicken was slaughtered or the name of the state in which the chicken was grown or raised.

(b) Chicken poultry meat which is sold to institutions, to restaurants, or to processors for processing, may bear the label which is required in subdivision (a) of this section on each shipping container in lieu of individual carcass labeling

CHAPTER 6. VIOLATIONS

26151. It is unlawful for any person to violate any provision of this part or any regulation which is adopted pursuant to it.

PART 3. POULTRY

CHAPTER 1. GENERAL PROVISIONS

Article 1. Application

26401. The provisions of this part, including the payment of fees, are applicable to all state and county institutions which are engaging in livestock operations.

Article 2. Investigations

26421. The director may make any necessary investigations relative to reported violations of this part pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

26422. Copies of records, audits and reports of audits, inspection certificates, certified reports, findings, and all papers on file in the office of the director are prima facie evidence of the matters contained in them, and may be admitted into evidence in any hearing pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Article 3. Civil Remedies

26441. The Attorney General shall, upon complaint by the director, or may upon his own initiative if after examination of the complaint and evidence he believes a violation of any provision of this part has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this part or any regulation duly issued by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director is not, however, required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Chapter 2. Sale, Possession, and Transportation

Article 1. Definitions

26551. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

26552. "Dealer" includes any person that is operating as a poultry retailer, poultry wholesaler, butcher, slaughterer, poultry packer, poultry buyer, or poultry commission merchant.

26553. "Place of business" includes any place or building in which, or at which, the business of a poultry dealer is conducted. Any group of buildings used as an integral part of one business shall be considered as one place of business.

26554. "Poultry" includes chickens, ducks, geese, turkeys, and all other fowls or birds which are used for food or production purposes.

Article 2. General Provisions

26581. This chapter only applies to the sale, purchase, or marketing of poultry in any county of this state and to the transportation of poultry in, through, or between any county or counties of this state.

Article 3. Transportation

26601. Any person that offers poultry for shipment shall furnish a statement of ownership or right of possession of such poultry to the person, carrier, or transportation company which is to transport such shipment. The statement shall be kept as part of the record of the person, carrier, or transportation company that transports such shipment.

26602. Any person, carrier, or transportation company which receives for transportation or transports any poultry shall at all times keep a correct record which shows all of the following:

(a) The point of origin and destination of any shipment of poultry.

(b) The names and addresses of the shipper and consignee.

(c) The kind and quantity of poultry transported.

26603. All peace officers, sheriffs or deputy sheriffs, members or officers of the California Highway Patrol and traffic officers may arrest, without warrant, any person that is found moving poultry in any manner which is not prescribed by this chapter, and may seize the poultry.

26604. The carrier from whom the poultry is seized pursuant to Section 26603 is not liable or responsible to the owner, shipper, or consignee for the seizure.

Article 4. Resale

26631. Any dealer or person that handles poultry for resale shall make and retain a record which shows all of the following:

(a) The origin, ownership, and right of possession of the poultry.

(b) The name and address of the seller or shipper of the poultry.

Article 5. Brands

26651. It is unlawful for any person to brand, or to alter or deface the brand on, any poultry with intent to steal it or to prevent identification of the poultry by the true owner.

26652. It is unlawful for any person to have in his possession any poultry the brand on which has been altered or defaced unless he received it from the true owner of the poultry.

Article 6. Violations

26681. Any person that violates any provision of this chapter is guilty of a misdemeanor. Upon conviction, such person shall be punished by a fine not exceeding one hundred dollars ($100), or by imprisonment not exceeding six months in the county jail, or by both such fine and imprisonment.

CHAPTER 3. POULTRY MEAT CONTAINING SPOILAGE RETARDANT COMPOUND

Article 1. Definitions

26801. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

26802. "Poultry" means domesticated fowl which is intended for use for human food It includes chickens, turkeys, ducks, geese, and other domesticated birds.

26803. "Spoilage retardant compound" means any compound, drug, or antibiotic which is added to poultry meat which retards or limits spoilage. Seasonings, spices, or flavorings, such as salt or smoke, are not chemical preservatives

Article 2. General Provisions

26831. The director shall adopt regulations for carrying out this chapter.

26832. The director shall enforce this chapter where any poultry meat is packed, repacked, cut up, or recut. The director and the commissioners of each county, under the supervision of the director, shall enforce this chapter where any poultry meat is sold.

Article 3. Regulations

26861. Before being offered for either wholesale or retail sale, any whole carcass of poultry meat to which a spoilage retardant compound has been added shall be marked to indicate the retardant which was used. Such marking shall be affixed to the whole carcass of poultry meat or on the package in which it is offered for sale

26862. No whole carcass of poultry meat shall be sold unless it is conspicuously and accurately marked in accordance with the requirements of this chapter.

Article 4. Violations

26981. Any person that violates any provision of this chapter or any regulation which is adopted pursuant to this chapter is guilty of a misdemeanor.

CHAPTER 4. IMMERSION OF RABBIT CARCASSES

26991. It is unlawful for any person to immerse or soak the carcass of any slaughtered rabbit in water for a period longer than necessary to eliminate the natural animal heat in the carcass and in no event for a period longer than 2½ hours.

CHAPTER 5. MOISTURE CONTENT OF POULTRY MEAT

Article 1. Definitions

27001. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

27002. "Poultry" means domesticated fowl which is intended for use for human food. It includes chickens, turkeys, ducks, geese, and other domesticated birds.

27003. "Poultry meat" means the carcass of poultry or any part of the carcass in the raw state. It does not include poultry meat food products.

Article 2. General Provisions

27031. The director shall enforce this chapter.

27032. The director may adopt such regulations as are reasonably necessary for carrying out this chapter.

27033. The regulations which are adopted by the director shall be, insofar as possible, similar to and consistent with regulations which are adopted by the United States Department of Agriculture.

27034. An enforcing officer may do all of the following:

(a) Enter and inspect any place or conveyance where any poultry or poultry meat is produced, prepared, packed, repacked, cut up, recut, stored, delivered for shipment, loaded, shipped, transported, or sold.

(b) Inspect all poultry and poultry meat and any container of poultry or poultry meat which is found at the place or conveyance which is entered and inspected.

(c) Take for inspection such representative samples of the poultry or poultry meat and the poultry and poultry meat containers as may be necessary to determine by laboratory analysis or other tests whether or not this chapter has been violated.

Article 3. Limitations

27061. It is unlawful for any person to sell poultry meat which contains added moisture in excess of 4 percent by weight, or in excess of any greater amount that may be established by regulations of the director as necessary in good commercial processing techniques consistent with protection of the interests of the consuming public.

Article 4. Violations

27081. It is unlawful for any person to violate any provision of this chapter or any regulation which is adopted pursuant to it.

CHAPTER 6. CALIFORNIA GROWN POULTRY

Article 1. Definitions

27201. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

27202. "Chicken poultry meat" means the carcass of chicken poultry or any part of the carcass. It does not include live chicken poultry or manufactured products in which chicken is not the main ingredient.

Article 2. Marks and Labels

27231. Before being offered for retail sale in this state, chicken poultry meat of chicken poultry which was grown or raised in this state may be marked, or the package in which it is to be offered for retail sale may be marked, with the words "California grown."

27232. Chicken poultry meat of chicken poultry which was not grown or raised in this state and packages of such meat shall not be sold in this state marked "California grown," or marked in any way as to imply that such meat is from California grown or raised chicken poultry.

PART 4. EGGS AND EGG PRODUCTS

CHAPTER 1. EGGS

Article 1. Definitions

27501. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

27502. "Addled" means a putrid or rotten egg.

27503. "Adherent yolk" means the yolk of the egg has become fastened to the shell.

27504. "Agent" includes bailee, broker, commission merchant, factor, auctioneer, solicitor, consignee, and any other person that is acting upon the express or implied authority of another.

27505. "Black spot" or "black rot" means moldy as defined in Section 27523.

27506. "Blood" means the presence in an egg of blood rings or blood veins due to embryo development, or blood diffused into the white of an egg.

27507. "Candling" means the examination of the interior of eggs by the use of transmitted light.

27508. "Checks" means eggs with shells which are not sound as determined by candling, appearance, or other means. It does not include any egg from which any exudation is present.

27509. "Clean" means that no dirt or foreign substance adheres to the surface of the eggshell and no stain or discoloration other than that which is caused by processing oil exceeds an aggregate area of one-quarter inch in diameter.

27510. "Clear white" means that the white of the egg is free from discoloration or foreign bodies.

27511. "Consumer" means a person that buys eggs for use as food and not for resale in any form.

27512. "Container" means any box, case, basket, carton, sack, bag, or other receptacle.

27513. "Dealer" means any person that contracts for or obtains from the producer of eggs or from any other dealer, possession or control of any eggs for the purpose of sale to another dealer or retailer.

27514. "Deceptive" means any arrangement of the contents of any container, or subcontainer, or of any lot, load, or display, in which the eggs in the outer layer or in any portion which is exposed to view are in quality, size, condition, or in any other respect so superior to those in the interior or unexposed portion as to materially misrepresent the contents or any part of the contents as to size, quality, condition, or any other respects.

27515. "Denatured" means any of the following:

(a) Eggs which are made unfit for human food by treatment or the addition of a foreign substance.

(b) Eggs with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye.

27516. "Dirties" are eggs with shells which are not reasonably clean as determined by appearance.

27517. "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

27518. "Firm white" means that the white of the egg is sufficiently thick or viscous to permit but little movement of the yolk from the center of the egg.

27519. "Incubator rejected eggs" or "incubator reject eggs" means eggs which have been placed in an incubator and thereafter have been removed from the incubator.

27520. "Inedible eggs" means eggs which, as determined by candling or any other means, contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks, sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, incubator rejected, or otherwise unfit for human consumption in whole or in part. It includes eggs with the shell cracked to the extent that the contents of the egg exude to the outside surface of the shell.

It does not include blood eggs which are intended for use for breaking out purposes, if such eggs are prepared, loaded,

shipped, or sold to, or in the possession of, a licensed egg-breaking plant.

27521. "Marked" means plainly, legibly, and conspicuously labeled, stamped, stenciled, printed, or branded.

27522. "Mislabel" means the placing or presence of any false, deceptive, or misleading mark, term, statement, design, devise, inscription, or any other designation, upon any of the following:

(a) Eggs.

(b) The container or subcontainer of eggs.

(c) The label, lining, or wrapper of any container or subcontainer of eggs.

(d) The placard or sign which is used in connection with a container or subcontainer of eggs or in connection with any bulk lot or display which has reference to eggs.

27523. "Moldy" means the presence of mold or bacteria inside the shell.

27524. "Processed" means that the shell of the egg has been treated with oil or other preservative preparation.

27525 "Reasonably clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil shall exceed an aggregate area of one-half inch in diameter.

27526. "Retailer" means any person that sells eggs to a consumer.

27527. "Sound" means that the shell is free from cracks.

27528. "Subcontainer" means any container which is being used within another container.

27529. "Uniform in size" means that the eggs in any one container do not vary more than three-eighths of an ounce in weight.

27530. "Visible germ development" means that there has been some development of the germ which is slightly visible as a deeper colored area on the yolk as shown by candling the egg.

27531. "White rot" means "addled," as defined in Section 27502.

Article 2. General Provisions

27551. The director and the commissioners of each county, their deputies and inspectors, under the supervision and control of the director shall, and the State Department of Public Health, the other city, county and state officers may, enforce this chapter pursuant to regulations which are adopted by the director.

27552. The refusal of any officer who is authorized pursuant to this chapter to carry out the orders and directions of the director in the enforcement of this chapter or prosecutions pursuant to it is neglect of duty.

27553. The director shall make and enforce such regulations as may be necessary to carry out this chapter.

27554. Any enforcement officer may do any of the following.

(a) Enter and inspect any place or conveyance within the county or district over which he has supervision, where any eggs are produced, candled, incubated, stored, packed, delivered for shipment, loaded, shipped, transported, or sold.

(b) Inspect the eggs and the egg containers and equipment which are found in any place or conveyance which he is authorized to enter and inspect.

(c) Take for inspection representative samples of the eggs and egg containers, for the purpose of determining whether or not any provision of this chapter has been violated.

27555. Any enforcement officer may also, while enforcing this chapter, seize and hold as evidence any container of eggs, or all or any part of any pack, load, lot, consignment, or shipment of eggs which are packed, stored, delivered for shipment, loaded, shipped, transported, or sold in violation of any provision of this chapter.

27556. The director, by regulation, shall prescribe methods of selecting samples of lots or containers of eggs which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers which are sampled

Any sample which is taken pursuant to this section is prima facie evidence, in any court in this state, of the true condition of the entire lot in the examination of which the sample was taken.

27557. The director may bring an action to enjoin any violation or any threatened violation of any provision of this chapter in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2, of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

27558. Any person, forwarding company, or common carrier may decline to ship or transport any eggs if it is notified by an enforcement officer that the eggs are found to be not in conformity with any provision of this chapter.

27559. Any person, forwarding company, or common carrier may reserve the right, in any receipt, bill of lading or other writing given to the shipper of any eggs, to reject for shipment and to return to, or hold at the expense and risk of, such shipper, all eggs which, upon inspection, are found to be not in conformity with any provision of this chapter.

27560. A person, forwarding company, or common carrier that transports any eggs at the request of the shipper or owner of the eggs does not violate any provision of this chapter, unless such person, forwarding company, or common carrier willfully fails or refuses to stop the transportation of the

eggs with reasonable dispatch after being notified in writing by any enforcing officer of this chapter that such eggs are found to be delivered for shipment in violation of this chapter.

Article 3. Chicken Egg Size Standards and Tolerances

27581. The standards of size, as determined by weight, of chicken eggs are established by this article.

27582. "Jumbo" means eggs which are uniform in size, weigh not less than $2\frac{5}{12}$ ounces each, and average not less than 30 ounces per dozen.

27583. "Extra large" means eggs which are uniform in size, weigh not less than $2\frac{1}{6}$ ounces each, and average not less than 27 ounces per dozen.

27584. "Large" means eggs which are uniform in size, weigh not less than $1\frac{11}{12}$ ounces each, and average not less than 24 ounces per dozen.

27585. "Medium" means eggs which are uniform in size, weigh not less than $1\frac{2}{3}$ ounces each, and average not less than 21 ounces per dozen.

27586. "Small" means eggs which are uniform in size, weigh not less than $1\frac{5}{12}$ ounces each, and average not less than 18 ounces per dozen.

27587. "Peewee" means eggs which weigh less than $1\frac{5}{12}$ ounces each.

27588. The tolerances for jumbo, extra large, large, medium, and small size standards of chicken eggs are as follows:

(a) Five percent, by count, of eggs in any container or bulk lot may be eggs of the next lower size than that which is specified.

(b) Eggs of the quality grade C need not be graded and marked as to size.

27589. If eggs are in cases, either in fillers or cartons, or in cartons not in cases, the tolerances for eggs which fail to comply with the individual weight requirements apply as follows:

(a) If the eggs are in containers which hold more than one dozen eggs, the tolerances shall apply to all of the eggs in the container.

(b) If the eggs are in containers which hold one dozen or less eggs, the tolerances shall apply to all of the eggs in a lot of containers of eggs of one size which are from one packer, one producer, or any one source

Article 4. Chicken Egg Quality Standards and Tolerances

27611. The standards of quality of chicken eggs, as determined by candling, are as established by this chapter.

27612. "Grade AA" means eggs which satisfy all of the following requirements:

(a) Are clean.

(b) Are sound.

(c) Have air cells which are localized and not over three-sixteenths of an inch in depth.

(d) Have whites that are clear and firm.

(e) Have no visible germ development present.

27613. "Grade A" means eggs which satisfy all of the following requirements:

(a) Are reasonably clean.

(b) Are sound.

(c) Have air cells which are not over one-fourth of an inch in depth.

(d) Have whites which are clear and firm.

(e) Have no visible germ development present. Checks or dirties may be present in eggs which are marked "grade A," if the eggs are marked to indicate that they are present.

27614. "Grade B" means eggs which satisfy all of the following requirements:

(a) Are reasonably clean.

(b) Are sound.

(c) Have air cells which are not over three-eighths of an inch in depth.

Visible germ development may be present in eggs which are marked "grade B." Checks or dirties may be present in eggs which are marked "grade B," if the eggs are marked to indicate that they are present.

27615. "Grade C" means eggs which in quality are below the requirements of "grade B" and which are not inedibles.

27616. The tolerances for eggs in any container or bulk lot, as determined by count, shall be as follows:

(a) "Grade AA" eggs may contain 5 percent of eggs which are not sound, and 10 percent of the eggs may be of the quality "grade A."

(b) "Grade A" eggs may contain 5 percent of eggs which are not reasonably clean or sound, and 10 percent of the eggs may be of the quality "grade B."

(c) "Grade B" eggs may contain 15 percent of eggs which are not reasonably clean or sound or of "grade C." The total percentage of "grade C" eggs shall not, however, exceed 5 percent.

No part of the tolerances for eggs which are provided in this section shall be allowed for any egg which has a shell that is cracked to the extent that the contents of the egg exude to the outside surface of the shell.

27617. If eggs are in cases, either in fillers or cartons or in cartons not in cases, the tolerances for eggs which fail to comply with the quality requirements apply as follows:

(a) If the eggs are in containers which hold more than one dozen eggs, the tolerances shall apply to all of the eggs in the container.

(b) If the eggs are in containers which hold one dozen or less eggs, the tolerances shall apply to all of the eggs in a lot

of containers of eggs of one grade which are from one packer, one producer, or any one source.

Article 5. Regulation

27671. Except as otherwise provided in Section 27672, every person that sells eggs to a retailer or manufacturer shall furnish an invoice which shows the exact size and quality of such eggs according to the standards which are prescribed by this chapter, together with the name and address of the person by whom the eggs are sold.

27672. An invoice is not required on any of the following:

(a) Eggs which are sold or delivered by a producer to a dealer or retailer for candling and grading.

(b) Eggs which are packed for sale to the United States Navy or Army if the eggs are labeled with the United States Department of Agriculture grades.

(c) Containers and subcontainers of eggs which are packed and certified pursuant to the standards of grade and quality and the grading rules which are promulgated by the United States Department of Agriculture.

27673. It is unlawful for any person to render any invoice, statement, or bill which shows any standard of size, standard of quality, representation of freshness, or any other description of eggs, which is false, deceptive, or misleading in any particular.

27674. It is unlawful for any person to sell eggs of the quality grade of "grade C" to retailers, consumers, restaurants, institutions, or labor camps except as provided in the tolerance for "grade B" eggs pursuant to subdivision (c) of Section 27616.

27675. It is unlawful for any person to sell as "fresh eggs," "ranch eggs," or "farm eggs," or to represent as being fresh, any eggs which are below the quality of grade A or which have been held in cold storage over 30 days.

27676. It is unlawful for any person to make any statement, representation, or assertion orally, by public outcry, or proclamation, or in writing, or by any other manner or means whatever concerning the quality, size, weight, condition, source, origin, or any other matter relating to eggs, which is false, deceptive, or misleading in any particular.

27677. It is unlawful for any person to advertise by sign, placard, or otherwise, the price at which chicken eggs are offered for sale without marking the full, correct, and unabbreviated designation of size and quality of such eggs, according to the standards which are prescribed by this chapter, on such advertisement, together with the price.

The designations of size and quality or other descriptive terms which are used in the advertisement shall be in bold face type or other conspicuous letters and at least one-half the size of the letters or figures which are used to designate the price of such eggs.

27678. It is unlawful for any person to sell to retailers or consumers, eggs which are ungraded as to quality or size, except that the director, upon the written application of any producer, may find and proclaim that an emergency exists which prevents the normal marketing of eggs by the applicant and other producers in the same area.

27679. During an emergency which is proclaimed pursuant to Section 27678, producers in the area in which the emergency has been proclaimed to exist may sell to retailers or consumers eggs which were produced upon the premises of the producers which are ungraded as to size and quality, and retailers may sell such eggs to consumers. Each container of eggs which are so sold and all invoices which relate to the eggs shall both:

(a) Be clearly marked "emergency, ungraded".

(b) Bear the name and address of the producer.

27680. It is unlawful for any person to fail to comply with any lawful order of an enforcement officer, or of any court, in any proceeding pursuant to this chapter.

27681. It is unlawful for any person to do any of the following:

(a) Refuse to submit any eggs or any container, subcontainer, lot, load, or display of eggs to the inspection of any enforcement officer.

(b) Refuse to stop, at the request of any enforcement officer, any vehicle which is transporting eggs.

Article 6. Marks and Labels

27701. If eggs are labeled pursuant to this chapter no other markings are required.

27702. Markings are not required on containers or subcontainers of eggs in any of the following cases:

(a) If they are sold at retail from a properly marked bulk display and packaged in the presence of the purchaser for the immediate purpose of the sale.

(b) If they are packed for sale to the United States Navy or Army and are labeled with United States Department of Agriculture grades.

(c) If they are packed for shipment or being shipped to points outside of this state.

(d) If the sale is an occasional sale, made without advertising, by the producer, from eggs produced on his own premises.

(e) If the containers or subcontainers are packed and certified pursuant to the standards of grade and quality and the grading rules which are promulgated by the United States Department of Agriculture.

(f) If they are being delivered from outside of the state to dealers in the state for candling and grading.

(g) If they are being delivered to, or are in possession of, a dealer for candling and grading, or are being delivered to cold

storage, are in cold storage, or are being removed from cold storage, unless they are eggs which have been in an incubator. Eggs which have been in an incubator shall be marked "hatchery test" together with the name and address of the hatchery of origin.

27703. Eggs which are marked with the United States Department of Agriculture grades such as referred to in subdivisions (b) and (e) of Section 27702 shall be considered as complying with this chapter if such eggs meet the requirements of the comparable quality grade and size designation defined in this chapter. In no case may eggs which are marked with the United States grade designations be of a lower quality or size than comparable grades which are defined in this chapter.

27704. Markings are not required on containers of 15 dozen or more eggs which contain properly marked subcontainers.

27705. It is unlawful for any person to sell or represent as chicken eggs, eggs from any other species of fowl, or mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese, or any species of fowl other than chickens, unless the containers and subcontainers of the eggs are marked with, or a sign, placard, or other inscription otherwise indicates fully, the species of fowl from which the eggs were produced.

27706. It is unlawful for any person to sell to consumers, chicken eggs from bulk lots unless a plainly legible sign or placard that is marked with the full, correct and unabbreviated designation of size and quality of the eggs in boldface type letters which are not less than one-half of an inch in height, pursuant to the standards as prescribed in this chapter is conspicuously placed and posted in such a position as to clearly and accurately identify the eggs which it designates.

27707. It is unlawful for any person to place or pack eggs in any container or subcontainer which bears any name, markings, or any designation of brand, quality, grade, or other matter, unless all of such markings which do not properly and accurately apply to the eggs that are placed or packed in the container or subcontainer have been removed, erased, or obliterated.

27708. Except as otherwise provided in Section 27710, it is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in bulk, in containers, or in subcontainers any of the following:

(a) Chicken eggs unless each container and subcontainer of such eggs is marked with the full, correct, and unabbreviated designation of size and quality of the eggs which it contains pursuant to the standards which are prescribed in this chapter together with the name and address of the producer, dealer, retailer, or agent by or for whom the eggs were graded or marked.

(b) Eggs which are mislabeled.

(c) Eggs which are deceptive.

(d) Eggs that are, or contain, inedibles which are not denatured, except not to exceed 5 percent by count of inedibles, other than incubator reject eggs, is permitted if eggs are going to a dealer for candling and grading, or to a breaking plant for breaking purposes.

(e) Eggs that are, or contain, inedibles which are denatured if the eggs are going to a dealer for candling and grading or to a breaking plant for breaking purposes.

27709. Designations of size and quality which are required by Section 27708 to be marked upon containers of eggs shall be plainly and conspicuously marked in boldface type letters as follows:

(a) Not less than one-fourth of an inch in height on the outside top face of each container which holds less than 15 dozen eggs.

(b) Not less than one-half of an inch in height on one outside end of any oblong container which holds 15 dozen or more eggs and on one outside side of any other container which holds 15 dozen or more eggs.

27710. Eggs which violate subdivision (b) or (d) of Section 27708 may be possessed by the owner or any other person, except a person that operates a breaking plant, in any of the following cases:

(a) The eggs are in cold storage.

(b) The eggs are being transported from cold storage for candling and grading.

(c) The eggs have been in cold storage and are in the possession of a dealer for candling and grading.

The eggs to which this section refers are, however, subject to the provisions of Article 9 (commencing with Section 27801) of this chapter.

27711. It is unlawful for any person that is operating a licensed breaking plant to have in his possession, for breaking-out purposes, eggs which do not meet the requirements of subdivision (d) of Section 27708. Such eggs are subject to rejection pursuant to Article 9 (commencing with Section 27801) of this chapter and shall not be broken out in a breaking plant unless the excessive percentage of inedibles has first been removed.

27712. It is unlawful for any person to sell or use any container or subcontainer of eggs which bears a name, a trademark, or a trade name unless the name, trademark, or trade name is obliterated or effaced, except where the seller or user is entitled to use the name, trademark, or trade name.

27713. Only one description of the size and quality of eggs shall appear upon a container, subcontainer, or placard which is required by this chapter The markings of eggs which are placed in containers may, however, show different size and quality descriptions for specified quantities of eggs in the container.

Article 7. California-Produced Eggs

27741. No eggs, in containers or otherwise, shall be sold in this state as a product of this state, whether or not such eggs are processed or packed in this state, unless the eggs, or all eggs in such containers, have actually been produced in this state.

27742. The container of eggs which were produced in this state may be labeled "Produced in California."

27743. It is unlawful for any person to label any eggs which were not produced in this state with the label "Produced in California" or any label which is designed to represent that such eggs were produced in this state.

Article 8. Criminal Punishment and Procedure

27771. Any person that violates any provision of this chapter is guilty of a misdemeanor which is punishable as follows:

(a) In cases of willful or intentional violation, by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or by both.

(b) In cases which do not involve willful or intentional violation, by fine not exceeding five hundred dollars ($500).

27772. Any prosecution for a violation of any provision of this chapter may be instituted in any county where any part of the offense occurred. Any evidence which is taken by any enforcement officer in any county may be admitted in evidence in any prosecution in any other county.

27773. Unless a person that is arrested for the transportation of eggs in violation of any provision of this chapter demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, do all of the following:

(a) Take the name and address of the arrested person, the license number of his motor vehicle, and such other information as may be necessary.

(b) Notify the arrested person, in writing, to appear at a time and place which is specified in the notice.

27774. The time which is specified in the notice to appear shall be at least five days after the arrest.

27775. The place which is specified in the notice to appear shall be one of the following:

(a) Before a magistrate of the district in which the offense with which the arrested person is charged is alleged to have been committed.

(b) Upon the demand of the arrested person, before a magistrate of the district in which is located the county seat of the county in which the offense is alleged to have been committed.

(c) In any county in which there is established a municipal court at the county seat of the county, the notice to appear may specify that the place shall be before any judge of such municipal court.

27776. If the arrested person gives his written promise to appear at the time and place specified in the notice to appear, the arresting officer shall forthwith release him from custody.

27777. If any arrested person refuses to give his written promise to appear or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the district in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial unless he waives such time in writing or in open court and either:

(a) Gives his written promise to appear at such time and place as the court may fix for his further appearance.

(b) If he refuses to give his promise to appear, upon such bail as the court may fix.

He shall thereupon be released from custody.

27778. It is unlawful for any person to fail to appear in court at the time and place designated in any written promise to appear given after arrest pursuant to this chapter, regardless of the disposition of the offense originally charged.

Article 9. Public Nuisances

27801. Any eggs which are prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported, or sold in violation of any provision of this chapter, together with their containers, are a public nuisance.

The eggs shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of an enforcement officer.

27802. The enforcement officer may affix a warning tag or notice to the eggs and their containers which are a public nuisance and may give notice of such violation to the producer, packer or owner, or any person in possession of the eggs.

27803. It is unlawful for any person to move any eggs or their containers to which any warning tag or notice has been affixed or to remove the warning tag or notice from the place where it may be affixed, except upon written permission, or upon the specific direction of an enforcement officer.

27804. If the person, notified pursuant to Section 27802, refuses or fails within 72 hours to commence and proceed with due diligence to recondition or re-mark the eggs and their containers so as to comply with this chapter, the eggs and their containers may be seized by any enforcement officer.

If the eggs are in cold storage, the 72-hour period does not commence to run until they are removed from cold storage and delivered to a dealer.

27805 The district attorney of the county in which the eggs and their containers which are a public nuisance are found, on the relation of the director or of any enforce-

ment officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent the public nuisance.

27806. Upon judgment and by order of the court, the eggs and their containers which are a public nuisance shall be condemned and destroyed in the manner which is directed by the court, or reconditioned, re-marked, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance shall be abated.

27807. If the owner fails to comply with the order of the court within the time which is specified in the order, the court may order disposal of the eggs and their containers or their sale, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable.

27808. If the court orders the sale of any of the eggs and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

27809. In actions arising pursuant to this chapter:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less.

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

CHAPTER 2. EGG CONTAINERS

Article 1. General Provisions

27851. The director shall enforce this chapter.

27852. Any money which is collected under this chapter shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

Article 2. Brand Registration

27871. Any person or association that is engaged in receiving, manufacturing, packing, handling, or selling eggs in containers, except in corrugated fiber containers, which contain four dozen or more shell eggs, marked or otherwise identified with the name of such person or association or with any fictitious or other name or word or with any mark or device whatsoever, and any association or corporation, the members or directors of which are so engaged, may file with the department a description of the name or word, mark, or device which is so used, and an application for registration of it as a brand. The application shall be accompanied by a fee of one hundred dollars ($100) for each separate brand.

27872. There shall be included as a part of each brand the words "Registered in California" or the abbreviation "Reg. Cal."

27873. The applicant shall also cause such description to be printed once a week for three successive weeks in a newspaper of general circulation which is published in the locality in which the principal place of business of the applicant is situated.

27874. The department may refuse to register a brand if it appears that the same or a similar brand has been previously registered by another person or association unless the prior registrant gives his written consent to the subsequent registration.

27875. If it appears that two or more applicants have applied for the registration of the same or similar brands, the director may after hearing determine the right of prior ownership in such brand. When such right of prior ownership is determined the director shall refuse to register, or shall cancel the registration of, any duplicate or similar brand.

27876. Any certificate of registration which is granted expires on the 30th day of June in each year and may be renewed by payment of a renewal fee of one hundred dollars ($100). The renewal shall be made on forms which are supplied by the director.

27877. If renewal of the certificate is not made within 60 days after the expiration of the certificate, such certificate becomes null and void.

Article 3. Branded Containers

27891. Except as otherwise provided in this article, every person engaged in a business that finds or receives any container in connection with such business, which is marked with a brand that is registered pursuant to this chapter shall, within 14 days, notify the owner of the container or his agent. If the finder is unable to locate the owner or his agent, he shall, within seven days, notify the director in writing that he has in his possession such container and particularly describe in such notice the trademark or brand which is upon the container.

27892 Any person that acquires any container which is marked with a brand that is registered pursuant to this chapter, by purchase or by other lawful means, and that has the written consent of the registrant of such brand to use it on the particular container which is acquired or to use such brand on containers generally, shall so notify the department. He shall not thereafter be required again to file and publish the description, but shall acquire as a part of the purchase all such benefit as the vendor had under this code as to the particular containers so acquired or as to containers generally, dependent on the form of such written consent.

27893. Any person that purchases any container which is marked with a brand that is registered pursuant to this chapter shall submit to the director a copy of the bill of sale or other documentary evidence which supports such purchase.

27894. If the owner of any container which is marked or branded or any other person that is lawfully entitled to use the container requires a deposit for security for the safekeeping and return of such container, it does not constitute a sale of such container.

27895. Upon the representation of any interested party, the director may institute proceedings in any court of competent jurisdiction to recover for the owner any container which is marked with a brand that is registered pursuant to this chapter. The expense of such proceedings shall be paid by the interested party on whose representation such proceedings were instituted, and shall be a lien on such container.

Article 4. Violations

27911. It is unlawful for any person to use the words "Registered in California" or the abbreviation "Reg. Cal." on any container unless the brand which appears upon it is registered pursuant to this chapter.

27912. It is unlawful for any person that is engaged in a business which involves the use of any container that is marked with a brand which is registered pursuant to this chapter without the written consent which is provided for in Section 27892, except the registrant of the brand and the members of any association which is the registrant, to use or fill with eggs, any container which is marked or distinguished with a brand, of which a description has been filed and published.

27913. It is unlawful for any person to do any of the following:

(a) Erase, obliterate, cover up, or conceal any brand without first notifying the director and receiving his approval.

(b) Sell, buy, give, take, or otherwise traffic in containers that are marked with a brand which is registered pursuant to this chapter, except as provided in Section 27892.

27914. It is unlawful for any common carrier or private carrier for hire, except those which are engaged in transporting eggs and containers of eggs to and from farms where eggs are produced, to receive or transport any container which is marked with a brand that is registered pursuant to this chapter unless such carrier has in its possession a bill of lading or invoice which shows all of the following:

(a) The name and address of the consignor.

(b) The name and address of the consignee.

(c) The number of containers.

(d) The brand which appears on the container.

27915. A consignee shall not accept or receive any empty container which he is not authorized to use. Nothing herein shall be construed to derogate from any powers or authority of the Public Utilities Commission of this state.

CHAPTER 3. EGG PRODUCTS

Article 1. Definitions

27951. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

27952. "Egg products" mean "liquid eggs," "frozen eggs," "egg solids," or other egg products which are intended for human consumption.

Article 2. Administration

27971. The State Department of Public Health shall enforce this chapter and shall make and enforce all necessary regulations in relation to it.

Article 3. Licenses and Registration

27991. It is unlawful for any person to do any of the following, unless he has a license issued by the State Department of Public Health:

(a) Engage in egg breaking, liquefying, or dehydration of egg products.

(b) Bring, or cause to be brought, into this state from other states, or from outside the United States, for the purpose of resale any egg product.

This section does not apply to any bakery or restaurant, or any employee of a bakery or restaurant, in which eggs are broken for immediate use upon the premises.

27992. The State Department of Public Health shall issue to any person an annual nontransferable license upon the receipt of one hundred dollars ($100) for each such license and such evidence as the department may require to show that the applicant is properly equipped to operate such an establishment at each location where the applicant conducts operations which are required to be licensed pursuant to Section 27991.

27993. Annual license fees payable pursuant to Section 27992 shall become due and payable by each person approved by the State Department of Public Health on or before January 1st in each year. The fees shall be paid by the department into the General Fund in the State Treasury.

Article 4. Requirements for Egg-Breaking Establishments

28021. All egg-breaking establishments which are required to be licensed pursuant to this chapter shall consist of at least the following and distinctly separate rooms or areas:

(a) Candling room.

(b) Breaking room.

(c) Washing and sterilizing area.

(d) Chilling and freezing rooms.

28022. The candling room shall be separate from the breaking room, but may join it, if such room is provided with a tightly fitted door or similar opening.

28023. In the candling room:

(a) There shall be provided ample receptacles to hold all rejected eggs.

(b) Any egg product which is not fit for human food shall be placed in a conspicuously marked container which contains a denaturant of such character as will prevent such product from being used as human food. The denaturant need not, however, make such product unacceptable as an animal food or animal food product.

(c) All candled eggs shall be placed in clean and sanitary containers before they are sent to the breaking room.

(d) All eggs shall be candled with care using every precaution to keep every egg which is classed as unfit for human food out of the breaking room.

28024. The breaking room shall satisfy all of the following requirements:

(a) The walls and ceiling shall be of white enamel, tile, paint, or other waterproof covering.

(b) The floor shall be impervious to water and supplied with ample drains.

(c) The intersections of the wall and the floor shall be finished in the so-called sanitary or cove finish.

(d) Every window or other exterior opening shall be adequately covered to keep out flies, dust, and dirt.

(e) Every table shall be made of metal, porcelain, or other impervious material, or covered with a similar material.

28025. The activities which are carried on in the breaking room shall satisfy all of the following requirements:

(a) All eggs shall be broken on detachable metal knives. The contents of the shell shall be emptied into a glass, metal, or other approved cup.

(b) A careful examination for appearance and odor shall be made of all eggs in the approved cup before they are poured into the packing container.

(c) If any eggs in the approved cup are not of the classes which are permitted for human food, the cup and contents and knives shall be removed to the washing area and properly sterilized apparatus shall be substituted.

(d) Before the clean equipment is received, the hands of the egg breaker shall be washed clean in a wash basin which shall be provided for that purpose in the breaking room, and shall be properly dried on a fresh, clean towel or by some other sanitary device.

(e) The separating of yolks and whites "by hand" is strictly prohibited. Each separation shall be effected by a sanitary mechanical device.

28026. Every employee in the breaking room shall wear a clean white cap and outer garments of washable material.

28027. The washing and sterilizing areas shall satisfy all of the following requirements:

(a) Be separate and apart.

(b) Have a waterproof floor.

(c) Have ample daylight.

(d) Have hot and cold running water. The hot water to be not less than 160 degrees Fahrenheit.

(e) There shall be adequate facilities for the washing, rinsing, and sterilizing of all utensils, containers, vats, receptacles, implements, et cetera.

28028. Every utensil, container, vat, receptacle, implement, et cetera, shall be thoroughly washed and sterilized before it is used.

28029. Every floor and table shall be scrubbed at least once daily or oftener if needed.

28030. Every chilling and freezing room shall have ample facilities for the prompt cooling or freezing of liquid egg products. Liquid eggs intended for immediate sale or use shall be properly cooled and delivery made within 24 hours after cracking.

28031. The freezing room shall have a waterproof floor, adequately cleaned.

Article 5. Standards of Sanitation

28051. For the purpose of this article, the following eggs are inedible or unfit for human consumption:

(a) Any egg which contains black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, or an embryo chick.

(b) Any sour egg, musty egg, or egg which consists in whole or in part of a moldy, filthy, decomposed, or putrid substance.

(c) Any egg with adhering dirt or fecal matter, unless the egg is washed prior to breaking.

(d) Any egg which is cracked to the extent that the contents of the egg exudes to the outside surface of the shell. Notwithstanding the provisions of this subdivision or of Section 27520, any such egg may be used in any egg product if (1) it became a leaker after its receipt at the breaking plant, (2) it is placed on a tray of such material and design as to be easily cleaned and sanitized which has not more than one egg per cell, and (3) it is transferred promptly to the breaking room to be broken by specially trained personnel

(e) Any incubator reject egg. Any egg which is intended for use in any animal food or animal food product shall not, however, be considered to be inedible for the purposes of this article.

(f) Any egg that is adulterated within the meaning of the California Pure Foods Act, Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code

28052. Every egg product shall be prepared only from eggs that are fit for human consumption, under sanitary conditions that meet the approval of all state regulations pre-

scribed pursuant to the California Pure Foods Act, Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code and Chapter 7 (commencing with Section 28280), Division 21 of the Health and Safety Code.

28053. Any egg product which is prepared outside of the state but within the United States shall bear a certificate of an authorized representative of any federal, state, county, or city department that is authorized to inspect food products which certified that the egg product has been prepared as follows:

(a) Only from eggs that are fit for human consumption.

(b) Under sanitary conditions.

28054. Certificates issued pursuant to Section 28053 shall be submitted to the State Department of Public Health prior to the sale of egg products covered by the certificate in interstate commerce.

28055. Any egg product which is packed in tin containers that hold 30 pounds or less and sold in this state shall be sold only in new containers. Plastic containers or bags may be used if the plastic is of a type which is approved by the Department of Public Health for food contact purpose and if the closure is adequate to properly seal the package from contamination of any type.

Article 6. Pasteurization or Other Treatment of Egg Products

28061. On or before June 1, 1966, every egg product which is intended for human consumption shall be pasteurized. Pasteurization is a process that shall consist of the uniform heating of egg products to a temperature of not less than 140 degrees Fahrenheit and of holding such products at such a temperature for not less than 3½ minutes. Such pasteurization shall be conducted in properly operated equipment and the product shall be cooled immediately to a temperature of 50 degrees Fahrenheit or below, except egg whites, which shall be cooled immediately to a temperature of 55 degrees Fahrenheit or below.

28062. In addition to the procedure which is authorized by Section 28061, the State Department of Public Health may adopt regulations which provide procedures for treatment of egg products to make such products equally as safe for human consumption as treatment by the procedure which is provided in Section 28061.

Article 7. Labeling of Egg Products Generally

28071. Every egg product shall bear a label which complies with the label requirements as stated in Article 3 (commencing with Section 26490), Chapter 3, Division 21 of the Health and Safety Code.

28072. The labeling shall appear on the main body of the container, except that returnable containers over 30-pound

capacity may bear a label in tag form which is affixed to the closure so as to be destroyed upon opening.

28073. The use of any word or symbol which implies that the egg product was processed under health department inspection or supervision shall be considered false and misleading.

Article 8. Foreign Importation

28081. As used in this article, "imported egg product" means any egg product which is imported into this state from without the United States

28082. A person shall not sell for human consumption in the state any imported egg product until it has been inspected by the State Department of Public Health, found to be fit for human consumption, and a permit authorizing the sale has been issued.

28083. The State Department of Public Health shall cause an inspection to be made of all imported egg products.

28084. If, after inspection, the imported egg product is found by the State Department of Public Health to be in fit condition for human consumption, the department shall issue to the importer or consignee a permit which authorizes the sale of the imported egg product for such purpose, together with certificates of inspection equal in number to the number of containers in which the imported egg product is packed.

28085. The importer or consignee shall pay for the inspection an inspection fee to be fixed by the State Department of Public Health for each certificate of inspection.

28086. The certificate of inspection shall be in such form as the State Department of Public Health deems appropriate. They shall have printed upon a white background in plain black letters, not less than one inch high, "frozen eggs (or, as the case may be, liquid eggs, dried eggs or egg products) imported into the State of California from without the United States, inspected (inserting the date) by California Department of Public Health."

28087. The certificates of inspection shall be printed upon gummed, adhesive labels. The importer or consignee shall affix or cause to be affixed one such certificate to each of the containers in such manner that the inspection certificate shall be plainly visible to the buyer.

28088. An imported egg product shall be sold only from the original containers.

28089. A certificate of inspection shall not be removed from the container or defaced, and a container upon which such inspection certificate has been affixed shall not be used as a receptacle for any imported egg product which has not been so inspected and pronounced fit for human consumption.

28090 Every public warehouse, including a cold storage warehouse, shall keep a record of, and furnish to the State Department of Public Health at the end of each month a statement of, every imported egg product received by it

during the month. The statement shall show all of the following:

(a) The name of the depositor.

(b) The quantity of the imported egg product warehoused.

(c) The type of container in which the imported egg product is packed.

28091. A public warehouse, including a cold storage warehouse, shall not permit the removal from it of any imported egg product for sale or distribution in this state unless the imported egg product has been inspected by the State Department of Public Health and an inspection permit has been affixed to the container of the imported egg product which shows the inspection.

28092. It is unlawful for any person to withhold from any officer information where any imported egg product is kept or stored, or to refuse to permit an inspection of the imported egg product and of the premises where it is kept, stored, or processed.

28093. Every importer and wholesale distributor of any imported egg product shall furnish the State Department of Public Health both of the following:

(a) Within five days after the receipt of any imported egg product, a statement which shows the quantity and kind of imported egg product received and the type of container in which it is packed and the place where it is stored.

(b) Within five days after any sale, a statement which shows the person, firm, or corporation to whom the imported egg product was sold and the quantity and kind of the imported egg product.

28094. The container in which any imported egg product is sold in the state shall both:

(a) Have the words "frozen eggs (or liquid eggs, dried eggs, or egg products, as the case may be) imported from without the United States" and the name of the country of origin displayed on the case or container in letters not less than two inches high.

(b) Bear the name of the manufacturer by whom the imported egg product was prepared or manufactured and the country in which the imported egg product was prepared or manufactured.

28095. Every retailer of any imported egg product shall sell the imported egg product from the container in which the retailer received it and he shall inform each purchaser of the origin of the imported egg product.

28096. Every restaurant, hotel, cafe, bakery, or confectionery which uses or serves any imported egg product shall place a sign in letters not less than four inches high in some conspicuous place in their places of business so that the customer entering their places of business can see it. The sign shall read "frozen eggs (or dried eggs, or liquid eggs, or egg products, as the case may be) imported from without the United States used here."

28097. Every food product, including any bakery product or confectionery product, which contains any imported egg product, shall have stamped on the outside of each individual package or container of such food product, in plain view and in conspicuous letters not less than one-quarter of an inch in height, the words "made with imported egg products."

28098. Every person that sells any food product, in the manufacture of which any imported egg product is used, shall, if such food product is not packed in individual packages or containers, and marked as provided in this article, display in a conspicuous place in the place of business where such food product is sold so that a customer entering such place of business can see it, a sign in letters not less than four inches in height reading "Imported egg products are used in the manufacture of food products sold here."

Article 9. Public Nuisance

28121. Any food product in the manufacture of which any imported egg product is used, or any egg product packed, stored, delivered, shipped, or being transported or sold, in violation of this part and its containers are public nuisances and shall not be moved from the place where they may be, except under the specific direction of a proper enforcing officer. The food product or egg product may be seized by any enforcing officer and by order of the justice, municipal, or superior court of the judicial district, city, or county within which it may be, shall be condemned or destroyed.

Article 10. Criminal Penalties

28141 Any violation of any provision of this chapter or any regulation which is made by the State Department of Public Health pursuant to it is punishable for the first offense by a fine not exceeding five hundred dollars ($500) and for the second offense by a fine not exceeding one thousand dollars ($1,000) or by imprisonment for not more than 90 days, or both.

DIVISION 13. BEE MANAGEMENT AND HONEY PRODUCTION

Chapter 1. Bees

Article 1. Definitions

29001. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

29002. "Apiary" includes bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.

29003 "Appliance" means any implement or other device which is used in handling and manipulating bees or

comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture.

29004. "Bees" means honey-producing insects of the genus Apis. It includes all life stages of such insects.

29005. "Colony" means one hive and its contents, including bees, comb, and appliances.

29006. "Comb" includes all materials which are normally deposited into hives by bees. It does not include extracted honey or royal jelly, trapped pollen, and processed beeswax.

29007. "Disease" means American foulbrood or any other infectious disease, parasite, or pest that affects bees which the director by regulations declares is detrimental to the welfare of the bee industry.

29008. "Diseased" means that disease can be demonstrated to exist in the thing which is described as diseased, or in any part of such thing.

29009. "Hive" means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.

29010. "Inspector" means any person who is authorized to enforce this chapter.

29011. "Location" means any premises upon which an apiary is located.

Article 2. Administration

29031. The director, and the commissioner of each county under the direction and supervision of the director, shall enforce this chapter.

29032. The director may make such regulations as are reasonable and necessary to carry out this chapter.

29033. It is unlawful for any person to fail to comply with any notice or order which is issued pursuant to this chapter.

29034. The director may appoint a supervisor of apiary inspection and such qualified state apiary inspectors as may be necessary.

29035. Each commissioner is an ex officio state apiary inspector and may appoint one or more inspectors, qualified pursuant to the regulations of the director, to be county apiary inspectors.

29036. The director may assign one or more qualified state apiary inspectors to perform the duties of a county apiary inspector in any county for such time and at such rate of compensation as may be determined by agreement with the board of supervisors pursuant to Section 482. The state apiary inspector shall be under the direction and supervision of the commissioner, if there be such officer, in the county to which he is assigned.

Article 3. Quarantine

29061. The director may establish by regulation and maintain and enforce a quarantine at the boundaries of, or within, the state, to protect the bee industry against the introduction or spread of any bee disease. He may make and enforce such regulations as may be necessary to prevent any bees, comb, used hives or appliances from passing over any quarantine line which is established and proclaimed pursuant to this article.

29062. No quarantine regulation, except an emergency quarantine regulation, shall take effect until it is approved by the Governor and is signed by him in duplicate and one copy of the regulation is filed in the office of the Secretary of State and the other copy in the office of the director.

An emergency quarantine regulation shall take effect as prescribed in Section 11422 of the Government Code.

29063. If any quarantine is established pursuant to this article, it is unlawful for any person to move any bees, comb, hive or appliance across the lines established by such quarantine, except pursuant to the regulations of the director.

29064. If an inspector finds any disease which is known to be contagious in any apiary, he may hold such apiary and may require that abatement be performed under his direct supervision. He shall give notice that the apiary is held to the owner or bailee and post a copy of the notice in a conspicuous place in the apiary.

29065. If a notice that an apiary is held has been given pursuant to Section 29064, it is unlawful for any person to move the apiary, or any part of the apiary, or any other bee equipment from the location, unless he is authorized by an inspector, until the hold order is released.

29066. Upon request of the owner of any apiary which is held pursuant to an order by an inspector, the inspector shall release the hold order by issuing a permit to move such apiary if he determines that the disease has been abated pursuant to Section 29158. The permit shall state on it that the apiary had been under a hold order at the point of origin, was released from the hold order, and the date of release.

Article 4. Interstate Movement

29091. Except as otherwise provided in Section 29092, it is unlawful for any person to import or transport into the state any comb, bees on comb, package bees, or any used hive or appliance, unless each separate load, lot, or shipment is accompanied by a valid certificate which is as prescribed by this article, and unless such certificate is delivered to the commissioner of the county of destination or to the director, if there is no commissioner in the county, within 72 hours after the arrival of the load, lot, or shipment.

29092. A person may import or transport any of the following into the state without complying with the requirements which are prescribed by Section 29091:

(a) Queen bees.

(b) Packaged comb honey.

(c) Empty package bee cages.

(d) Moving screens.

(e) Bee smokers.

(f) Bee veils.

(g) Hive tools.

29093. The certificate required by Section 29091 shall be signed by the State Entomologist, State Apiary Inspector, or comparable officer in charge of apiary inspection for the state of origin and shall certify to all of the following facts:

(a) The name and address of the owner or shipper and the place of destination in this state.

(b) The number of hives, nuclei, or packages which contain bees, the number of used hives either empty or containing comb, and a complete list of any other used bee-keeping equipment in the shipment.

(c) The county and state of origin.

(d) The date on which inspection was last made of the apiary in which the bees, comb, used hives, and appliances originated.

(e) The total number of colonies in the apiary at the time of inspection, and the number of colonies found diseased.

(f) That all diseased colonies of bees found upon the inspection were destroyed, removed to a quarantine apiary, or removed to wax salvage prior to the issuance of the certificates.

29094. It is unlawful for any person to import or transport into the state any package bees or queens unless each shipment is accompanied by a declaration, signed by the shipper, that only sucrose or manufactured invert sugar is used as food for the package bees or queens in transit.

29095. Any shipment of bees on comb, package bees or queens, used hives or appliances arriving in this state which is not accompanied by, where required by Section 29091, a valid certificate and, if required by Section 29094, a declaration, shall be refused entry and returned to the shipper or destroyed, at the option and expense of the owner or person in charge of the shipment.

29096. The certificates required by Section 29091 are valid only during the inspection season in which they were issued, except that a certificate that covers a shipment arriving prior to April 1st from a locality which has severe winters shall be valid if it shows the last inspection of the apiary was made on or after August 15th of the preceding year.

29097. If any bees, comb, used hives, or appliances entering California are found to be diseased at the time of inspection in this state within 30 days after arrival, the inspector may hold such apiary, lot, or shipment. He shall give notice to the

owner or bailee, as prescribed in Section 29064, that the apiary, lot, or shipment is held.

29098. The disease shall be abated pursuant to Article 6 (commencing with Section 29151) of this chapter.

29099. After the disease has been abated, the inspector may release the hold order, if the release can be made without menace or harm from disease to the bee industry of this state. If the release cannot be so made, after the disease has been abated, the remaining bees, comb, used hives, and appliances shall be destroyed or shipped out of this state within 72 hours after the expiration of the abatement notice, at the option and expense of the owner or bailee.

Article 5. Intrastate Movement

29121. It is unlawful for any person that has relocated any colony of bees within the state to fail to send a notice within five days of such relocation to the commissioner of the county in which the movement originated, and a second notice to the commissioner of the county of destination if the bees are moved from one county to another. The notice shall include a statement of all of the following:

(a) The number of colonies of bees moved.

(b) The number of colonies of bees left at the point of origin.

(c) The location of the point of origin and the point of destination.

(d) The name and address of the apiary operator.

29122. It is unlawful for any person to ship any package bees, except queens, within the state unless the shipment is accompanied by a certificate of inspection issued by an inspector in the county of origin which shows that the apiary from which such package bees were taken was inspected during the current inspection season and that any disease found was abated, pursuant to Section 29158, prior to the issuance of the certificate.

29123. It is unlawful for any person to place in any combless package of bees or queens offered for sale or shipment, any food which contains honey.

29124. It is unlawful for any person to transport any comb which is attractive to bees within the state unless such comb is tightly enclosed so as to prevent its exposure to bees.

29125. It is lawful for any person, except when prohibited by other provisions of this chapter, to do any of the following:

(a) Transport any diseased hive, together with its contents, to a suitable place for burning, or to a wax salvage plant licensed under the provisions of Article 7 (commencing with Section 29191) of this chapter, after he has killed the bees in such hive and sealed the hive to prevent the entrance of live bees.

(b) Transport diseased comb, including any frame associated with it, to a suitable place for burning, or to a wax sal-

vage plant, licensed under the provisions of Article 7 (commencing with Section 29191) of this chapter if the comb is tightly enclosed so as to prevent its exposure to bees.

29126. It is unlawful for any person to move or transport any bees, comb, used hives and appliances, or colonies within the state which are diseased, except for abatement pursuant to this chapter, or for research pursuant to Section 29128.

29127. The inspector, in a summary manner, may destroy any and all diseased bees, combs, used hives, or colonies which are unlawfully moved within the state wherever they may be found.

29128. The director by written permit, subject to such conditions as he may determine are necessary to protect the beekeeping industry of this state, may authorize federal and state research agencies to transport and maintain within the state diseased bees, comb, hives, appliances, or colonies for the purpose of studying methods of eradicating and controlling bee diseases.

Article 6. Apiary Inspection

29151. All beekeepers shall provide movable frames in the brood areas of all hives which they use to contain bees, and shall make provisions so the bees in such hives shall construct combs in the frames in such a way that these combs may be removed from the hives for inspection without injuring other combs in the hives.

29152. It is unlawful for any person to keep bees in any box or other unmovable or stationary comb hives.

29153. The inspector shall order the owner or person in charge of the bees which are kept in such a box or other unmovable or stationary comb hive to transfer the bees to a movable frame hive within a reasonable time, to be specified in such order. In default of the transfer by the owner or person in charge of such bees, the inspector may destroy such hive and its contents.

29154. The inspector, if he deems it necessary, may enter any premises and make an inspection of any apiary within his jurisdiction. He shall report his inspection and findings to the beekeeper in person or by mail within five days. If any disease is found in the apiary, the inspector making the inspection shall plainly mark the hives or combs which contain evidence of disease.

29155. If disease is found in any apiary, the inspector shall notify the owner or person in charge or in possession of such apiary in writing. The notice shall state the nature of the disease found and the manner in which the inspector has marked the hives or combs which contain evidence of disease and shall order the abatement of such disease within a specified time.

29156. If the disease found in an apiary is American foulbrood, the time specified in the notice shall not be less than 24 hours nor more than 48 hours from the time the

notice is served, except that the inspector may extend the time limit if necessary to prevent hardship and it can be done without undue danger of spreading disease.

29157. The notice may be served upon the person that has possession or that owns the diseased apiary, personally or by registered mail to his last-known address. If the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting it in a conspicuous place in the apiary.

29158. Every diseased apiary is a public nuisance. The owner or person in charge or possession of any apiary, upon finding disease to be present, or upon receiving notice that disease exists, in such apiary, shall abate such disease without undue delay.

29159. If the disease which is found in an apiary is American foulbrood, the abatement shall be by killing the bees in the diseased colonies and disposing of the hives and their contents, together with any other diseased comb, hives, and associated appliances which are found in the apiary, in one of the following ways:

(a) By delivery to a licensed wax salvage plant pursuant to this chapter.

(b) By burning the contents of the diseased colonies, including the bees, comb, and associated frames, together with any other diseased comb, and associated frames, which are found in the apiary in one of the following ways and disinfecting by scorching the hive bodies, covers, bottom boards, supers, and appliances associated with them:

(1) Burning in a pit and burying the ashes not less than two feet below the surface of the ground.

(2) Burning in an incinerator approved by the director.

This section does not prevent federal and state research agencies from securing, transporting, and maintaining diseased bees, comb, hives, appliances, or colonies pursuant to Section 29128.

29160. If the owner or person in charge or possession of an apiary in which disease is found to exist cannot be located after diligent search by the inspector, or if notice has been served pursuant to this article and the owner or person in charge or possession of the apiary refuses or neglects to abate the disease within the time which is specified in the notice, the inspector shall abate the disease within 72 hours after expiration of the time which is specified in the notice.

29161. If an abatement notice, which is required by this article, has been served upon the owner or bailee of an apiary, the owner or bailee, before the expiration of the time specified in the notice, may appeal from the inspector's field determination of the disease named in such notice by sending a written appeal to the director with a specimen of the diseased material chosen and sealed for transportation jointly by the owner or bailee and the inspector, which is accompanied by a statement signed by the owner or bailee and the inspector, attesting to the fact that such specimen was ob-

tained from the portion of the apiary described in the abatement notice.

29162. The specimen shall be subjected to a laboratory diagnosis by the director, or at his direction. The written determination which sets forth the findings of such diagnosis is final proof of the nature of the disease which exists in the apiary.

29163. The disease which is named by the director in a written response to the appeal may be abated pursuant to this chapter. Pending the determination of the director, the time which is specified in the abatement notice shall be extended by the number of hours between the forwarding of the representative specimen and the receipt of the written determination from the director by the inspector, and the service of a copy of such written determination upon the owner or bailee that made the written appeal.

If the owner or bailee cannot after due diligence be found, then the extended time expires when a copy of the director's determination is served by posting it in the apiary.

Article 7. Wax Salvage

29191. It is unlawful for any person to remove, salvage, or attempt to salvage, any bees, comb, honey, royal jelly, pollen, beeswax, or frames from any diseased colony, except pursuant to this article or Section 29128.

29192. All wax salvage operations with respect to diseased colonies shall be performed in an enclosure which is constructed in accordance with specifications, and in such manner as is set forth, in regulations of the director.

29193. The director shall prepare and furnish to interested parties upon request uniform specifications for the construction of wax salvage plants, and regulations for the operation of the plants in such manner as to prevent the spread of disease from such plants.

29194. Any person that desires to maintain and operate a plant for the salvaging of wax, hives, and appliances from diseased apiaries shall apply to the director for an annual license for each separate wax salvage plant.

29195. The director shall make such investigation as he may deem necessary and shall issue the license without fee if he is satisfied that the plant is constructed in accordance with specifications in, and that the plant will be operated pursuant to, the regulations, which are adopted pursuant to this article.

29196. A license is good for the calendar year within which it is issued and shall expire on December 31 of such year, unless it is sooner revoked or suspended.

29197. Any license which is issued pursuant to this article may be revoked or suspended or renewal of such license may be refused by the director, after hearing, if he finds that the licensee has not complied with all the provisions of this article

and the regulations and specifications which are adopted pursuant to it.

29198. The proceedings for all hearings under this article shall be conducted pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted by such chapter.

Article 8. Sanitation

29211. It is unlawful for any person to maintain or operate a diseased colony of bees, except pursuant to Section 29128.

29212. It is unlawful for any person to conceal or attempt to conceal the fact that disease exists within an apiary.

29213. It is unlawful for any person to sell any diseased bees, comb, hive, appliance, or colony.

29214. It is unlawful for any person to abandon any diseased apiary.

29215 It is unlawful for any person to expose to bees any comb or honey from a diseased colony of bees, except pursuant to Section 29128.

29216 It is unlawful for any person to extract or render any honey, pollen, or wax from comb except in a building or enclosure which is so constructed as to prevent access by bees.

29217. It is unlawful for any person to keep any comb which is attractive to bees unless such comb is tightly enclosed so as to prevent its exposure to bees.

29218. Any neglected or abandoned hive or appliance which contains any comb that is attractive to bees and that is exposed to robbing by bees constitutes a public nuisance. It shall be subject to abatement in the same manner as is provided in Article 6 (commencing with Section 29151) of this chapter for abatement of disease.

29219. It is unlawful for any person to make honey available to bees by means of open air feeding.

Article 9. Registration and Identification of Apiaries

29241. Every person that is the owner or in possession of an apiary which is located within the state, on the first day of November of each year, or within 30 days thereafter, shall register the number of colonies in each apiary which is owned by him, and the location of the apiary.

29242. Every person that moves bees into the state or that otherwise comes into possession of an apiary which is located within the state after the first day of November shall register the number of colonies so acquired within 30 days after coming into possession of the apiary

29243 Registration of an apiary shall be filed with the commissioner of the county in which the apiary is located, or with the director if there is no commissioner in the county.

29244. It is unlawful for any person to maintain any apiary which has not been registered pursuant to this article. Each

registration is valid until October 31 of the following year or until the next registration period, whichever comes first.

29245. It is unlawful for any person to maintain an apiary on premises other than that of his residence unless the apiary is identified as follows:

(a) By a sign which is prominently displayed on the entrance side of the apiary, that states in black letters not less than one inch in height on a background of contrasting color either:

(1) The name of the owner or person in possession of the apiary, his address and telephone number, or if he has no telephone a statement to that effect.

(2) The current active registered brand number of the owner or person in possession of the apiary, or the identification number which is assigned to him by the director pursuant to this article.

(b) If the governing body of the county or city in which the apiary is located has provided by ordinance for the identification of apiaries, in the manner which is prescribed in the ordinance.

29246. Any person that owns or is in possession of an apiary and fails to register it, or changes the location of an apiary in violation of Section 29121, or fails to provide a sign as required by Section 29245, is not entitled to recover damages for any injury to such apiary by reason of any pest control operation.

29247. The director shall issue an apiary identification number upon the request of any person which is accompanied by a fee of one dollar ($1). Identification numbers which are assigned by the director are not transferable.

29248. The owner of any apiary equipment may apply to the director for a serial number brand for use on apiary equipment which he owns. The application shall contain the name and address of the applicant and shall be accompanied by a fee of two dollars ($2).

29249. Upon receipt of the application and fee, the director shall register a serial number brand to the applicant. The serial number shall include a county number followed by an individual number The county number shall be and remain the same as the number of the class of the county in the classification which was adopted by the Legislature in 1931. As to counties with classification numbers 1 to 9, inclusive, the county number shall be preceded by a dash (—). The county number shall be followed by a dash (—) and the individual number.

29250. If a serial number brand is used on wooden equipment, it shall be burned into the wood in numbers which are one-half inch in height. Hive bodies shall be branded on the upper left-hand corner. Frames shall be branded on top bars. Other wooden equipment may be branded in any place desired. Equipment which is not wooden may be branded in any manner desired.

29251. Serial number brands are transferable.

29252. (a) If the purchaser does not have a registered brand number, he may use a brand acquired by purchase, if a bill of sale on such purchased brand number is forwarded by registered mail to the director accompanied by a transfer fee of two dollars ($2).

(b) If the purchaser has a previously registered brand number, he may have other brand numbers transferred to his name, without charge, but he shall destroy any and all branding irons or branding devices acquired by such transfer and notify the director of such destruction.

29253. If ownership of branded equipment is transferred, the original brand shall not be defaced or obliterated. The brand, if any, of the new owner shall be placed below the original brand and as near it as possible.

29254. It is unlawful for any person to have in his possession any apiary equipment which is branded with any serial number brand other than his own unless he has a bill of sale which he obtained from the registered owner of such serial brand number.

29255. It is unlawful for any person to do any of the following:

(a) Use any serial number brand unless it is registered pursuant to this article.

(b) Alter, deface, remove, or obliterate the brand on any apiary equipment to prevent the identification of the equipment.

(c) Be in possession of any such apiary equipment upon which the brand has been altered, defaced, obliterated or removed.

CHAPTER 2. HONEY

Article 1. Definitions

29401. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

29402. "Adulterated honey" means any honey to which has been added honeydew, glucose, dextrose, molasses, sugar, sugar sirup, invert sugar, or any other similar product except the nectar of floral exudations of plants gathered and stored in the comb by honeybees.

29403. "Agent" includes broker, commission merchant, auctioneer, solicitor, seller on consignment, and any other person that is acting upon the actual or implied authority of another.

29404. "Clean and sound containers" means containers which are virtually free from rust, stains, or leaks.

29405. "Comb honey" means honey which is in the comb.

29406. "Container" means any box, crate, chest, carton, barrel, keg, or other receptacle which contains honey.

29407. "Crystallized honey" means honey which has assumed a solid form due to the crystallization of one or more of the natural sugars in it.

29408. "Deceptive arrangement" or "deceptive display" means any lot, load, arrangement, or display of honey which has in any exposed surface, honey which is so superior in quality, appearance, or condition, or in any other respects, to any of the honey which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement, or display.

29409. "Deceptive pack" means any container or subcontainer of honey which has, in any exposed surface, honey or honeycomb, so superior in quality, appearance, condition, or in any other respect to the honey in the interior of the container or subcontainer, or the unexposed portion, as to materially misrepresent the contents. It includes any pack:

(a) Even though the honey in a container is virtually uniform in quality as defined in this chapter, if the outer or exposed surface is composed of honey which is not an accurate representation of the variation in quality of the honey in the entire container.

(b) Which is slack-filled, unless the container is so marked, even though such container is marked with the proper net weight of the honey which it contains.

29410. "Extracted honey" means honey which has been removed from the comb.

29411. "Foreign honey" means any honey which was not produced within this state.

29412. "Foreign material" means wax particles, insects, or other materials which were not deposited by bees. It does not, however, include decorative artificial leaves or blossoms.

29413. "Honey" means the nectar of floral exudations of plants gathered and stored in the comb by honeybees. It is a levorotatory, contains not more than 20 percent of water, not more than 25 one hundredths of 1 percent of ash, not more than 8 percent of sucrose, its specific gravity is not less than 1.412, its weight not less than 11 pounds, 12 ounces per standard gallon of 231 cubic inches at 68 degrees Fahrenheit.

29414. "Honeybees" means honey-producing insects of the genus Apis mellifica.

29415. "Honeydew" means the dextrorotatory saccharine exudation of plants or insects, except nectareous exudations, which is gathered and stored in the comb by honeybees.

29416. "Mislabeled" means the placing or presence of any false or misleading statement, design, or device upon, or in connection with, any container or lot of honey, or upon the label, lining, or wrapper of any such container, or any placard used in connection with any container or lot of honey, which has reference to such honey. A statement, design, or device is false and misleading, if the honey to which it apparently or actually refers does not conform in every respect to such statement.

29417. "Pack," or "packing" or "packed," means the arrangement of all or a part of the subcontainers in any container.

29418. "Placard" means any sign, label, or designation, except an oral designation, which is used in connection with any honey as a description or identification of it.

29419. "Section box" means the wood or other frame in which bees have built a small comb of honey.

29420. "Slack-filled" means that the contents of any container occupy less than 85 percent of the volume of the closed container.

29421. "Subcontainer" means any section box or other receptacle which is used within a container.

Article 2. General Provisions

29441. The director and the commissioners of each county of the state, their deputies and inspectors, under the supervision and control of the director shall enforce this chapter.

29442. The refusal of any officer who is authorized pursuant to this chapter to carry out the orders and directions of the director in the enforcement of this chapter is neglect of duty.

29443. The director may do all of the following:

(a) Prescribe by regulation methods of selecting samples of lots or containers of honey, which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled.

(b) Establish by regulation and issue official color charts which depict the color standards and requirements established in this chapter.

(c) Make such other regulations as are reasonably necessary to secure uniformity in the enforcement of this chapter.

29444. Any sample which is taken pursuant to this chapter is prima facie evidence, in any court in this state, of the true condition of the entire lot in the examination of which the sample was taken.

29445. An enforcing officer may do all of the following:

(a) Enter and inspect any place or conveyance within the county or district over which he has jurisdiction, where any honey is produced, stored, packed, delivered for shipment, loaded, shipped, being transported, or sold.

(b) Inspect all honey and the containers of honey and equipment which is found in any place or conveyance which he is authorized to enter and inspect.

(c) Take for inspection, such representative samples of the honey and such containers, as may be necessary to determine whether or not this chapter has been violated.

29446. An enforcing officer shall cause the prosecution of any person whom he knows or has reason to believe is guilty of violating any provision of this chapter.

29447. Any enforcement officer may, while enforcing this chapter, seize and hold as evidence all or any part of any

pack, load, bulk lot, consignment, or shipment of honey packed, delivered for shipment, loaded, shipped, or being transported, or sold in violation of this chapter, or any container of such product, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any provision of this chapter.

29448. If any markings are used or required to be used by this chapter on any container of honey to identify the container or describe its contents, the markings shall be plainly and conspicuously marked, stamped, stenciled, printed, labeled, or branded in the English language, unless the container is intended for and is shipped outside of the United States, in letters which are large enough to be readily discernible by any person, upon the top, front, or side of the container. If the marking is on a placard which is used in a display, the placard shall be placed or posted in such a position that there is no doubt as to the product which it is to identify.

29449. Any person, forwarding company, or common carrier may decline to ship or transport any honey if notified by any enforcing officer of this chapter, that the honey is found to be delivered for shipment in violation of this chapter.

29450. Any person, forwarding company, or common carrier may reserve the right, in any receipt, bill of lading or other writing which is given to the consignor of any honey, to reject for shipment and to return to the consignor or hold at his expense and risk all honey, which, upon inspection, is found to be delivered for shipment in violation of this chapter.

Article 3. Exemptions

29471. If the requirements prescribed by this article are satisfied, all of the following ungraded honey is exempt from the remaining provisions of this chapter:

(a) Honey which is intended to be used in commercial processing, as for clarifying and packing in retail or wholesale containers.

(b) Honey which is intended for the manufacture of honey products for resale.

(c) Honey which is being delivered to any person for grading, packing, processing, or reconditioning.

29472. The containers of the ungraded honey shall not bear any false or misleading statements or be deceptively packed

29473. The owner or person in possession of the ungraded honey shall, on demand of any enforcing officer under this chapter, give to the officer a sworn statement in writing, which was made before a notary public, that specifies all of the following:

(a) That the honey will be disposed of or used pursuant to this article.

(b) The name and address of the person to whom such honey is to be delivered.

(c) An accurate identification of the honey.

29474. A person who makes a sworn statement pursuant to Section 29473 shall, within a reasonable time after the demand and receipt by the officer of the statement, present a written receipt to the commissioner of the county which is specified in the statement as the destination of the honey.

The receipt shall contain a signed statement by the person receiving such honey, that the honey, giving an accurate description of it, has been received.

Article 4. Standard Honey Containers

29501. The standard units of net weight of honey in containers are as established by this article.

29502 Containers which hold the following units of weight of honey are standard containers:

60	pounds	2	pounds
12	pounds	1½	pounds
10	pounds	1	pound
6	pounds	12	ounces avoirdupois
5	pounds	8	ounces avoirdupois
3	pounds	5	ounces avoirdupois
2½	pounds		

Article 5. California Color Standards

29531 The classes as to color comprising the California standards shall conform to the United States color standards, using the readings on the Pfund honey scale.

Article 6. Emergency Standards, Containers, Color Classifications, and Markings

29551. As used in this article, "emergency standard" means any emergency standard for honey, standard units of weight, type of container, color classifications, or markings required upon containers which is established by the director pursuant to Section 29552.

29552. The director, upon petition of persons that are interested in the production or handling of honey, or upon his own motion, may establish emergency standards for honey, standard units of net weight, type of container, color classifications, or marking upon any container, if he makes any of the following findings regarding any provision of this chapter which relates to any of such subjects:

(a) It is difficult or impossible of performance by reason of laws or orders promulgated by authority of the government of the United States, or the standard weights are not

appropriate for the country of destination as to honey intended to be shipped outside the United States, or because of scarcity of materials, labor, or equipment used in the production or marketing of honey regulated by this chapter.

(b) It results in a serious waste of honey otherwise available for human consumption, or in serious waste of other resources.

(c) It prevents the utilization of new technological developments to the serious disadvantage of producers or handlers of honey in this state.

29553. Emergency standards shall apply in lieu of the standards for honey, standard units of net weight, type of container, color classifications, or markings required upon any container set forth in this chapter.

29554. Every emergency standard which is established pursuant to this article shall be reasonably calculated to effectuate the purposes of the standard which it supersedes. No emergency standard shall be established which tends to lower any standard which relates to carrying or keeping quality of honey.

29555. No emergency standard shall be construed to modify in any respect any provision of this chapter which is designed to prevent deception or mislabeling, or which is designed to prevent the marketing of honey which is unwholesome or which would fail to give consumer satisfaction.

29556. Every emergency standard which is issued pursuant to this article, before it may become effective, shall be published in one or more newspapers, trade papers, or industry publications which are deemed best adapted to give notice to interested persons, together with a notice of the time and place for hearing objections.

29557. The hearing shall be not less than 10 nor more than 20 days from the date of publication.

29558. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons that have filed with the director a request for notice of such hearings.

29559. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the facts which are shown at the hearing. If it is developed by competent testimony that additional time will be required to produce further essential evidence, the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence.

29560. The director, upon his findings on the facts shown at the hearing, shall rescind, modify, or affirm the emergency standard as published. The action of the director in rescinding, modifying, or affirming any emergency standard shall take effect on the day appointed therefor, and the emergency standard, as modified or affirmed, shall continue in effect until it is suspended or rescinded by the director, or until the 91st day after adjournment of the next regular session of the Legislature, whichever first occurs.

29561. Any emergency standard may be amended, suspended, or rescinded upon notice and hearing pursuant to the

same procedure as is provided for the establishment of such standard.

Article 7. Comb Honey

29581 All comb honey shall be conspicuously marked, either on the section or on its individual container, with all of the following:

(a) The name and address of the producer or distributor of the comb honey.

(b) The net weight of the comb section, stated in terms of whole ounces.

(c) One of the United States grades which are established for honey by the United States Department of Agriculture.

29582. All comb honey shall meet the requirements of the color classification and grades as defined in United States grades, color standards, and packing requirements for honey by the United States Department of Agriculture, according to the color classification and grade as marked.

29583. Any container of comb honey which is marked as to color shall be considered as properly marked if the color of the honey in the container is equal to or lighter than the description as marked.

29584. Opaque containers of bulk or chunk comb honey shall be marked with the color the honey would be if extracted, unless it is in the unclassified grade.

29585. If comb honey is in crystallized form, a sample of the honey shall be liquefied and the honey graded on the liquid basis

29586. In order to allow for variations which are incident to proper grading and handling, not more than 5 percent, by count, of the containers or of the subcontainers in any lot of honey may be below the requirements for the grade.

29587. Comb honey which has crystallized shall be conspicuously marked with the word "crystallized" on a placard which is used in connection with such honey that has reference to it.

Article 8. Extracted Honey

29611. Every container or subcontainer of extracted honey shall be conspicuously marked with all of the following:

(a) The name and address of the producer or distributor of the extracted honey.

(b) The net weight of the honey in the container.

(c) One of the United States grades which are established for honey by the United States Department of Agriculture. This subdivision does not, however, apply to honey to which pollen has been added, if the amount of pollen added is visible and each such container is plainly and conspicuously labeled with the words "pollen added".

(d) In the case of any opaque container, with the color of the honey.

29612. All extracted honey shall meet the requirements of the color classifications and grades as defined in United States grades, color standards, and packing requirements for honey by the United States Department of Agriculture, according to the color classification and grade as marked.

29613. Any container of extracted honey which is marked as to color shall be considered as properly marked if the color of the honey in the container is equal to or lighter than the description as marked.

29614. If extracted honey is in crystallized form, a sample of the honey shall be liquefied and the honey graded on the liquid basis.

29615. All extracted honey regardless of grade term as marked, shall be free from serious damage and at least as free from excessive foreign material as honey that has been strained through standard bolting cloth of 23 meshes per inch. Serious damage means any injury or defect that seriously affects the appearance or edibility of the honey such as any of the following:

(a) Overheating, which destroys both natural color and flavor.

(b) Fermentation, which causes either foam or sourness, or both.

(c) Objectionable flavor from any substance or thing other than floral source.

29616. In order to allow for variations which are incident to proper grading and handling, not more than 5 percent, by count, of the containers or of the subcontainers in any lot of honey may be below the requirements for the grade, but no part of this tolerance is allowed for defects which cause serious damage, as defined in Section 29615.

29617. If the color of extracted honey is designated on the container or subcontainer, or upon a placard which has reference to such honey, it shall conform to the color definitions provided in this chapter.

29618. Any honey which is a blend of two or more floral types of honey shall not be labeled as honey from any one particular floral source alone unless one floral type is predominant. If one floral type is predominant, such honey may be labeled as to the predominant floral type, as determined by flavor.

29619. Any slack-filled container shall be conspicuously marked "slack-filled."

29620. Extracted honey in containers which hold five ounces or more, shall be packed in standard containers and sold in the exact units of weight as set forth in the table of standard weights of honey in containers provided for in Section 29502.

If the combined net weight of the extracted honey in all subcontainers contained in one master container is equal to one of the units of weight specified in Section 29502, the unit

is a standard unit of weight if sold as a unit directly to the consumer.

Article 9. Labeling of Honey as to Origin and Flavor

29641. Any container or subcontainer of extracted honey which is produced entirely within this state may be conspicuously marked with the name "California."

29642. A container or subcontainer of comb or extracted honey shall not be marked or labeled with the name "California" unless the honey in the container or subcontainer was produced entirely within this state

29643. Any container or subcontainer of comb or extracted honey which is imported from any territory or foreign country shall be labeled with the name of the territory or country of origin.

29644. If the floral flavor of comb or extracted honey is stated on the container the honey contained in the container or subcontainer shall be true to such flavor, unless the honey is a blend of two or more floral types and one floral type is predominant. If the honey is such a blend, it may be labeled as to the predominant floral type as determined by flavor.

Article 10. Violations

29671. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, or sell any honey, adulterated honey or any product which is marked, labeled, or designated as honey, in bulk or in any container or subcontainer which does not conform to the provisions of this chapter.

29672. It is unlawful for any person to prepare, pack, place, deliver for shipment, load, ship, transport, or sell a deceptive pack, lot, load, arrangement, or display of honey.

29673. It is unlawful for any person to mislabel any container or subcontainer of honey or place any false or misleading statement on any wrapper, label, or lining of any container of honey, or on any placard which is used in connection with or which has reference to any honey.

29674. It is unlawful for any person to place or pack any honey in any container or subcontainer which bears any markings, or any designation of brand, quality, grade, or other matter, unless all of such markings which do not properly and accurately apply to the product placed or packed in the container or subcontainer have been removed, erased, or obliterated.

29675. It is unlawful for any person to move any honey, or any container of honey, to which any warning tag or notice has been affixed, except under written permit from an enforcing officer or under his specific direction.

29676. It is unlawful for any person to do either of the following:

(a) Refuse to submit any container, subcontainer, load, or display of honey to the inspection of any enforcing officer.

(b) Refuse to stop any vehicle which contains any honey, for the purpose of inspection by an enforcing officer.

29677. It is unlawful for any person to prepare, pack, place, deliver for shipment, load, ship, transport, or sell, any of the following:

(a) Adulterated honey, unless the container is conspicuously marked, in letters or type of like size and character, which clearly and plainly indicate the contents.

(b) Any product which is labeled or marked with the designation "honey" alone, if the contents consist of part or all of products other than the nectar of floral exudations of plants which is gathered and stored in the comb by honeybees.

Article 11. Criminal Punishment and Procedure

29701. Any violation of any provision of this chapter is a misdemeanor and punishable by a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500), or by imprisonment in the county jail for not more than six months, or by both.

29702. Any prosecution for the violation of any provision of this chapter may be made in any county where any part of the offense occurred.

29703. Any evidence which is taken by any enforcing officer in any county may be admitted in evidence in any prosecution in any other county.

29704. Unless a person that is arrested for the transportation of honey in violation of this chapter demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, do all of the following:

(a) Take the name and address of the arrested person, the license number of his motor vehicle, and such other information as may be necessary.

(b) Notify the arrested person in writing to appear at a time and place which is specified in the notice.

29705. The time which is specified in the notice to appear shall be at least five days after the arrest.

29706. The place which is specified in the notice to appear shall be one of the following:

(a) Before a magistrate of the district in which the offense with which the arrested person is charged is alleged to have been committed.

(b) Upon the demand of the arrested person, before a magistrate of the district in which is located the county seat of the county in which the offense is alleged to have been committed.

(c) In any county in which there is established a municipal court at the county seat of the county, the notice to appear may

specify that the place shall be before any magistrate in the county.

29707. If the arrested person gives his written promise to appear at the time and place specified in the notice to appear, the arresting officer shall forthwith release him from custody.

29708. If any arrested person refuses to give his written promise to appear or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the district in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial unless he waives such time in writing or in open court and either:

(a) Gives his written promise to appear at such time and place as the court may fix for his further appearance.

(b) If he refuses to give his promise to appear, upon such bail as the court may fix.

He shall then be released from custody.

29709. Any person that willfully violates his promise which is given pursuant to this article is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

Article 12. Public Nuisances

29731. Any honey which is packed, stored, delivered for shipment, loaded, shipped, or being transported or sold in violation of any provision of this chapter, together with its containers, is a public nuisance. The honey shall be held by the person in whose possession it may be and shall not be moved from the place where it may be, except under the specific direction of an enforcement officer.

29732. The enforcement officer may affix a warning tag or notice to the honey and its containers which are a public nuisance.

29733. If a packer or owner of honey, or the agent of either, after notification to him that the honey and its containers are a public nuisance, refuses, or fails within a reasonable time, to recondition or remark the honey so as to comply with all requirements of this chapter, the honey and its containers:

(a) May be seized by the director or any enforcement officer.

(b) By order of the justice, municipal, or superior court of the county or city within which the honey and its containers may be, shall be condemned and destroyed, or released upon such conditions as the court, in its discretion, may impose to insure that it will not be packed, delivered for shipment, shipped, transported, or sold in violation of this chapter.

29734. If an agent is found in posssession of any honey which is a public nuisance, notice of rejection or any order of the court concerning the honey may be served on such agent and need not be served on the packer or owner.

29735. It is unlawful for any person to fail to comply with the directions of any officer relating to the disposition of any honey which is a public nuisance, or with any order of court respecting it.

DIVISION 14. REGULATION AND LICENSING OF DOGS

CHAPTER 1. GENERAL PROVISIONS

30501. If the provisions of Sections 30801, 30802, 30803, 30804, 30805, 30952, 31105, 31106, 31107, 31108, 31152, 31153, 31251, 31252, and 31254 have been adopted by the board of supervisors of any county, and the governing body of any city which is located within the county requests, by ordinance, the application of the provisions within the confines of such city such sections shall also apply within the city.

30502. Any dog license tag which is issued by any city and county or city constitutes compliance with this division if it is issued pursuant to an ordinance which does all of the following:

(a) Substantially complies with this division.

(b) Provides for the wearing of the license tag upon the collar of the dog.

(c) Provides for the keeping of a record which shall establish the identity of the person that owns or harbors the dog.

CHAPTER 2. DISPOSITION OF FUNDS

30651. As used in this chapter, "livestock" includes domestic fowls and rabbits.

30652. All fees for the issuance of dog license tags and all fines collected pursuant to this division shall be paid into the county treasury and shall be used:

(a) First, to pay fees for the issuance of dog license tags.

(b) Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this division and all ordinances which are made pursuant to this division.

(c) Third, to pay damages to owners of livestock which are killed by dogs.

30653. Each such claim for damages is governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940), Division 3.6, Title 1 of the Government Code, except that the claim, as presented, shall be accompanied by the affidavits of two disinterested witnesses executed within four days after the finding of the carcass of the animal.

30654. The affidavits shall fix the value of the livestock and establish the fact beyond reasonable doubt that the animal was killed by a dog.

30655. If a claim is allowed, it shall be paid from the fund which is provided for in this chapter in the same manner as other claims against the county are paid.

CHAPTER 3. DOG TAGS

30801. If 25 electors whose names appear upon the last preceding assessment roll of the county as owners of domestic livestock file a petition with the board of supervisors of the county which requests the board to do so, the board of supervisors shall provide for the annual issuance of serially numbered metallic dog license tags. The dog license tags shall be:

(a) Stamped with the name of the county and the year of issue.

(b) Issued by the county clerk directly or through judges of justice or municipal courts, to owners of dogs, that make application.

30802. Each application for a dog license tag shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner.

30803. The county clerk shall endorse upon the application for a dog license tag the number of the license tag issued.

All applications which have been endorsed shall be kept on file in the office of the county clerk open to public inspection.

30804. The fee for the issuance of the dog license tag is fifty cents ($0.50). The board of supervisors may, however, increase the fee.

30805. The board of supervisors shall fix the compensation of the county clerk for issuing dog license tags.

CHAPTER 4. REGULATION

30951. It is unlawful for any person to own, harbor, or keep any dog over the age of three months, or to permit such a dog which is owned, harbored, or controlled by him to run at large, unless the dog has attached to its neck or leg a substantial collar on which one of the following is fastened:

(a) A metallic tag which gives the name and post office address of the owner.

(b) A metal license tag which is issued by the authority of a county, city and county, or any municipal corporation for the purpose of identifying the dog and designating the owner.

30952 It is unlawful for any person to attach a license tag to the collar of any dog except the dog which is described in the application for such license tag

30953. Except as otherwise provided in this division, it is unlawful for any person to kill, injure, or impound any dog, if the owner of the dog has complied with the provisions of this division.

30954. It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him, to run at large at any time during the period when the dog is in heat or breeding condition.

30955. It is unlawful for any person to permit any dog which is owned, harbored, or controlled by him to run at large on any farm on which livestock or domestic fowls are kept, without the consent of the owner of the farm, except for herding livestock, hunting or sporting purposes, or any competitive trials when the dog is within reasonable control or call of his owner or the agent of his owner.

CHAPTER 5. KILLING AND SEIZURE

Article 1. Generally

31101. Any dog which is found running at large without the identification tag or dog license tag which is required pursuant to Section 30951 may be seized and impounded by any peace officer.

31102. Except in an area in which the provisions of Article 2 (commencing with Section 31151) of this chapter apply or as otherwise provided in Section 31104, any person may kill any dog in any of the following cases:

(a) The dog is found in the act of killing, wounding, or persistently pursuing or worrying livestock or poultry on land or premises which are not owned or possessed by the owner of the dog.

(b) The person has such proof as conclusively shows that the dog has been recently engaged in killing or wounding livestock or poultry on land or premises which are not owned or possessed by the dog's owner.

No action, civil or criminal, shall be maintained for the killing of any such dog.

31103. Except in an area in which the provisions of Article 2 (commencing with Section 31151) of this chapter apply or as otherwise provided in Section 31104, any dog entering any enclosed or unenclosed property upon which livestock or poultry are confined may be seized or killed by the owner or tenant of the property or by any employee of the owner or tenant. No action, civil or criminal, shall be maintained against the owner, tenant, or employee for the seizure or killing of any such dog.

31104. The provisions of Sections 31102 and 31103 shall not apply to any dog which is inside the corporate limits of any city, or city and county, or to any dog which is under the reasonable control of his owner or keeper, unless the dog is actually caught in the act or worrying, wounding, chasing, or killing any livestock or poultry.

31105. The board of supervisors shall provide for both of the following:

(a) The taking up and impounding of all dogs which are found running at large in violation of any provision of this division

(b) The killing in some humane manner or other disposition of any dog which is impounded.

31106. The board of supervisors may appoint proper persons to take up, impound, and kill dogs pursuant to this division or it may enter into a contract with any humane society or other organization or association which will do both of the following:

(a) Undertake to carry out the provisions of this division regarding the taking up, impounding, and killing of dogs.

(b) Give a proper bond in whatever amount may be fixed by the board of supervisors for the faithful performance of the contract.

31107. No dog which is impounded pursuant to this division shall be killed or otherwise disposed of without notice to the owner, if he is known.

31108. No dog which is impounded pursuant to this division shall be killed before 72 hours have elapsed from the time of the taking up of the dog.

31109. Any dog which is found straying on any farm where livestock are kept, which has attached to its collar the identification tag or dog license tag prescribed by Section 30951, may be taken up, impounded, and detained in the same manner as described in this division. The person taking up the dog may recover from the owner, in any court having jurisdiction, the fees fixed by the board of supervisors for taking up and keeping unlicensed and unidentified dogs, together with costs.

Article 2. Optional Provisions

31151. The provisions of Sections 31102 and 31103 shall not apply in any area of a county in which the board of supervisors has provided, by resolution, that the provisions of this article apply.

31152. Any person may kill any dog in any area of a county in which the provisions of this article apply in any of the following cases:

(a) The dog is found in the act of killing, wounding, or persistently pursuing livestock or poultry on land or premises not owned or possessed by the owner of the dog.

(b) The dog has no readily visible identification tag or license tag prescribed by Section 30951 and is worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog. If the dog has on him any readily visible identification tag or license tag prescribed by Section 30951, and the dog is found in the act of worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog, the dog may only be killed if the dog has, and the owner has been notified that the dog has, previously so worried livestock or poultry.

(c) The person has such proof as conclusively shows that the dog has been recently engaged in killing or wounding livestock or poultry on land or premises not owned or possessed by the dog's owner.

No action, civil or criminal, shall be maintained for killing a dog as authorized by this section.

31153. Any dog entering any enclosed or unenclosed property upon which livestock or poultry are confined may be seized by the owner or tenant of the property or any employee of the owner or tenant. No action, civil or criminal, shall be maintained against the owner, tenant, or employee for the seizure of any such dog.

CHAPTER 6. FEES FOR IMPOUNDING

31251. The board of supervisors of each county shall fix the fee for impounding any dog and the amount which is to be paid for keeping the dog.

31252. If the impounding of a dog is done by an appointee of the board of supervisors or by a humane society or other organization or association which has entered into a contract for impounding dogs, the fees for taking up, impounding, and keeping the dog shall be a charge upon the county treasury, to be paid as other claims against the county are paid.

31253. If a dog which has been impounded is claimed by the owner, the fee for impounding and keeping the dog, as fixed by the board of supervisors, shall be paid by the owner to the person, organization, or association which has custody of the dog, to be retained by him or them. No charge for fees pertaining to the dog shall be paid by the board of supervisors.

31254. The refusal or failure of the owner of any such dog to pay the fee and charges after due notification shall be held to be an abandonment of the dog by the owner.

CHAPTER 7. VIOLATIONS

31401. Violation of any provision of this division is a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) for the first offense, and for the second offense a fine of not less than fifty dollars ($50) and imprisonment in the county jail for 10 days, or both.

CHAPTER 8. CIVIL LIABILITY

31501. The owner of any livestock or poultry which is injured or killed by any dog may recover as liquidated damages from the owner of the dog twice the actual value of the animals killed or twice the value of the damages sustained by reason of the injuries, as the case may be.

31502. If two or more dogs kept by two or more owners or keepers injure or kill any livestock or poultry at the same

time, the owners or keepers of the dogs are jointly and severally liable for the damage.

31503. If any person sustains any loss or damage to any livestock or poultry which is caused by a dog, or if any livestock of any person is necessarily destroyed because of having been bitten by a dog, the person may file a complaint with any judge of the justice or municipal court of the county within which the damage occurred.

31504. The complaint shall satisfy all of the following requirements:

(a) Be in writing.

(b) Signed by the person that makes it.

(c) State when, where, what, and how much damage was done.

(d) State, if known, the name of the person that owns the dog or was in charge of it when the loss or damage was sustained.

31505. If the person that owns the dog or was in charge of it when the damage or loss was sustained appears from the complaint, the judge shall forthwith issue a summons against such person commanding him to appear before the judge and show cause why the dog should not be killed.

31506. The summons shall be made returnable not less than two nor more than six days from the date of issue and shall be served at least two days before the time of appearance ordered.

31507. The service of the summons may be made by any person over the age of 18 years or by registered mail to the last known address of the owner or person in charge. Any expense connected with the summons shall be borne by the owner of the livestock or poultry which was injured or the party that makes the complaint.

31508 Upon the return day fixed in the summons, the judge shall proceed to determine whether the loss or damage to the livestock was caused by the dog. If he finds that it was caused by the dog, he shall notify the person that owns the dog or was in charge of it when the loss or damage was sustained to kill the dog. Failure of such person to kill the dog as directed renders the owner subject to the penalties which are prescribed in this division.

DIVISION 15. MILK AND MILK PRODUCTS ACT OF 1947

PART 1. GENERALLY

Chapter 1. Short Title and Definitions

32501. This division shall be known as the Milk and Milk Products Act of 1947.

32502. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

32503. "Approved milk inspection service" means a milk inspection unit and laboratory which are maintained in connection with a county or city or any combination of cities or counties, or both cities and counties, for the purpose of grading market milk and inspecting dairy farms which are producing market milk, or milk products plants which are processing or handling market milk and related products within an area which is designated and assigned by the director, conformable to the provisions of this division and the regulations established by the director, which inspection service has been approved in writing by the director.

32504. "Cream" means that portion of milk, rich in milk fat, which rises to the surface of milk that is left standing or which is separated from milk by centrifugal force.

32505. "Dairy farm" means any place or premises upon which milk is produced for sale or other distribution and where more than two cows or six goats are in lactation.

32506. "Dairy farm scorecard" means the card which is adopted by the director pursuant to Section 32791 for the official scoring of dairy farms.

32507. "Imitation milk product" means any substance, mixture, or compound, except milk or any milk product, which is intended for human food that is made in imitation of milk or any milk product.

32508. "Manufacturing cream" means cream which does not conform to the requirements of market cream.

32509. "Manufacturing milk" means milk which does not conform to the requirements of market milk.

32510. "Market milk" means milk which is supplied to the consumer in the natural fluid state, or which is prepared for human consumption without being converted into any other form or product. It shall conform to the standards which are provided in Chapter 2 (commencing with Section 35751), Part 2, of this division. Except as otherwise specifically provided in Section 35811, "market milk" includes "market cream."

32511. "Milk" means the unadulterated lacteal secretion which is obtained from the udder of a cow or goat.

32512. "Milk product" includes milk, cream, sour cream, half-and-half, ice cream, ice milk, butter, cheese, milk fat or butterfat, skim milk or nonfat milk, evaporated milk, evaporated cream, sterilized flavored drink, sterilized flavored milk, sterilized cream, sterilized milk, nonfat dry milk, dried milk, milk drink mix, milk drink, buttermilk, cultured buttermilk, modified milk, concentrated milk, concentrated skim milk, sour cream dressing, yogurt, whipped cream or cream topping, eggnog, ice cream mix, ice milk mix, dietetic or low fat yogurt, low fat milk, evaporated or condensed skim milk, sweetened condensed milk, renovated butter, whipped cream mix or cream topping mix, fruit yogurt, sterilized flavored cream, dried whey, sherbet, yogurt sherbet, quiescently frozen confections, and any other product which is prepared or manu-

factured from milk or cream for which a standard of composition is established by or pursuant to this division.

32513. "Milk products plant" means any place in which a milk product, except raw milk, is produced. It does not, however, include a room in which cheese and cheese products are cut, wrapped, and packaged into individual consumer packages.

32514. "Milk products plant scorecard" means the card which is adopted by the director pursuant to Section 32791 for the official scoring of milk products plants.

32515. "Pasteurized" means that the milk or milk product has been subjected to a process which is described in Chapter 8 (commencing with Section 34001) of this part, or other process which has been demonstrated to be equally efficient and has been approved by the director.

CHAPTER 2. POWERS OF DIRECTOR

Article 1. Enforcement

32701. The director shall, and representatives of approved milk inspection services under his general supervision may, enforce this division.

32702. The director may bring an action to enjoin any violation or threatened violation of any provision of this division, in the superior court in and for the county in which the violation occurred or is about to occur.

32703. Any proceeding pursuant to this article shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

32704. Any money in the Department of Agriculture Fund which is derived under this division may be expended for the enforcement of any or all of the provisions of this division, notwithstanding any other provision of law, except Section 35252, which limits the expenditure of any such money to some specific purpose or to the enforcement of some specific section, article, or chapter of this division.

Article 2. Inspection and Samples

32731. The director may do all of the following:

(a) Enter and inspect any premises or conveyance where any provision of this division is applicable.

(b) Take a sample of any milk, cream, product of milk or cream, or imitation milk product.

(c) Impound and hold for analysis or as evidence any milk, cream, product of milk or cream, or imitation milk product.

(d) Impound and hold for analysis or as evidence any container of milk, cream, or product of milk or cream.

(e) Examine, inspect, test or by other means determine the health of any cow or goat.

(f) Exclude from the herd any animal which produces milk that is unfit for human consumption.

32732. No prosecution which is based upon a sample of milk, cream, or a product of milk or cream, shall be had unless a duplicate of the sample is left with the accused.

Samples which are taken in connection with the establishment of proof of fraudulent manipulation of the tests for the basis of payment for milk or cream, need not, however, be given to the accused.

Article 3 Animals Carrying Pesticide Residues

32741. If the director determines that any female dairy animal, including any goat, is carrying pesticide residues in its body or has been fed any feed which contains an amount of pesticide residues which will cause the milk produced from the animal to be adulterated with pesticide residues, he may order the animal to be held on the premises where it is found until he has determined that milk produced by the animal is not adulterated with pesticide residues.

32742. It is unlawful for any person to move any such animal except under written permission of the director and in accordance with the conditions stated in such written permission, or until the hold order has been revoked.

32743. The director shall notify the owner or agent of any animal which is ordered held, or for which he has specified conditions for moving, pursuant to this article.

Article 4. Condemnation

32761. The director may condemn any of the following:

(a) Milk or cream which is found to be impure, tainted, unclean, adulterated, or unwholesome.

(b) Milk or cream that is produced, handled, or kept in an insanitary place.

32762. The director may mark any condemned milk or cream for identification.

32763. The director shall prescribe the method of marking condemned milk or cream for identification but shall not, in marking condemned milk or cream, add any substance to it which shall render the condemned milk or cream unsuitable for a use or purpose except human consumption.

32764. Condemned milk or cream which has been marked for identification shall be returned to the producer of the milk or cream, if requested by the producer, or shall be used in the manufacture of products other than products which are used for human consumption, or shall be destroyed Such condemned milk or cream which has been marked for identification shall not be destroyed until the producer of the milk or cream has been notified. Upon such notification the producer

shall immediately request the milk or cream be returned to him at his expense or request that it be destroyed.

32765. The director may condemn any product of milk or cream or imitation milk product which is within any of the following classes:

(a) Impure, unclean, unwholesome, or stale.

(b) Produced or manufactured, handled, or kept in an insanitary place.

(c) Adulterated or mislabeled.

32766. The director may destroy or mark for identification with a nontoxic substance, any condemned product of milk or cream or imitation milk product.

32767. No manufactured product of milk or cream or imitation milk product may be destroyed by the director without due notice to the owner of the product, and a hearing before the director or an officer designated by him.

Article 5. Reports, Scorecards and Statistics

32791. The director shall adopt a dairy farm scorecard and a milk products plant scorecard for the official scoring of dairies and milk products plants. The director shall, either directly or indirectly through his authorized agents or those of an approved milk inspection service, do all of the following:

(a) Inspect dairy farms and milk products plants.

(b) Conduct or supervise milk scoring or other contests if deemed advisable by the director.

32792. The director shall do all of the following:

(a) Compile and publish statistics relative to the dairy industry, oleomargarine, and imitation milk products.

(b) Disseminate the statistics and other information useful to the general good and development of the dairy industry of the state.

32793. The director shall provide blanks for reporting milk and milk products statistics. He shall, on or before the first of each month, cause to be mailed to each person that is engaged in operating any milk products plant and to each market milk distributor such number of the blanks as may be necessary. Each person that is engaged in operating any milk products plant or that is a market milk distributor shall, within 30 days after the blank is mailed to him, transmit to the director a full and accurate report of the amount of milk and milk products which he produced, purchased, manufactured or distributed during the preceding month.

32794. In addition to the monthly report, the director may require annual, semiannual, or quarterly reports of the same general character as the monthly report.

Article 6. Suspension or Revocation of Licenses or Permits

32811. Any license or permit which is issued pursuant to this division, may be suspended or revoked by the director, after a hearing before the director if, within 30 days after

written notice, the licensee or permittee fails to comply with the laws and regulations under which the license or permit was granted. The licensee or permittee shall have written notice of the time and place of the hearing and the charges which are made against him.

32812. Thirty days' notice is not required before a license or permit may be suspended or revoked by the director where the premises or appurtenances of the licensee or permittee are in a manifestly insanitary condition nor in cases of manipulation by the licensee or permittee of measures, weights, samples, or tests for milk fat content or bacterial counts of milk or cream upon which payment is based, or the record of such tests.

32813. The proceedings for the suspension or revocation of a license or permit shall be conducted pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers granted in such chapter.

CHAPTER 3. GENERAL REQUIREMENTS

32901. It is unlawful for any person to sell, give away, deliver, or knowingly purchase or receive any milk, cream, product of milk or cream, imitation milk, imitation cream, imitation milk product, or any substitute for any milk product which does not conform to the standards which are established by this division. It is unlawful for any person to sell, give away, deliver, or knowingly purchase or receive as, or for, milk or cream any product which is prepared or manufactured by the mixing or blending of milk, skim milk, or any of the derivatives of milk or skim milk, with butter.

32902. It is unlawful for any person to sell, for human consumption as cow's milk, any goat's milk or any mixture of cow's milk and goat's milk. It is unlawful for any person to sell for human consumption as goat's milk, any cow's milk or any mixture of goat's milk and cow's milk.

32903. Except as otherwise provided in Section 32905 it is unlawful for any person to sell any milk, or any product of milk from cows or goats that have not negatively passed a tuberculin test applied regularly in accordance with regulations of the department by one of the following:

(a) A veterinarian in the employ of the department.

(b) A veterinarian of the Agricultural Research Service of the United States Department of Agriculture.

(c) A veterinarian approved by the department and accredited by the Agricultural Research Service of the United States Department of Agriculture.

In the case of cows or goats which are producing milk that is to be used as raw market milk, "tuberculin test applied regularly" means at least once annually.

32904. If reacting animals are found they shall be removed from the herd immediately by the owner and kept separate

and apart from other cattle and disposed of in accordance with the provisions of Chapter 2 (commencing with Section 9901), Part 1, Division 5 of this code.

32905. Milk or any milk product which does not satisfy the requirements prescribed by Section 32903 may be sold in this state in the following cases:

(a) If such milk or milk product was produced in a modified accredited area within the United States.

(b) If, in the case of any milk product which was produced in a foreign country, satisfactory evidence is presented which indicates its origin from nonreacting tuberculin tested animals.

32906. It is unlawful for any person to sell, give away, or deliver, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale or adulterated milk or cream, or any product which is manufactured wholly or in part from such milk or cream.

32907. It is unlawful for any person to sell, give away, deliver, or knowingly purchase or receive any milk or any product of milk which is within any of the following classes:

(a) Has been produced in or by a dairy farm or milk products plant in an insanitary condition.

(b) Is handled by any carrier of milk or any product of milk that is in an insanitary condition.

(c) Is in any store or depot that is in an insanitary condition.

32908. It is unlawful for any person to sell, give away, deliver, or to knowingly purchase or receive any imitation milk product which has been produced in a plant that is in an insanitary condition, or that is handled by any carrier or any store or depot that is in an insanitary condition.

32909. It is unlawful for any person to produce, manufacture, prepare for sale, or sell any of the following:

(a) Any milk, cream, or other product of milk to which has been added, or that contains, any compound of boron, salicylic acid, formaldehyde, or other preservative.

(b) Any milk or product of milk, except as otherwise provided in this division, to which has been added any coloring matter or any gelatin or other substance.

This section does not prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatin, sweetening, eggs or egg products, harmless coloring or flavoring, or edible stabilizer in the manufacture of ice cream, ice milk, sherbet, or edible stabilizer or citric acid in the creaming mixture for cottage cheese, or the use of alkalies approved by the director, in the manufacture of butter, or the adjustment of the acidity of ice cream mix within limits designated by the director.

32910. Except as otherwise provided in this division, it is unlawful for any person to manufacture or sell any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them or any ice cream, ice milk, cheese, or any

other milk product to which has been added any fat or oil, except milk fat, or the fat naturally contained in chocolate and not separated from it, either under the name of such products, articles, or the derivatives of them, or under any fictitious or trade name. The addition, however, to the products which are commonly known as condensed skim milk, condensed buttermilk, or semisolid buttermilk of not more than 5 percent of pure cod liver oil is not a violation of this section, if the product is sold for poultry or stock feed.

32911. A person shall not efface, erase, cancel, or remove any mark, statement, or label which is required by this division, with intent to mislead, deceive, or to violate any provision of this division.

32912. Every milk product or imitation of a milk product at the time of sale to the retail trade shall be labeled and billed with the correct name of the product and shall conform to all other requirements for special labeling of the product which are provided in this division and the regulations for its enforcement.

32913. A person shall not use the name of any such product, orally, printed, or written, in connection with the sale of any product or substance unless such product or substance conforms to the definitions and standards which are prescribed by this division.

32914. A person shall not make or cause to be made any statement, oral, written, or printed, or make or print, or cause to be made or printed, any design, symbol, picture, or illustration in connection with the advertising or sale of any product, article, or compound which is defined in this division, which statement, design, symbol, picture, or illustration is false, deceptive, or misleading in any manner.

32915. The labeling requirements of Sections 32912, 32913, and 32914 also apply to milk and cream which is sold in bulk to the wholesale trade and to milk and cream which is sold by any milk products plant for processing purposes.

32916. All cream, skim milk, buttermilk, ice cream, butter, cheese, or other milk product which is sold, designated, or advertised as certified shall be conspicuously marked with the name of the commission which certifies it and certifies the milk from which such cream, skim milk, buttermilk, ice cream, butter, cheese and other milk product was obtained.

32917. A person shall not render any statement or bill which shows the weight, grade, percentage of fat, amount of fat, solids not fat, bacteria count, price, or total amount paid, for milk or any milk product which is false, deceptive, or misleading in any particular.

32918. Every vehicle from which any milk or milk product is regularly sold and marketed or peddled shall have the name of the distributor plainly lettered upon it in letters at least 3 inches high on both sides of such vehicle.

32919. The director may by regulation require every distributor that delivers any packaged milk in fluid state to any

agency of the United States government for resale for off-premises consumption to label the containers of such packaged milk, if practicable, with a conspicuous notice that the milk has been procured for use by such agency. The director may also require such additional notice regarding prohibition against resale of such packaged milk as he, under the circumstances, deems proper.

CHAPTER 4. INSPECTION SERVICES

Article 1. Definitions

33051. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

33052. "Eligible list" means the list established by the State Personnel Board pursuant to Section 33111 of persons who are qualified to be employed by the department in the enforcement of this division and the regulations of the director.

33053. "Established milk inspection area" means an area in which the inspection or grading service is established and conducted by the director and wherein such service is not conducted under an approved milk inspection service.

Article 2. General Provisions

33081. The director may authorize as many approved milk inspection services as may be necessary to properly carry out the provisions of this division and the regulations for its enforcement.

33082. The director shall supervise the operation of all approved milk inspection services in the enforcement of this division and the regulations which are adopted by him.

33083. The director may adopt regulations for the proper enforcement of this chapter.

33084. The director, at least once each month, shall report to the State Controller the total amount of money which is collected under Section 33294. He shall, at the same time, pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended as provided in Section 32704.

33085. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of all transactions under this chapter during the current biennium, including a complete statement of receipts and expenditures during the period.

Article 3. Employees

33111. The State Personnel Board shall hold examinations in various parts of the state for the purpose of determining the qualifications of persons who desire to become employed

by the department in the enforcement of this division and the regulations of the director, and shall establish an eligible list of persons who are qualified for such employment.

33112. Any person who is employed by the state or any county or city in this state may be eligible for employment by any county or city without being on the eligible list if such person was employed by the state or any county or city in this state, and while so employed, enforced laws, rules, regulations, and ordinances which pertain to milk and milk products within four years immediately preceding the date his present employment commenced.

33113. A person is not eligible to take the examination unless he possesses one of the following qualifications:

(a) Graduation from a four-year college with specialization in studies which related to dairy farms or milk and milk products.

(b) Graduation from a veterinary college of recognized standing at the time of graduation and at least one year of experience in the production, processing, or inspection of milk or milk products.

(c) At least three years of experience in this state with an approved milk inspection service, or with the Bureau of Dairy Service of the department, in inspection and enforcement work which pertains to dairy farms or milk and milk products.

33114. The State Personnel Board shall, upon the written request of any county or city, certify to it a complete list of all persons upon the eligible list.

33115. No person shall be hereafter employed by the department or any county or city for the purpose of the enforcement of this division, the regulations of the director, or any ordinance of a county or city which relates to the inspection of dairy farms, milk products plants, or milk products, unless he was at the time of such employment on the eligible list or was previously employed as provided for in this article.

33116. If the employees of any county or city who inspect dairy farms, milk products plants, or milk products are subject to qualification by a civil service board or commission, a person may not take an examination for such a position which is given by the civil service board or commission unless he is upon the eligible list or has been previously employed as provided for in this article.

33117. If a county or city charter requires local residence as a prerequisite to employment, and the number of persons upon the eligible list who can meet such residence requirement is less than three, or if there are less than three persons upon such eligible list, the State Personnel Board shall prepare and certify to each county and city which requests it, a list of persons who are eligible for temporary appointment pending the establishment of a suitable eligible list.

33118. The director shall, from time to time, conduct special refresher courses which shall not exceed five days, at various convenient places in the state for the purpose of training persons who are employed by the department and by each county and city in the enforcement of this division, regulations of the director, or the ordinances of any county or city which relate to the inspection of dairy farms, milk products plants, or milk products, in all of the following:

(a) Dairy science.

(b) Uniform methods of enforcement of this division.

(c) The regulations of the director.

(d) Ordinances of counties and cities which concern dairy farms, milk products plants, and milk products.

(e) Other pertinent information which concerns dairy farms, milk products plants, and milk products.

33119. Attendance at such a refresher course shall be mandatory, in the discretion of the director, upon any or all persons who are employed by the department and each county and city in the inspection of dairy farms, milk products plants, and milk products.

33120. Any person who is employed by the department or any county or city shall be paid his salary or compensation while he is attending such a special refresher course.

33121. This article does not apply to any clerical employee, or to any person who is employed in a laboratory.

Article 4. Designation and Assignment

33141. If a producer or distributor delivers or sells market milk within the jurisdiction of an approved milk inspection service, the director, after an investigation and consultation with the health officer of each county and city which is involved, shall do all of the following:

(a) Designate and assign the county or city approved milk inspection service which shall conduct the milk products plant inspection or the dairy farm inspection, or both.

(b) Define the district or area in which each county or city shall conduct milk products plant inspection or dairy farm inspection, or both.

33142. The director, in making the designation and assignment, shall take into consideration, in addition to other matters which are considered by him, the geographical convenience of each county and city approved milk inspection service which renders such inspection, and the percentage of market milk and related products which are sold or delivered within each.

33143. No more than one approved milk inspection service may be designated by the director for any single dairy farm which produces market milk, or for any single milk products plant which processes or handles market milk and related products.

33144. Any market milk or related product which is inspected by any approved milk inspection service may be sold and delivered within the jurisdiction of any county or city.

33145. The county or city approved milk inspection service which is designated by the director to render the inspection service shall enforce all applicable local sanitary ordinances which pertain to dairy products, dairy farm sanitation, or milk products plant sanitation of each county and city into which such market milk or related product is sold or delivered, or in which the dairy farm or milk products plant is located.

33146. Any producer, distributor, or approved milk inspection service may file with the director a written protest regarding any designation which is made pursuant to Section 33141. It shall state in the written protest all the reasons for the protest.

33147. The director may, within 30 days after the receipt of the protest and after at least five days written notice to any approved milk inspection service which is concerned, hold a hearing on the protest.

33149. The director upon his own motion, after giving at least 10 days written notice to any approved milk inspection service which is concerned, may hold a hearing on any designation which is made pursuant to Section 33141 if it appears that a change in such designation may result in greater uniformity in inspection areas and eliminate duplication of effort and traveling.

33150 Upon the completion of the hearing, the director may revoke or amend such designation, or designate another approved milk inspection service to perform the inspection as provided in this article.

33151. Upon the approval in writing of a milk inspection service by the director, the approved milk inspection service shall do all of the following:

(a) Grade market milk as produced or sold under its jurisdiction.

(b) Require the use of the respective grade designations as prescribed in this division.

(c) Enforce this division in accordance with the regulations which are adopted by the director that pertain to market milk.

Article 5. Establishment of Inspection Service by Director

33171. If applications for permits to be issued by the director pursuant to Section 33222 are received from applicants that total 51 percent or more in number of the persons that desire to engage in the business of producing, processing, selling, or distributing any grade of market milk in an area in which no inspection service has been established by the director, the director shall establish and conduct a milk inspection service unless the funds which are derived under Article 9 (commencing with Section 33291) of this chapter are inade-

quate to maintain the milk inspection service subject to establishment by the director. If they are inadequate, the establishment of such milk inspection service is not required.

33172. If the funds derived from an area wherein a milk inspection service has been established by the director are insufficient to defray the added cost of inspection for a graded milk supply, the director, on 30 days notice, may withdraw such graded inspection service. The producers and distributors of market milk in that area are thereafter required to pay only the inspection fee or fees which are specified in subdivisions (c) and (d) of Section 33294.

33173. If within the 30-day period prior to the withdrawal of the graded inspection service, petitions are filed with the director by 51 percent or more of the persons that are engaged in the business of producing, processing, selling, or distributing graded market milk within the area, which request that the graded inspection service be continued and which agree to pay the added cost of maintaining such service within the area, the director shall, after hearing, establish the amount which is necessary for augmentation of the inspection fees for producers and distributors within the area.

Such fees shall be reasonably calculated to defray the additional cost of maintaining such graded inspection service. The director shall continue such service so long as the funds which are derived from the area are sufficient to defray the cost of such inspection.

Article 6. Interagency Contracts

33201. Counties and cities may, subject to the approval of the director, contract, one with the other, for the maintenance by one, or some of them, of such approved milk inspection service within the limits of the other as will best carry out this division and avoid duplication.

Article 7. Permits

33221. As used in this article, "permit" means a permit which is issued pursuant to Section 33222.

33222. Every person, before engaging in the business of producing, processing, selling, or distributing market milk, shall obtain a permit from the director or from the approved milk inspection service which is maintained by the city or county which is designated by the director pursuant to this chapter for each dairy farm, milk products plant, or place of business, whichever is applicable.

33223. If a permit is issued by an approved milk inspection service designated by the director to a producer of market milk or to a milk products plant, no other permit shall be required of such producer or milk products plant by any other approved milk inspection service, except that where an approved milk inspection service has regularly required the is-

suance of permits to milk products plants, upon the registration and notice in Section 33226, such permits may be issued and may be revoked for cause.

33224. Upon receipt of an application for a permit, the director or approved milk inspection service shall cause an investigation to be made of the dairy, milk products plant, or place of business where milk is produced, sold, or distributed and, in the case of a dairy, of the herd which produces the milk.

33225. If this division and the standards which are established by or adopted pursuant to the authority which is granted in this division are complied with and the applicant's milk is to be sold or distributed within a city or county or combination of either or both which maintain an approved milk inspection service, a permit shall be issued by the director or the approved milk inspection service, to such dairy farm, milk products plant, or place of business. Such permit shall be issued for a period not to exceed one year.

33226. No distributor that holds a permit from the director or from an approved milk inspection service shall sell or distribute any market milk within the jurisdiction of any other approved milk inspection service unless, at least 48 hours prior to any sale or distribution, he has first registered with and furnished to such other approved milk inspection service evidence that his permit is in full force and effect

33227. A person that is authorized to sell market milk within the jurisdiction of a milk inspection service may sell market milk from the same supply, of the same quality, in similar containers, and under the same label in any of the following:

(a) Territory outside the jurisdiction of any milk inspection service, if local ordinances, not in conflict with any provision of this division, are not thereby violated.

(b) Territory within the jurisdiction of any other milk inspection service if a permit pursuant to this article has been previously obtained.

Article 8. Fees Payable to a City or County

33251. The city or county, or group of either or both, which maintains an approved milk inspection service where an inspection fee is levied and collected shall determine the actual cost of making an inspection of a dairy farm which produces market milk, or a milk products plant which processes or handles market milk and related products, or both such farm and plant, within the area which is designated and assigned to such service by the director

33252 For the purpose of maintaining an approved milk inspection service, the city or county, or group of either or both, may, but is not required to, levy and collect an inspection fee or fees from distributors of market milk which is produced at dairy farms, or processed and handled at milk

products plants, or both, within the area which is designated and assigned to such service by the director.

33253. The dairy farm inspection fee shall not exceed the actual cost to the city or county of making the dairy farm inspection.

33254. No approved milk inspection service and no distributor shall charge any portion of such fees to any producer.

33255 The milk products plant inspection fee shall not exceed the actual cost of making the milk products plant inspection.

33256. The cost of such inspections, dairy and plant, may include all directly related costs.

33257. If an approved milk inspection service inspects a dairy farm, the dairy farm inspection fee, if levied, shall be collected from the distributors of market milk which is produced on the dairy farm, whether or not the milk products plants of the distributors are located within the area designated and assigned to such service by the director.

33258. If an approved milk inspection service inspects a milk products plant, the milk products plant inspection fee, if levied, shall be collected from the distributor that maintains the milk products plant.

33259. This article does not require any city or county to levy and collect an inspection fee for either dairy farm inspection or milk products plant inspection, or both, if such fee is not presently levied or collected.

33260. If market milk which is produced at a dairy farm is delivered to more than one milk products plant, any inspection fee which is levied for the cost of the dairy farm inspection service shall be proportioned upon an equitable basis between distributors that receive the market milk at their milk products plants and shall be paid for in such proportions by each such distributor to the approved milk inspection service which renders the inspection service.

33261. Charges which are made by any approved milk inspection service for inspection fees are subject to audit by the director, and for this purpose the director shall have access to all books, papers, records, or documents which pertain to any and all transactions of any approved milk inspection service and may inspect and copy them in any place within the state.

33262. Any distributor may file with the director a written protest as to the reasonableness of any inspection fee which is levied and collected from the distributor pursuant to Section 33252.

33263. The director may, within 30 days after the receipt of such protest, and after at least five days written notice to any approved milk inspection service which is concerned, hold a hearing on the protest.

33264. Upon the completion of hearing, the director may establish a reasonable fee for the inspection which is the subject of the protest. Thereafter until such order of the director

is revoked, suspended, or amended, such distributor, notwithstanding any other provision of this article, is not required to pay to the approved milk inspection service any inspection fee in excess of the fee which is designated as reasonable by the director.

33265. A city or county shall not, through an approved milk inspection service or otherwise, levy or collect any fee or tax from or against any producer or distributor for the purpose of inspecting any milk or dairy product on any truck or other vehicle or during transportation of such milk or dairy product. Any inspection of any milk or dairy product on any truck or other vehicle shall be a part of the dairy farm or milk products plant inspection which is provided for in this article.

Article 9. Fees Payable to the Director

33291. Every person that is engaged in the production, sale, or distribution of market milk, outside the jurisdiction of any approved milk inspection service, shall pay an inspection fee to the director

33292. Every distributor that is subject to this article shall deduct from payments which are due producers for market milk, and shall pay to the director, the fee required to be paid by such producer.

33293. The inspection fee is payable during the first week of January, April, July, and October of each year.

33294. The director shall fix the fee from time to time whenever he finds that the cost of administering this chapter can be defrayed from revenue derived from lower fees but in no case shall the inspection fee exceed the following:

(a) For producers that sell market milk at wholesale which is to be sold as graded market milk, three mills ($0.003) for each gallon of graded market milk which was sold during the quarter-year period preceding the date such inspection fee becomes due and payable.

(b) For distributors that purchase market milk from producers or from other distributors which is to be sold as graded market milk or that distribute their own graded market milk, three mills ($0.003) for each gallon of graded market milk which was received or so produced during the quarter-year period preceding the date such inspection fee becomes due and payable

(c) For producers that sell market milk at wholesale, two mills ($0.002) for each gallon of ungraded market milk which was sold during the quarter-year period preceding the date such inspection fee becomes due and payable.

(d) For distributors that purchase market milk from producers or that distribute their own market milk, two mills ($0 002) for each gallon of ungraded market milk which was received or so produced during the quarter-year period preceding the date such inspection fee becomes due and payable.

Article 10. Violations

33321. It is unlawful for any person to do any of the following:

(a) Prevent, interfere with, or attempt to nullify in any way the work of any duly authorized representative of the department or of an approved milk inspection service in the enforcement of any provision of this division.

(b) Interfere with or prevent any such representative from examining any records or books in the conduct of his official duty.

(c) Prevent or interfere with any such representative if he deems it advisable to secure samples of milk or any product of milk, imitation milk, imitation butter, or oleomargarine, or any substance which is designed to be used as a substitute for milk or any product of milk.

Chapter 5. Dairy Farms

Article 1. General Provisions

33451. A dairy farm which is insanitary, deficient, or unsatisfactory is subject to the action provided in this chapter.

33452 A dairy farm is not required to have a mechanical sterilizer, mechanical cooler, or milk house or room, if all of the following conditions are satisfied:

(a) It produces milk for manufacturing purposes only.

(b) It has not more than 6 cows or 18 goats.

(c) Regular daily deliveries are made of all of the milk produced for sale on the dairy.

33453. This chapter does not prohibit the immediate degrading or exclusion from the market or the immediate condemnation by the director or an approved milk inspection service of any milk or cream which is contaminated or which is produced in a dairy barn or held in a milk house which is in such an insanitary condition that the milk or cream will be contaminated by direct contact with filth.

Article 2. New Construction or Repairs

33481. The director shall establish regulations and provide plans and specifications at cost for the construction of sanitary milk barns and milk houses which are used in the production of market milk. The regulations, plans, and specifications shall provide that the buildings shall be sound, readily cleanable, and of sanitary construction and that the buildings shall afford the proper working space and be constructed to admit sufficient light and ventilation.

33482. The regulations, plans, and specifications may be varied to suit the climatic and other differences in the various sections of the state. If regulations, plans, and specifications have been adopted or established by the director, they are the standard building requirements of all market milk dairy farms

which are operating in the same geographical area of the state.

33483. Minimum construction standards for new market milk dairy farms and extensive repairs to existing market milk dairy farms shall not be less than those which are established by the director pursuant to the authority which is conferred upon him by this article.

33484. Any dairy farm building heretofore or hereafter constructed in accordance with the regulations, plans, and specifications heretofore or hereafter adopted by the director is not, however, required to be rebuilt to conform to any future change in the regulations, plans, or specifications.

33485. No authority is conferred by this article upon the director or any approved milk inspection service to require the rebuilding of any existing dairy farm building unless the owner of the building is making repairs to it to the extent of at least 75 percent of the value of such building.

33486. All existing structures which are used in the production of market milk shall be kept in repair in accordance with the sanitary requirements and standards which are established by this division.

Article 3. Dairy Farm Sanitation

33511. If any provision of this article is violated by any dairy farm, the dairy farm is insanitary, deficient, and unsatisfactory.

33512. An open cesspool, pigpen, stagnant water, accumulation of manure or other filth shall not be permitted within 100 feet of the milk house or room, or within 50 feet of any milking barn, stanchions, or other place where milking is done.

33513. Human excreta or other human wastes shall be properly disposed of by the use of flush toilets and septic tanks, approved pits, or chemical toilets. Such toilets shall be conveniently located and properly constructed, operated, and maintained, so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply. No approved pit or chemical toilet, however, shall be permitted within 100 feet of the milk house or room or within 50 feet of any milking barn, stanchions, or other place where milking is done.

33514. The buildings, yards, or enclosures shall not be filthy or insanitary, nor shall any part of such yards or enclosures, except pastures, be made the depositories of manure in heaps or otherwise, where it is allowed to ferment and decay.

33515. The water supply for the milk house or room and dairy barn shall be properly located, constructed, and operated, easily accessible, adequate, protected against contamination, and of safe and sanitary quality. The bacterial quality shall conform to the standards of the State Board of Health for public supplies of drinking water.

33516. The water supply for drinking by livestock shall not be stagnant, polluted with manure, urine drainage, decaying vegetable or animal matter, or pathogenic bacteria of any source.

33517. No person who is connected with or employed on a dairy farm and liable to come in contact with the milk or cream of the dairy farm or the dairy farm operations shall be afflicted with any communicable disease or in a condition to disseminate the germs of any communicable disease.

33518. A suitable milk house or room, which is properly screened to exclude flies or insects shall be provided and maintained for the separating, cooling, mixing, canning, and keeping, or otherwise caring for, the milk and cream. The milk house or room shall not be used for any other purpose. It shall not be located in, or be a part of, any building in which fowls or animals, except milking cows, are housed, or be a part of any room where milking cows are held, or a part of, or communicate with, any room or place which is used by any person for sleeping or living accommodations.

33519. The pails, cans, bottles, or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus, or equipment which come in contact with the milk or its products shall be thoroughly washed and afterwards sterilized each time they are used by exposing them to water or water vapor at a temperature above 200 degrees Fahrenheit, or by boiling water or by superheated steam, or by a chemical or other sterilization process which has been approved by the director and which is used in the manner which is established by regulation of the director.

33520. Milking machine rubber parts, however, may be sterilized after each use by immersion for a period of at least 15 minutes in water which has a temperature of not less than 170 degrees Fahrenheit or by a chemical process.

33521. The containers, appliances, or equipment, after sterilization, shall be adequately dried and protected from flies, dust, and other contamination.

33522. No container, utensil, appliance, or equipment shall be used for any purpose except the handling of milk or products of milk.

33523. The udders, flanks, hind legs, and tails of cows or goats shall be reasonably clean during milking.

33524. The milk or cream shall be protected from contamination by dust and flies.

33525. The person or wearing apparel of the dairyman, his employees, or other persons who handle the milk or its products and containers or equipment of the milk or its products shall not be soiled and shall be washed with reasonable frequency.

33526. The hands of milkers shall be clean and dry during the entire period of milking.

33527. The milk or cream shall be cooled to a temperature within four degrees Fahrenheit of the temperature of the cold-

est water which is available on the premises within one hour after it is drawn from the cows or goats and kept as cool as conditions will permit until delivery to a milk products plant.

33528. The interior of the milking barn or milk house or room shall be kept clean and free from accumulated dust and cobwebs.

33529. The walls of the milking barn shall not become soiled with manure, urine, or other filth.

33530. The feed shall not be spoiled or otherwise unfit for feeding cows or goats and the production of milk.

Article 4. Violations

33551. For any violation of any provision of this chapter a dairy farm shall be degraded or the milk or cream from it shall be excluded from the market. No dairy farm, however, shall be degraded or the milk or cream from it excluded from the market, unless the exclusion is made pursuant to Section 33453, for a violation of any provision of this chapter, which, upon written notice from a qualified inspector, can be corrected and is corrected within 72 hours of the issuance of the notice.

The notice shall be served personally on the owner or operator of the dairy farm. A copy of it shall be immediately delivered or mailed to the distributors that purchase the milk or cream produced on the dairy farm.

33552. No notice for a subsequent violation of any provision of this chapter, for which a notice, as herein provided, has been issued is required if such subsequent violation occurs during the three-month period following issuance of the original notice.

Article 5. Reinstatement

33581. Application for the reinstatement at its previous standing of a dairy farm which has been degraded or the milk of which has been excluded from the market, pursuant to this chapter, shall be acted upon by the director or the approved milk inspection service which has jurisdiction, within three days after the receipt of the application by the director or approved milk inspection service.

Chapter 6. Milk Products Plants

Article 1. General Provisions

33701. It is unlawful for any person to operate a milk products plant unless such plant scores a minimum of 80 percent on the official scorecard for milk products plants which is established by regulation of the director. None of the provisions for scoring as set forth herein shall be applied to a dairy farm.

33702. The provisions of Sections 33701, 33762, 33763, 33764, and 33765 do not apply to any milk products plant, its

utensils, apparatus, and equipment which are used for the processing, manufacturing, handling, and storing of milk, or any products of milk if such milk products plant and its equipment are devoted exclusively to the preparation of products for animal and poultry feeds.

33703. Notwithstanding any provision of Section 33522, 33764, or 33765, containers, utensils, appliances, and equipment used for handling or bottling milk or milk products may be used for handling and bottling fruit juices or fruit juice base beverages pursuant to regulations of the director.

33704. The provisions of Sections 33701, 33731, 33732, 33733, 33734, 33767, 33768, 33770, 33771, 33776, and 34593 do not apply to the manufacture of a milk drink if such product is manufactured from milk drink mix or sterilized milk drink mix, or to ice cream which is manufactured from ice cream mix, or to ice milk which is manufactured from ice milk mix, if such products are manufactured in a freezing device from which such products are served directly in a semi-frozen state, without packaging of any type, for consumption on the premises in or from rooms where food is served to the public.

All such mixes so used shall be secured from a licensed manufacturer of milk products.

33705. Notwithstanding any other provisions of this division, any wholesome agricultural food product which does not affect the flavor or quality of milk products may be manufactured in any milk products plant subject to conditions which are prescribed by the director, and upon obtaining a special permit which is issued by the director after proper investigation.

Article 2. New Construction and Repairs

33731. No new milk products plant shall be constructed nor shall extensive repairs be made to any existing milk products plant unless plans or specifications which show in detail the nature of such construction or alteration have been submitted to the director and to the approved milk inspection service within whose jurisdiction the milk products plant will be, or is located and unless the plans and specifications have received the director's approval in writing.

33732. Except as otherwise provided in Section 33733, minimum construction standards for new milk products plants shall include a separate room for each of the following operations:

(a) Receiving and weighing of milk or cream, and washing and sterilizing of containers in which milk or cream is received

(b) Pasteurization, processing, cooling, and manufacturing

(c) Washing and sterilizing bottles or cans which are used in the delivery of milk or cream to the wholesale or retail trade.

(d) Bacteriological and chemical analyses.

(e) Adequate and efficient cold storage room or rooms mechanically equipped and operated.

(f) Boiler, compressor, and other machinery.
(g) Storing of supplies.
(h) Toilets, lavoratories, and lockers.

33733. A separate room is required for conducting each of the operations which is listed in Section 33732, except that, if any of the functions which are specified in subdivisions (a) to (g), inclusive, of that section are not performed at a milk products plant, there need not be a separate room provided for such function.

33734. Whenever and wherever the functions which are specified in Section 33732 are performed, such performance shall be with equipment which is determined by the director to be stationary by nature and permanently located.

Article 3. Milk Products Plant Sanitation

33761. If any provision of this article is violated by any milk products plant, the milk products plant is insanitary.

33762. Milk or cream, or any product of milk or cream, shall not be received, by a milk products plant if such milk or cream, or product of milk or cream, comes within any of the following classes:

(a) Is impure, tainted, unclean, adulterated, or unwholesome.
(b) Has reached an advanced stage of fermentation.
(c) Shows a state of putrefactive fermentation.
(d) Contains foreign substances which are detrimental to the quality of the product manufactured from the milk or cream or the product of milk or cream.

33763. The utensils and apparatus that come in contact with milk or its products shall be thoroughly washed and afterwards sterilized each time they are used by heating them to a temperature above 200 degrees Fahrenheit, or by a chemical or other sterilization process which has been approved by the director and which is used in the manner established by regulation of the director.

33764. The cans or other containers in which the milk or milk products are received, transported, or delivered shall be thoroughly washed, sterilized, and dried after emptying and before being sent out to be used again.

33765. No container, utensil, apparatus, or equipment, except as otherwise provided, shall be used for any purpose other than that of handling milk and the products of milk.

33766. The inside surfaces of any equipment, apparatus, or container, which comes in contact with milk or its products, shall be smooth and readily cleanable and free of open seams, cracks, or crevices.

33767. The floor shall be constructed of concrete or other impervious material which is acceptable to the director. It shall be so constructed as to be watertight and so sloped that all drainage will flow to one or more points of drainage. The floors shall be readily cleanable.

33768. Floor drains shall be provided which are properly trapped to exclude odors and connected to a sewer line that will convey refuse milk, water, and sewage away to a point at least 100 feet distant from the milk products plant.

33769. No milk, its products, or any filth shall be allowed to accumulate, ferment, or decay upon the floor or walls.

33770. No species of animal life other than man shall be permitted in any building which is used in connection with any milk products plant.

33771. No building which is used in connection with any milk products plant shall be used for any purpose except the handling of milk and milk products, equipment, apparatus, or containers of milk or milk products.

33772. The water supply shall be properly located and constructed so as to be easily accessible, adequately operated, and protected against contamination. The bacterial quality shall conform to standards of the State Board of Public Health for public supplies of drinking water.

33773. A cesspool, privy vault, hog yard, slaughterhouse, manure, or any decaying vegetable or animal matter shall not be so located as to become a nuisance or to permit foul odors to reach such milk products plant.

33774. All openings into any milk products plant shall be effectively protected against flies and insects and doors shall be self-closing.

33775. There shall be sufficient light in each room equivalent to not less than one 50-watt electric light per 100 square feet of floor area, reasonably and efficiently distributed. All rooms shall be adequately ventilated.

33776. Tight, sound, and cleanable walls and ceilings shall be provided. The walls shall be constructed of nonabsorbent material, acceptable to the director, sufficiently above the floor to take care of any splash and to prevent the flowing or seepage of water or other fluids underneath or between the wall and the floor or supporting members.

33777. A suitable toilet, with self-closing door, and lavatory facilities, soap, and clean towels shall be provided for employees. A toilet shall not communicate directly with any room which is used for handling milk or its products or with any room which is used for the washing, sterilizing, and storage of containers and supplies.

33778. The bodies or wearing apparel of persons who are employed or come in contact with any milk or its products shall be kept clean and shall be washed from time to time with reasonable frequency.

33779. No person who is connected with, or employed in, a milk products plant and liable to come in contact with milk or milk products or the milk plant operations, shall be afflicted with any communicable disease or in a condition to disseminate the germs of any communicable disease.

33780. No equipment or apparatus shall be installed or maintained in such manner so as to prevent thorough and adequate cleaning of walls and floors.

CHAPTER 7. CHEESE PACKAGING ROOMS AND IMITATION MILK PRODUCTS PLANTS

Article 1. Cheese Packaging Rooms

33901. A room wherein cheese and cheese products are cut, wrapped, and packaged into individual consumer packages shall be maintained in accordance with the sanitary requirements of Chapter 6 (commencing with Section 33701) of this division, except that foods which do not affect the flavor or quality of such cheese and cheese products may be handled in such a room.

Article 2. Imitation Milk Products Plants

33921. All of the provisions of Chapter 6 (commencing with Section 33701) of this division, apply to any building or structure in which any imitation milk product is manufactured, processed, or compounded, except that food which does not affect the flavor or quality of such imitation milk products may be handled in such building or structure.

CHAPTER 8. PASTEURIZATION

Article 1. Standards

34001. Pasteurization of milk or a milk product is a process which consists of one of the following:

(a) Uniformly heating milk or a milk product to a temperature of not less than 145 degrees Fahrenheit and of holding it at such temperature for at least 30 minutes.

(b) Uniformly heating milk or a milk product to a temperature of at least 161 degrees Fahrenheit and holding it at such temperature for at least 15 seconds.

Each such type of heating shall be conducted in approved and properly operated equipment. The milk or milk product shall be immediately cooled to a temperature of not above 50 degrees Fahrenheit after the completion of either of such heatings.

Nothing contained in this chapter shall be construed as prohibiting any other process which has been demonstrated to be equally efficient and is approved by the director.

34002. If the process of ripening or starting is to be commenced immediately, each of the following shall be cooled to a degree no lower than necessary for such ripening or starting:

(a) Cream which is pasteurized for use and which is used in the manufacture of butter.

(b) Milk which is pasteurized for use and which is used in the manufacture of cheese.

34003. In the process of producing cream from market milk which is to be used as market cream or for the standardization of market milk, such cream may be heated to a tempera-

ture of not to exceed 165 degrees Fahrenheit and immediately cooled to a temperature of 50 degrees Fahrenheit or less. Such heat treatment shall not prevent the subsequent pasteurization of such cream.

34004. Pasteurized skim milk, which is derived from market milk and which is used for standardizing pasteurized market milk, may be repasteurized once.

34005. Market cream which has not been packaged for distribution to consumers may be repasteurized once.

34006. Every person that operates any place where milk is received and byproducts are distributed shall pasteurize any skim milk, whey, or other milk byproduct which is to be used for feeding purposes for farm animals before delivering it. Such pasteurization may be accomplished by heating the byproduct to a temperature of 145 degrees Fahrenheit and holding it at that temperature for not less than 30 minutes, or by heating it to 185 degrees Fahrenheit without holding.

Article 2. Sanitation

34031. Any apparatus which is used for the pasteurization of milk or any milk product shall be kept in strictly clean and sanitary condition.

34032. Any vat, tank, or container which is used to store a milk byproduct shall be kept in a clean and sanitary condition.

Article 3. Thermometers and Temperature Records

34061. Each vat, tank, or other receptacle in which milk or any milk product is pasteurized shall be equipped with a recording thermometer device to accurately record the temperature to which, and the length of time for which, the pasteurized product has been heated.

34062. Each vat, tank, or other receptacle in which milk or any milk product is pasteurized shall also be equipped with an indicating thermometer.

34063. Any recording thermometer device and any indicating thermometer which is used in pasteurization shall be of a type which is approved by, and its use is at all times subject to the approval of, the director.

34064. Every person that uses any pasteurizing apparatus within the state shall date, preserve, and keep on file for not less than two months after they are made, all records which have been made by such thermometer. Such records shall, at all times, be open to the inspection of the director, and all state, county, and municipal officers who are charged with the enforcement of the laws and ordinances respecting milk products or the public health.

Article 4. Misrepresentation

34091. It is unlawful for any person to sell any milk or product of milk as and for pasteurized milk or a product of pasteurized milk, or to use the word "pasteurized" or any of its derivatives in connection with the sale, designation, advertising, labeling, or billing of any milk or product of milk, unless the milk and all products of milk which are contained in the milk or the product of milk, or used in its manufacture, consist exclusively of milk, skim milk, or cream which has been pasteurized.

CHAPTER 9. WEIGHING, MEASURING, AND TESTING OF MILK AND BASIS FOR PAYMENT

Article 1. General Provisions

34201. A person shall not do any of the following:

(a) Fraudulently manipulate the measure, weight, or test which is used for determining the grade or quality of milk, cream or any fluid derivative of milk or cream.

(b) Fraudulently manipulate the test which is used for determining the percentage of milk fat in milk, cream, or any fluid derivative of milk or cream.

(c) Overread or underread any such test.

(d) Take an unfair sample of milk, cream, or any fluid derivative of milk or cream on which the grade, quality, or amount of milk fat in it is to be determined.

(e) Fraudulently manipulate any such sample, or the record of any measurement, weight, test, or combination of them.

34202. No tolerance in weights, measures, percentages of milk fat, moisture, or any other measure or standard is permitted, except where specific provisions are made for such a tolerance.

Article 2. Basis for Payment

34231. Payment for milk, cream, or any fluid derivative of milk or cream shall be made on the basis of weight or measure and percentage of the milk fat contained in it, as determined by samples taken from each lot of the milk, cream, or fluid derivative of milk or cream upon delivery.

34232. If the director finds, after investigation by him, that facilities are not available for weighing and testing, upon request of the parties he may issue a written permit which authorizes the purchase and sale of milk, cream, or any fluid derivative of milk or cream upon a gallonage basis.

34233. This article does not prohibit weighing and sampling on a route, or the use of composite samples of milk, or the purchase and sale of market milk which is obtained from goats on a gallonage basis without the permit provided for in Section 34232.

Article 3. Milk Fat Tests

34261. A permanent record in duplicate of every test of milk, cream, or any fluid derivative of milk or cream which is purchased, received, or sold on the basis of the amount of milk fat that is contained in it, shall be made by a licensed tester on a standard form which is supplied by, or in accordance with the specifications for such record which are adopted by, the department.

34262. Each test shall be legibly recorded with indelible pencil or ink in such a manner as to correctly identify the test obtained upon the milk, cream, or fluid derivative of milk or cream.

34263. Each sheet or page shall be authenticated by the signature of the licensed tester. A duplicate record shall be deposited by the licensed tester immediately after completing the test on the day's samples, in a box which is provided by the purchaser, receiver, or seller of milk, cream, or fluid derivative of milk or cream, as the case may be. The box shall be constructed, sealed, and maintained in accordance with the regulations of the director.

34264. The original record of each test shall be immediately delivered to the purchaser, receiver, or seller of the milk, cream, or fluid derivative of milk or cream, and shall be retained by him for at least three months.

34265. The licensed tester shall retain an unmodified sample of any milk, cream, or fluid derivative of milk or cream which is tested by him for a period of time which is specified in regulations adopted by the director after tests of milk or cream have been made. The purchaser, receiver, or seller of milk or cream or fluid derivative of milk or cream shall provide a suitable place where the samples which are retained by the tester may be kept. Such place shall be acceptable to the department.

34266. In conducting the Babcock test, the milk fat column in tests on milk, in milk test bottles, shall be read from the extreme bottom of the fat column to the top of the top meniscus. In tests in cream test bottles, the meniscus at the top of the milk fat column shall be destroyed by the use of an overlying foreign oil approved by the department, and the milk fat column shall be read from the extreme bottom of the fat column to the plane of separation between the fat column and the overlying foreign oil. The reading of the test shall be made when the temperature of the milk fat is between 130 and 140 degrees Fahrenheit.

Article 4. Nonfat Milk Solids Tests

34291. The director shall, by regulation, adopt methods and procedures for the testing, weighing, and measuring of nonfat milk solids, and for the recording and reporting of such testing.

34292. Any such methods and procedures shall be based upon any or all or a combination of any of the following methods and procedures for testing, weighing, and measuring nonfat milk solids:

(a) The gravimetric method and procedure in which nonfat milk solids in milk samples are weighed after such milk has been subjected to a drying process.

(b) The specific gravity method in which nonfat milk solids are tested by specially calibrated hydrometers or other acceptable devices in milk samples in which the milk fat content has been previously ascertained.

(c) Any other method which is found by the director to achieve accuracy comparable to or greater than that which is achieved by the gravimetric or specific gravity methods.

Article 5. Equipment

34321. All measuring glassware, weights, or scales used by any licensed tester or licensed technician shall be accurate.

34322. All glassware shall be examined by the director and, if it is found to be accurate, each piece shall have a legible or indelible distinguishing mark placed upon it by the department.

34323. Every Babcock milk test bottle shall comply with all of the following specifications:

(a) The total percent graduation shall be 8.

(b) The graduated portion of the neck shall have a length of not less than 63.5 millimeters and the graduation shall represent whole percent, five-tenths percent, and tenths percent.

(c) The error in the total graduation or in any part of the total graduation shall not exceed one-tenth of 1 percent.

(d) The neck shall be cylindrical for at least five millimeters below the lowest and above the highest graduation mark.

34324. Every Babcock 50-percent nine-gram long-neck cream test bottle shall comply with all of the following specifications:

(a) The total percent graduation shall be 50.

(b) The graduated portion of the neck shall have a length of not less than 120 millimeters.

(c) The graduation shall represent 5 percent, 1 percent, and 0.5 percent.

(d) The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark.

(e) Each bottle shall bear at the top of the neck above the graduation, in plain legible characters, a mark which defines the weight of the charge to be used—nine grams.

(f) The error in the total graduation, or in any part of the graduation, shall not exceed twenty-five hundredths of 1 percent.

34325. Every Babcock 50-percent 18-gram long-neck cream test bottle shall comply with all of the following specifications:

(a) The total percent graduation shall be 50. The graduated portion of the neck shall have a length of not less than 120 millimeters.

(b) The graduation shall represent 5 percent, 1 percent, and five-tenths of a percent.

(c) The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark.

(d) Each bottle shall bear at the top of the neck above the graduation, in plain legible characters, a mark which defines the weight of the charge to be used—18 grams.

(e) The error in the total graduation, or in any part of the total graduation, shall not exceed twenty-five hundredths of 1 percent.

34326. Every Babcock 17.6-milliliter pipette shall comply with all of the following specifications:

(a) The delivery tube shall have a length of 100 to 120 millimeters, an outside diameter between 4.5 and 5.5 millimeters, and a straight nozzle.

(b) The pipette shall contain 17.6 milliliters of water at 20 degrees centigrade when the bottom of the meniscus coincides with the mark on the suction tube.

(c) The error in the graduation shall not exceed five one-hundredths of a milliliter

34327. Every Babcock scale or balance which is used in weighing cream samples into the test bottles shall have a sensibility of not more than 30 milligrams.

Article 6. Fees

34351. A fee of two dollars ($2) shall be paid by the owner of Babcock glassware to the department for every dozen pieces of such glassware which are examined.

34352. The department shall charge fees for examining glassware and apparatus which is used in methods of testing other than the Babcock test, which are sufficient to cover the actual cost of such examination.

34353. Any money which is received under this article shall be paid into the Department of Agriculture Fund.

Chapter 10. Containers

Article 1. Definitions and General Provisions

34501. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

34502. "Association" includes nonstock corporations.

34503 "Single service container" means a container which is used only once and is not refilled.

34504. This chapter applies to all brands which have been registered with the department.

Article 2. Brand Registration

34531. Any person or association that is engaged in receiving, producing, manufacturing, packing, canning, bottling, handling, or selling milk or any product of milk in containers, cabinets, or other dairy equipment which is marked or otherwise identified with the name of such person or association or with any fictitious or other name or word or with any mark or device whatsoever, and any association or corporation, the members or directors of which are so engaged, may file with the department a description of the name or word, mark, or device which is so used, and an application for registration of it as a brand. The application shall be accompanied by a fee of five dollars ($5) for each separate brand.

34532. There shall be included as a part of each brand the words, "Registered in California" or the abbreviation "Reg. Cal."

34533. The applicant shall also cause such description to be printed once a week for three successive weeks in a newspaper of general circulation which is published in the locality in which the principal place of business of the applicant is situated.

34534. The department may refuse to register a brand if it appears that the same or a similar brand has been previously registered by another person or association unless the prior registrant gives his written consent to the subsequent registration.

34535. If it appears that two or more applicants have applied for the registration of the same or similar brands, the director may, after hearing, determine the right of prior ownership in such brand. When such right of prior ownership is determined, the director shall refuse to register, or shall cancel the registration of, any duplicate or similar brand.

34536. Any certificate of registration which is granted expires on the 30th day of June in each even-numbered year and may be renewed by payment of a renewal fee of one dollar ($1). The renewal shall be made on forms which are supplied by the director.

34537. If renewal of any certificate is not made within 60 days after the expiration of the certificate, such certificate becomes null and void.

Article 3. Branded Containers

34561. Except as otherwise provided in this article, every person that finds or receives any container, cabinet, or other dairy equipment which is marked with a brand which is registered pursuant to this chapter shall, within seven days, return it to the owner or his agent. If the finder is unable to locate the owner or his agent, he shall, within seven days, notify the director in writing that he has in his possession such container, cabinet, or other dairy equipment and particularly describe in such notice the trademark or brand which is upon the container, cabinet, or other dairy equipment.

34562. Any person that acquires any container, cabinet, or other dairy equipment which is marked with a brand that is registered pursuant to this chapter, by purchase or by other lawful means, and that has the written consent of the registrant of such brand to use it on the particular container, cabinet, or other dairy equipment which is acquired, or to use such brand on containers generally, shall so notify the department. He shall not thereafter be required again to file and publish the description but shall acquire as a part of such purchase all such benefit as the vendor had under this code as to the particular containers, cabinets, or other dairy equipment so acquired or as to containers generally, dependent on the form of such written consent.

34563. Any person that purchases any container, cabinet, or other dairy equipment which is marked with a brand registered pursuant to this chapter shall submit to the director a copy of the bill of sale or other documentary evidence which supports such purchase.

34564. The use of any container, cabinet, or other dairy equipment by any person, except the person or association whose name, mark, or device is upon it, or the members of any association which registered it, without the written consent provided for in Section 34562, or the possession by any junk dealer or dealer in secondhand articles of any such container, cabinet, or other dairy equipment, the description of the name, mark, or device of which has been so filed and published as provided in Sections 34531, 34532, and 34533 is presumptive evidence of unlawful use of or traffic in such container, cabinet, or other dairy equipment.

34565. If the owner of any container, cabinet, or other dairy equipment which is marked or branded, or any other person that is lawfully entitled to use the container, cabinet, or other dairy equipment, requires a deposit for security for its safekeeping and return, it does not constitute a sale, optional or otherwise, of the container, cabinet, or other dairy equipment.

34566. If any person mentioned in Section 34531 makes oath before any magistrate that he has reason to believe and does believe, that any registered container, cabinet, or other dairy equipment is being unlawfully sold, filled, or used, or is secreted in any place, the magistrate shall issue a search warrant to discover and obtain it.

34567. The magistrate may also cause to be brought before him the person in whose possession the container, cabinet, or other dairy equipment may be found. If the magistrate finds that such person has been guilty of a violation of this chapter, he shall impose the punishment which is prescribed in Section 35281, and also award the possession of the container, cabinet, or other dairy equipment taken upon such search warrant to the owner of it.

34568. Upon the representation of any interested party, the director may institute a proceeding in any court of com-

petent jurisdiction to recover for the owner any container which is marked with a brand registered pursuant to this chapter. The expense of such proceedings shall be paid by the interested party on whose representation such proceedings were instituted, and shall be a lien on such container.

Article 4. Containers for Particular Products

34591. Except as otherwise provided in this article, it is unlawful for any person to sell or otherwise dispose of any market milk, skim milk, buttermilk, or cultured buttermilk to the retail trade, unless such product is contained in a standard milk bottle or in a single service container which has been mechanically filled and capped or sealed in a milk room which is properly designed and equipped as approved by the director.

34592. Market milk which is served by any school, hospital, hotel, boardinghouse, restaurant, soda fountain, lunch counter, or other places where food or drink is served to the public, shall be served in the individual service bottle or container which has been filled and capped or sealed in a milk room, properly designed and equipped as approved by the director, the cap or seal of which shall not be removed except in the presence of the consumer or patron. This section does not:

(a) Apply to market cream or half-and-half.

(b) Prohibit the serving of homogenized market milk from a milk dispensing device which has been approved for such use by the director pursuant to Section 34594.

(c) Apply to any private boarding school which is licensed pursuant to Chapter 1 (commencing with Section 16000), Part 4, Division 9 of the Welfare and Institutions Code which is also a private full-time day school within the meaning of Section 12154 of the Education Code.

(d) Apply to any fraternity, sorority, dormitory or eating club, the existence of which is authorized or approved by the board of trustees or other governing agency of a college or university.

34593. Market milk or the fluid derivative of market milk which is used in the preparation of milk shakes or other mixed milk drinks shall be dispensed or poured from standard milk bottles or single service containers which have been filled and sealed or capped in a milk products plant.

This section does not prohibit the use of homogenized market milk drawn from a milk dispensing device that is approved pursuant to Section 34594 in the preparation of milk shakes or other mixed milk drinks.

34594. Homogenized market milk may be sold and served from and by the use of a milk-dispensing device which has been approved for such use by the director. Any such milk-dispensing device shall be installed and located in a place and manner which are acceptable to the local health authority.

34595. Homogenized market milk, which is served from a milk-dispensing device that has been approved for such use by the director, shall be dispensed directly from such dispensing device into the glass or other container from which the customer drinks the milk. It shall be served in minimum quantities of 8 ounces in each such glass or container.

34596. The gift, sale, loan, or furnishing in any manner of any milk-dispensing device is subject to Article 4 (commencing with Section 61371) of Chapter 1 of, and Article 9 (commencing with Section 62041) of Chapter 2 of, Part 3, Division 20 of this code.

Article 5. Sanitation

34621. Every restaurant, school, hospital, soda fountain, or other place where food or drink is served to the public, which sells milk, cream, ice cream, ice milk, buttermilk, or any combination of them for consumption on the premises, upon emptying any container of such a product, which container is to be returned to the milk distributor or manufacturer, shall rinse and drain the container, unless it is a glass container.

34622. Every container of milk, cream, or any product of milk or cream which is delivered to the consumer by any retailer or distributor and which is to be returned to such retailer or distributor shall be rinsed and drained before it is returned.

34623. Every container, except a single service container, of any kind in which milk or any product of milk is kept, stored, transported, or delivered, shall be sound, smooth, free from rust or open seams, and at all times kept in a condition which shall permit thorough cleansing of all surfaces with which the milk or its products come in contact.

34624. Any container, including any ice cream cabinet, which is commonly used or intended for the reception, storage, or delivery of milk, cream, or any product of milk or cream shall be used exclusively for the storage and use of milk and milk products. It shall not be used for any other purpose.

34625. Any empty container which is delivered to any producer, manufacturer, retailer, or distributor for the reception of milk or any product of milk shall be kept in a clean, sanitary, and sterile condition. It shall not be used for any other purpose.

34626. Every receptacle, except a single service container, which is used to contain market milk, skim milk, buttermilk, or cultured buttermilk for sale or disposal to the retail trade, shall be properly washed and sterilized on the premises where it is filled, in a separate room which is designed and equipped for such washing and sterilizing.

34627. A single service container shall be made of sanitary material, in a sanitary manner, and shall be kept in a sanitary

condition free from contamination until it is actually filled with milk, skim milk, buttermilk, or cultured buttermilk.

34628 Market milk, skim milk, buttermilk, or cultured buttermilk for sale or disposal to the retail trade shall not be transferred from one receptacle to another upon any highway, any street or sidewalk, or upon any vehicle or in any place except a milk room as specified in Section 34591 or in a place where such product is served for consumption on the premises.

Article 6. Violations

34651. It is unlawful for any person to use the words "Registered in California" or the abbreviation "Reg. Cal." on any container, cabinet, or other equipment unless the brand which appears upon it is registered pursuant to this chapter.

34652. It is unlawful for any person without the written consent which is provided for in Section 34562, except the registrant of the brand and the members of any association which is the registrant, to use or fill with milk or any product of milk, any container, cabinet, or other dairy equipment, which is marked or distinguished with a brand, of which a description has been filed and published.

34653. It is unlawful for any person to do any of the following:

(a) Erase, obliterate, cover up, or conceal any brand without first notifying the director and receiving his approval.

(b) Sell, buy, give, take, or otherwise traffic in such containers, cabinets, or other dairy equipment, except as provided in Section 34562.

34654. It is unlawful for any common carrier or private carrier for hire, except those which are engaged in transporting milk, cream, and containers of milk and cream to and from dairy farms, to receive or transport any empty container, cabinet, or other equipment which is marked with a brand registered pursuant to this chapter unless such carrier has in its possession a bill of lading or invoice which shows all of the following:

(a) The name and address of the consignor.

(b) The name and address of the consignee

(c) The number of containers, cabinets, or other equipment and the brand which appears upon them.

34655. A consignee shall not accept or receive any empty container, cabinet, or other equipment which he is not authorized to use. Nothing herein shall be construed to derogate from any powers or authority of the Public Utilities Commission of this state.

Article 7. Condemnation

34681. Any container which is found to have been used in violation of the requirements of this code shall be condemned and marked with the word "condemned" in any appropriate manner. Such a container shall not be used again in connection

with the handling of milk or any product of milk for human consumption, until it has been cleaned or repaired in a manner which is acceptable to the director.

CHAPTER 11. TRANSPORTATION

34801. Every carrier of milk, cream, or any product of milk, whether a producer, gratuitous private carrier, private carrier for hire, or common carrier, shall maintain every conveyance which it uses in transporting milk and cream in a clean and sanitary condition.

34802. Every conveyance, while transporting milk or cream or any clean empty container which is intended for milk or cream, and any shipping platform or premises where any such container is held while waiting shipment, shall either be enclosed or provided with a canvas covering or otherwise afforded protection from the direct rays of the sun, from warm air, dust, mud, rain, and other sources of contamination.

34803. Milk, cream, or any product of milk or cream shall not be transported in connection with, or close to, any other commodity from which it may absorb any foreign flavor or which may contaminate it. Milk, cream, or any empty container which is used for milk or cream shall not be hauled in any vehicle which is used for hauling manure or garbage or in any other unclean conveyance.

34804. Every milk or cream can or other shipping container for any product of milk shall be handled carefully and, while it contains milk, cream, or other product of milk, shall be kept right end up.

34805. Nothing herein shall be construed to derogate from any powers or authority of the Public Utilities Commission of the state.

34806. A carrier of milk, cream, or any product of milk, whether a gratuitous private carrier, private carrier for hire, or common carrier, shall not receive or transport any milk, cream, or product of milk after notification by the director or an approved milk inspection service that such product is unclean, polluted, tainted, unwholesome, stale, impure, or adulterated, or has been produced in violation of any provision of this code, except as provided for in Section 32764.

CHAPTER 12. LICENSES, RECORDS, AND REPORTS

Article 1. Definitions

34951. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

34952. "Milk products plant license" means a license which is issued by the director pursuant to Section 35015 for a milk products plant or other place of business to a person that is engaged in the business of dealing in, receiving, manufacturing, freezing, or processing milk, or any product of milk, or

that is engaged in the business of manufacturing, freezing, or processing imitation ice cream or imitation ice milk.

34953. "Retail dealer" means any person that sells imitation milk, imitation cream, or any imitation milk product in a quantity which is smaller than the quantity which is necessary to constitute a seller a wholesale dealer.

34954. "Wholesale dealer" means all of the following:

(a) Any person that sells imitation milk, imitation cream, or any imitation milk product, except imitation ice cream or imitation ice milk, in quantities of one full case or more at a time or in the same transaction.

(b) Any person that sells oleomargarine or margarine, renovated butter, or any substitute for butter in quantities of 10 pounds or more at a time or in the same transaction.

(c) Any person that sells imitation ice cream or imitation ice milk in quantities of two gallons or more at a time or in the same transaction.

Article 2. General Provisions

34981. Every license which is issued pursuant to this chapter, while in force, shall be kept conspicuously displayed in the place of business of the party to whom it has been issued.

34982. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this division during the current biennium, including a complete statement of receipts and expenditures during the period.

34983. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of the transactions under this division during the preceding biennium, including a complete statement of expenditures.

Article 3. Licensing of Milk Products Plants and Other Places of Business

35011. A person shall not engage in any of the following businesses unless he has obtained a license from the director for each separate milk products plant or place of business:

(a) Dealing in, receiving, manufacturing, freezing, or processing milk, or any product of milk.

(b) Manufacturing, freezing, or processing imitation ice cream or imitation ice milk.

35012. An application for a milk products plant license shall be made on a form which is prescribed by the director. It shall state all of the following:

(a) The name and address of the applicant.

(b) The address of the milk products plant.

(c) Such other information as to the nature of the applicant's business as the director may require.

35013. Each application shall be accompanied by a fee in an amount which is established for the particular license by Section 35221 or 35222.

35014. Upon receipt of an application for a milk products plant license, the director shall investigate the equipment and the sanitary condition of the milk products plant for which the application for a license has been made.

35015. If the condition of the milk products plant is found to be satisfactory, a milk products plant license shall be issued by the director to the applicant.

35016. Any hotel, restaurant, boardinghouse, hospital, or other concern or agency which manufactures a product of milk for the use of any patron, guest, patient, or employee shall obtain a milk products plant license.

35017. This article does not apply to any of the following:

(a) Any private home that is manufacturing for its own use.

(b) Any retailer that is dealing in finished products which are received from a distributor or producer in final form.

(c) Any producer that is selling milk and cream exclusively at wholesale for manufacturing, freezing, or processing milk and milk products.

(d) Any producer whose business consists exclusively of producing and distributing raw market milk produced by such producer.

35018. Every milk products plant license expires at the end of each calendar year, but shall remain in force during the month of January of the next succeeding year or such part of the month as may be necessary for the renewal of such license by the director.

35019. Any license may be renewed each successive year, if the plant for which a previous license was issued and the business of such plant has been conducted in accordance with the requirements of this division during the year next preceding that for which the renewal is requested. The correct amount of the fee for the renewal of the license shall be forwarded with the application for renewal.

Article 4. Diabetic and Dietetic Frozen Milk Products Licenses

35041. A person shall not engage in the business of manufacturing any diabetic or dietetic frozen milk product or mix unless, in addition to a milk products license, such person has obtained and holds a diabetic or dietetic frozen milk products license from the director.

35042. Each application for a license to engage in the business of manufacturing any diabetic or dietetic frozen milk product or mix shall be accompanied by a statement which describes the method and manner by which the product is made.

Article 5. Modified Milk, Modified Sterilized Milk, and Modified Sterilized Cream Licenses

35071. A person shall not engage in the business of manufacturing, preparing, or processing modified sterilized milk, modified sterilized cream or modified milk unless, in addition to the milk products plant license, such person has obtained and holds a modified milk license, modified sterilized milk license, or a modified sterilized cream license, as the case may be, from the director.

Separate licenses are required for modified milk, modified sterilized milk, and modified sterilized cream.

35072. Upon receipt of application for a modified milk license, modified sterilized milk license, or modified sterilized cream license, the director shall investigate the equipment and sanitary conditions of the place where the modified milk, modified sterilized milk, or modified sterilized cream is to be manufactured or prepared, and provide the applicant with a copy of the laws of the state which pertain to such product. If the condition of the place is found to be satisfactory, and the special fee for the license which is prescribed by Section 35225 is paid by the applicant, the license shall be issued. A modified milk license, modified sterilized milk license, or modified sterilized cream license shall normally expire on the 31st day of December of each year.

Article 6. Imitation Milk Product Licenses

35101. It is unlawful for any person, unless he has a license to do so, to engage in the business of manufacturing, freezing, or processing; or to sell, deal in, or furnish as a keeper of any hotel, restaurant, boardinghouse, or other place where meals are served and payment is received for the meals, any of the following:

(a) Imitation milk.

(b) Oleomargarine, or margarine, colored oleomargarine or colored margarine, renovated butter, or a substitute for butter.

(c) Imitation cheese or substitute for cheese.

(d) Imitation ice cream or imitation ice milk.

(e) Imitation cream.

(f) Any other imitation milk product.

35102. A person shall first apply each year to the director for a license to engage in any business or occupation for which a license is required by Section 35101. Upon payment of the license fee which is prescribed in Section 35226, the director shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation.

35103. Every license which is issued pursuant to Section 35102 expires on June 30th of each year, and may be issued in periods of one year.

Article 7. Butter Permits and Licenses

35131. A person shall not engage in the business of cutting and wrapping butter unless such person, in addition to the milk products plant license, has a butter cutting and wrapping permit.

35132. Every person that distributes butter which is received in packaged form direct from out-of-state points shall obtain a butter distributor's permit from the director for each plant or place of business.

35133. Every butter cutting and wrapping permit and butter distributor's permit expires at the end of each calendar year. A permit may be renewed each successive year, if the plant for which the previous permit was issued and the business has been conducted in accordance with the requirements of this division during the year next preceding that for which renewal is requested.

35134. Every person who is in charge of cutting, wrapping, packaging, or distributing butter, or any supervisor of any such person who is responsible for the grading of butter, shall obtain and hold a butter grader's license.

35135. Application for such license shall be made to the director who shall examine each applicant as to his qualifications and knowledge of butter grades and of the law applicable to him. The fee for a butter grader's license shall accompany the application.

35136. Every butter grader's license expires on the 31st day of December. It may be renewed by payment of the renewal fee for a butter grader's license.

35137. The licensing provisions of this article also apply to butter which is received in package form from out-of-state points.

Article 8. Licensing of Testers, Samplers and Weighers, Technicians, and Pasteurizers

35161. Every person who tests milk, cream, or any fluid derivative of milk or cream, which is purchased, received, or sold on the basis of milk fat which is contained in it, shall hold a tester's license

35162. Methods or processes of testing shall be approved by the director. A separate license is required for each of the methods or processes of testing.

35163. Every person, except a licensed tester, who takes any sample of milk, cream, or any fluid derivative of milk or cream, which is purchased, received, or sold on the basis of milk fat which is contained in it, on which sample tests are to be made as a basis of payment, and every person who weighs or measures milk, cream, or any fluid derivative of milk or cream, shall hold a sampler's and weigher's license if the weight or measure is to be used as the basis of payment.

35164. If one person does both sampling and weighing or measuring, only one license is required.

35165. In cases of emergency, a person may weigh, measure, or sample, for a period not exceeding one week, without a license.

35166. Any person who takes any sample of milk, cream, or any fluid derivative of milk or cream for testing shall hold the sample in an unchanged condition until it is delivered to a licensed tester.

35167. Every person who makes any bacteriological determination of milk or cream which is to be used as a basis of payment or determining value shall hold a technician's license.

35168. Every person who operates any equipment wherein milk or any product of milk is pasteurized shall hold a pasteurizer's license. The pasteurizer's licenses shall be known as general and limited licenses. The general license shall apply to pasteurization by all of the approved methods or processes of pasteurization, and the limited license shall apply only to the pasteurization by the process or method known as the holding or vat method.

35169. Every person who tests any milk or cream purchased, received, or sold on the basis of the nonfat milk solids contained in it shall hold a nonfat milk solids tester's license

35170. An application for a tester's, sampler's and weigher's, technician's, pasteurizer's, or nonfat milk solids tester's license shall be made to the director. The director shall examine each applicant for the license that is applied for as to the applicant's qualifications and knowledge of the law applicable to him. Each application shall be accompanied by the fee which is prescribed for the license by Section 35231.

35171. Every license which is issued pursuant to this article expires on the 31st day of each December. It may be renewed upon payment of fee which is prescribed by Section 35231 for the renewal of the license if the licensee has complied with all the requirements of the law and regulations applicable to him.

Article 9. Reports and Records

35191. Every person that manufactures, wholesales, or imports any oleomargarine or margarine, or any substance designed as a substitute for butter, or that resembles butter, which is not made wholly from pure milk or cream, or any imitation milk product, shall keep a record, which gives the quantity that is sold or purchased, the name and location of the seller and purchaser, the date, and the place to which it was shipped or delivered.

35192. Every person that is engaged in the warehouse, cold storage, or transportation business shall keep a correct record of all oleomargarine or margarine, renovated butter, substitute for butter, substitute for cheese, or other imitation milk product, which at any time may be in his possession, or which is transported or stored by him, which shows:

(a) In the case of a warehouse or cold storage company business, the owner, the quantity and kind of goods, the date when stored, and when removed.

(b) In the case of a boat, railroad, or other transportation business, the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation.

35193. All records which are required to be kept by Sections 35191 and 35192 shall, at all times during business hours, be open to the inspection of the director, any officer of any city or county board of health, and any peace officer of any city or county of the state. A failure to keep any of the records which are required to be kept or a failure to permit any authorized inspection of such records is a misdemeanor.

35194. Every manufacturer of any imitation milk product, except oleomargarine, shall submit to the director at the end of each month a report of the quantity which was sold or purchased, the names and addresses of the buyers, the dates and the places to which the product was shipped or delivered, and the names and specific locations of all persons that purchase or receive the imitation milk product for the purpose of selling it to the public in any form.

35195. Every manufacturer of oleomargarine shall submit to the director at the end of each month a report of the amount of oleomargarine which such person sold or distributed.

35196. Every person that holds a butter cutting and wrapping permit or a butter distributor's permit shall, on or before the fifth day of those months in which a fee is due pursuant to Section 35227 or 35228, file with the director a statement which shows the exact number of pounds of butter cut, wrapped, packaged, or distributed by such person during the preceding three months.

Article 10. Fees

35221. Every person, except a hospital or sanitarium, that is engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, ice milk, sherbet, or any similar frozen product, or that is engaged in the business of manufacturing, freezing, or processing imitation ice cream, imitation ice milk, or any similar frozen product, shall pay the following fees:

(a) A license fee of thirty-five dollars ($35), for the calendar year for which such license is issued.

(b) A fee for the renewal of a license of thirty-five dollars ($35), plus three dollars ($3) for each additional 10,000 gallons or fraction of 10,000 gallons over and above 20,000 gallons which were manufactured during the preceding year, ending the 31st day of December.

35222. The fee for a license for any other product for which a license is required is ten dollars ($10) for the calendar year for which such license is issued. The fee for the renewal of any

such license is ten dollars ($10), plus one dollar ($1) for each 100,000 pounds, or part of 10,000, over and above the first 100,000 pounds of milk fat which was purchased or received during the preceding year, ending the 31st day of December.

35223. Every person, except a hospital or sanitarium, that is engaged in the business of manufacturing any diabetic or dietetic frozen milk product or mix, shall pay a license fee of twenty-five dollars ($25) for the calendar year for which a diabetic or dietetic frozen milk products license is issued. The fee for the renewal of such a license is twenty-five dollars ($25).

35224. The license fees which are required by Sections 35221, 35222, and 35223 shall be prorated on a quarterly basis for any licensee that commences operations after the first quarter in any calendar year whether or not such milk products plant was licensed during the preceding calendar year.

35225. The special fee for a modified milk license, modified sterilized milk license, or modified sterilized cream license is one hundred dollars ($100).

35226. The fees for issuing the licenses required by Section 35101, for each establishment annually, are as follows:

(a) Any manufacturer or processor within this state, one hundred dollars ($100).

(b) The keeper of any hotel, restaurant, boardinghouse, or other place where meals are served and payment is received for the meals, two dollars ($2).

35227. Every permittee that is engaging in the business of cutting and wrapping butter shall pay a fee of one dollar ($1), plus twenty cents ($0.20) for each 1,000 pounds, or part of 1,000 pounds, over and above the first 5,000 pounds of butter which such person cut and wrapped during each of the three-month periods ending February 28th, May 31st, August 31st, and November 30th. Such fees shall be paid to the director during the first week of March, June, September, and December, respectively.

35228. Every person that has a permit to engage in the business of distributing butter shall pay a fee of one dollar ($1), plus twenty cents ($0.20) for each 1,000 pounds, or part of 1,000 pounds, over and above the first 5,000 pounds of butter which such person distributed during each of the three-month periods ending February 28th, May 31st, August 31st, and November 30th. Such fees shall be paid to the director during the first week of March, June, September, and December, respectively.

35229. The fees which are required by Sections 35227 and 35228 do not apply to United States government owned butter which is cut and wrapped in this state or to butter which is cut and wrapped in this state for export to points outside the continental United States.

35230. The fee for a butter grader's license or the renewal of a butter grader's license is one dollar ($1).

35231. The fees for tester's, sampler's and weigher's, technician's, and pasteurizer's licenses are as follows:

(a) For a tester's license, five dollars ($5).

(b) For a sampler's and weigher's license, one dollar ($1).

(c) For a technician's license, five dollars ($5).

(d) For a pasteurizer's license, one dollar ($1).

(e) For a nonfat milk solids tester's license, five dollars ($5).

(f) For the renewal of any such license, one dollar ($1).

Article 11. Disposition of Funds

35251. The director, at least once each month, shall report to the State Controller the total amount of any money which is collected under Section 35221. He shall, at the same time, pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended as provided in Section 32704.

35252 The director shall, at least once each month, report to the State Controller the total amount of any money which is collected for fees under Sections 35227 and 35228. He shall, at the same time, pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this division relating to butter.

Chapter 13. Penalties

Article 1. Criminal Penalties

35281. Any violation of any provision of this division, or the regulations for its enforcement, is a misdemeanor. Unless a different penalty is specifically prescribed, it is punishable by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by imprisonment in the county jail not less than 10 days nor more than 90 days, or by both.

35282. Offering physical resistance or bodily attack on authorized representatives of the department or of an approved milk inspection service, who are engaged in the proper conduct of their official duties, is a misdemeanor, punishable by imprisonment in the county jail for not less than 10 days, without the alternative of a fine in any case.

Article 2. Civil Penalties

35311. Except as otherwise provided in this section, a penalty of 25 percent or five dollars ($5), whichever is greater, shall be added to any portion of the fee for renewal of any license which is required by this division which is not paid by the last day of the month following that in which the preexisting license expired.

A penalty shall not accrue if the licensee operates only seasonally and he has not engaged in the activities for which the license is required between the time his preexisting license expired and the date of the renewal of his license.

35312. To the amount of any fee, except a license fee, which is required by this division, that is not paid by the last day of the month following that in which due, there shall be added a penalty of 25 percent of the unpaid amount of such fee, or five dollars ($5), whichever is greater, for each month or fraction of a month until the entire fee and penalty are paid.

PART 2. MILK AND CREAM

CHAPTER 1. GENERAL PROVISIONS

Article 1. Milk

35601. Milk shall be produced from nonreacting tuberculin-tested cows or goats and shall conform to the regulations adopted by the director.

35602. Milk shall be obtained by the complete milking of healthy cows or goats which are properly fed and kept. Milk shall not be obtained or used for human consumption within 15 days prior to or 5 days after parturition.

35603. Milk which has been produced or handled in an insanitary dairy farm or milk products plant or other insanitary place or which has been handled in an insanitary manner is unfit for human consumption.

Article 2. Cream

35631. Cream shall be fresh and clean. It shall contain not less than 20 percent of milk fat.

CHAPTER 2. MARKET MILK AND CREAM

Article 1. General Provisions

35751. This division does not prohibit the addition of vitamins to market milk or the sale of market milk to which any vitamins have been added if such milk is labeled to show the addition of the vitamins and the amounts of vitamins which have been added.

A statement of the method and manner of adding vitamins shall be filed with and approved by the director, and, when offered for sale, such vitamin milk shall not be of a standard which is below the legal requirements of market milk.

35752 This division does not prohibit the freezing and holding in cold storage of market cream or concentrated market cream, its subsequent standardization with market milk or skim milk produced from market milk, and its sale as market cream if the standardized product otherwise conforms to

all the standards and requirements in this division for market cream. Payment procedure for market cream so frozen or stored shall be pursuant to Article 22 (commencing with Section 62441), Chapter 2, Part 3, Division 21 of this code.

35753 This division does not prohibit the freezing and holding in cold storage of market goat milk and its subsequent sale as market milk if at the time of sale it meets all the standards and requirements which are specified in this division for market milk.

35754. This division does not prohibit the sterilization of market goat milk by subjecting it to a temperature which is high enough to sterilize it, holding it in storage, and subsequently selling it as market milk if at the time of sale the market goat milk meets all standards and requirements which are specified in this division for market milk.

35755. It is unlawful for any person to sell any market milk other than graded milk as provided in this division in any city or county or any combination of cities and counties in which a milk inspection service has been established, either by or with the approval of the director.

35756. This division, and the regulations of the director are not a limitation on the power of a municipality or county, by ordinance or regulation, to establish compulsory pasteurization of market milk or reasonable higher standards for milk fat and solids-not-fat than those which are established in this division, but such standards shall apply only to market milk after standardization by a milk distributor.

Article 2. Market Milk Standards and Grades

35781. Except as otherwise provided in this article, market milk shall not contain:

(a) More than 15,000 bacteria per milliliter if raw.

(b) More than 75,000 bacteria per milliliter before pasteurization.

(c) More than 15,000 bacteria per milliliter at time of delivery to the consumer, if pasteurized.

35782. Market milk shall be cooled to 50 degrees Fahrenheit or below, whether it is raw or pasteurized, and, except as otherwise provided in Section 35783, shall be so maintained until it is delivered to the consumer.

35783. Market milk for pasteurization shall be cooled to 50 degrees Fahrenheit or below and shall be maintained in transit at not to exceed 52 degrees Fahrenheit.

35784. Market milk, at the time of delivery to the consumer, shall contain not less than 3.5 percent of milk fat and not less than 8.5 percent solids not fat. Market milk may be standardized to a milk fat content of not less than 3.5 percent.

35785. Market milk which is produced for sale under the supervision of an approved milk inspection service, or a milk inspection service which is established and conducted by the

director, shall be in conformity with the provisions for the respective grades as defined in this chapter.

35786. Market goat milk may be standardized to a milk fat content of not less than 3 3 percent. Market goat milk at the time of delivery to the consumer shall contain not less than 8.15 percent of solids not fat.

35787. Where a milk inspection service has been approved or established pursuant to this code, market milk shall be graded and designated into one of the following classes:

(a) "Certified milk."

(b) "Guaranteed milk."

(c) "Grade A milk."

35788. It is unlawful for any person to sell any milk as, or under the representation of, guaranteed or grade A milk, except under the supervision of a milk inspection service which is approved by the director or which is established and conducted by the director.

Article 3. Market Cream Standards

35811. Market cream shall conform to all of the standards which are set for market milk of the same grade except those which relate to milk fat and solids not fat, and except that the maximum bacterial count for market cream shall be not more than twice as great as that for the corresponding grade of market milk.

Article 4. Pasteurized and Raw Market Milk

35831. Pasteurized market milk shall be cooled to a temperature of 50 degrees Fahrenheit or below immediately after pasteurization and shall be so maintained until it is delivered to the consumer.

35832. Repasteurized milk shall not be sold as market milk.

35833. Pasteurized market milk shall be bottled or canned only in the plant where it is pasteurized.

This section does not apply to market cream.

35834. Raw market milk and pasteurized market milk shall not be bottled in the same milk products plant for sale and distribution within a city or county which maintains an approved milk inspection service, except where an official representative of such approved milk inspection service is present during the period of handling, processing, or bottling such market milk, or except in those milk products plants where all market milk which is received meets the requirements for grade A raw milk.

This section does not apply to market cream

Article 5. Guaranteed Market Milk

35861. Guaranteed raw milk is market milk which conforms to all of the following minimum requirements:

(a) The health of the cows and goats shall be determined at least once each month by an official representative of an approved milk inspection service, or a milk inspection service which is established by the director.

(b) It shall be produced on dairy farms which score not less than 90 percent on the dairy farm scorecard.

(c) It shall be bottled on the premises where produced and delivered in containers which have the pouring lip completely protected from contamination.

(d) It shall be cooled immediately after being drawn from the cow or goat to 50 degrees Fahrenheit or less, and so maintained until it is delivered to the consumer, at which time it shall contain not more than 10,000 bacteria per milliliter.

(e) It shall be sold to the consumer within 30 hours after production and labeled to indicate the date of sale to the consumer.

35862. All persons who come in contact with guaranteed raw milk shall exercise scrupulous cleanliness and shall not be afflicted with any communicable disease or in a condition to disseminate the germs of any communicable disease which is liable to be conveyed by milk The absence of such germs in all such persons shall be determined by bacteriological and physical examination by a health department which maintains an approved milk inspection service, or other person or laboratory which is approved in writing by the department, conducted at the time of employment and every six months thereafter in a manner which is approved by the director.

35863. Guaranteed pasteurized milk shall conform to all the requirements for guaranteed raw milk, except that it shall contain not more than 3,000 bacteria per milliliter at the time of delivery to the consumer.

Article 6. Grade A Market Milk

35891. Grade A raw milk is market milk which conforms to all the following minimum requirements:

(a) The health of the cows and goats shall be determined at least once in two months by an official representative of an approved milk inspection service, or a milk inspection service which is established by the director.

(b) It shall be produced on dairy farms that score not less than 80 percent on the dairy farm scorecard.

(c) It shall be cooled immediately after being drawn from the cow or goat to 50 degrees Fahrenheit or less, and so maintained until delivered to the consumer, at which time it shall contain not more than 15,000 bacteria per milliliter.

35892. All persons who come in contact with grade A raw milk shall exercise scrupulous cleanliness and shall not be afflicted with any communicable disease or be in a condition to disseminate the germs of any communicable disease which is liable to be conveyed by milk. The absence of such germs in all such persons may at the discretion of an approved or estab-

lished milk inspection service be determined by bacteriological and physical examination in such manner as may be prescribed by the director and by such person or laboratory which is approved in writing by the department, conducted at the time of employment and every six months thereafter in a manner which is approved by the director.

35893. Milk for grade A pasteurized milk is market milk which conforms to all the following minimum requirements:

(a) The health of the cows or goats shall be determined at least once in six months by an official representative of an approved milk inspection service, or a milk inspection service which is established by the director.

(b) The milk shall be cooled immediately after being drawn from the cow or goat to 50 degrees Fahrenheit or less and maintained in transit at not to exceed 52 degrees Fahrenheit.

(c) It shall be produced on dairy farms that score not less than 70 percent on the dairy farm scorecard which is adopted by the department.

(d) It shall contain not more than 75,000 bacteria per milliliter before pasteurization.

Article 7. Certified Milk

35921. Certified milk is market milk which conforms to the rules, regulations, methods, and standards for the production and distribution of certified milk adopted by the American Association of Medical Milk Commissions.

35922. Certified milk shall bear the certification of a milk commission which is appointed by a county medical association, organized under and approved by the Medical Society of the State of California. The commission shall make fair and uniform rules which pertain to certified milk, and shall certify milk for any applicant that complies with such rules and the standards which are prescribed in this code.

Article 8. Homogenized Market Milk and Cream

35941. Homogenized market milk is market milk which has been subjected to a process or treatment in such manner as to insure the breakup of the fat globules to such an extent that no visible cream separation will occur on the milk after 48 hours storage at a temperature of between 40 and 50 degrees Fahrenheit and the fat percentage of the top 100 cc. of milk in a quart bottle, or proportionate volumes in containers of other sizes, does not differ by more than 10 percent of itself from the milk fat percentage of the remaining milk as determined after thorough mixing. In removing the top 100 cc. of milk, it shall be siphoned off Homogenized market milk shall otherwise conform to all requirements for market milk.

35942. Homogenized market milk shall be bottled in the plant where it is pasteurized.

35943. Homogenized market cream is market cream which has been subjected to a process or treatment in such manner as to insure breakage of the fat globules to such an extent that no visible cream separation will occur after 48 hours. Homogenized market cream shall otherwise conform with all other requirements for market cream.

35944. Homogenized market milk or homogenized market cream shall not be mixed with market milk or market cream which has not been homogenized.

35945. Homogenized milk and homogenized cream shall be so labeled.

Article 9. Half-and-Half

35971. Half-and-half is a market milk product. It shall contain not less than 11.7 percent of milk fat and it shall contain not more than 25,000 bacteria per milliliter at the time of delivery to the consumer.

35972. Half-and-half shall be homogenized and shall otherwise meet all standards and requirements which are specified in this division for market milk, except that it may contain less than 8.35 percent milk solids-not-fat.

Article 10. Labeling and Advertising

36001. The following information shall at all times appear plainly and in a conspicuous place on, or be securely attached to, every cap, bottle, can, or other container of all market milk which is sold:

(a) The class or grade of the market milk, unless the market milk is being sold in bulk to a distributor.

(b) The word "raw," if the market milk has not been pasteurized.

(c) The word "pasteurized" if the market milk has been pasteurized.

(d) The name and address of the distributor or original bottler.

If the name and address of the distributor is used, the milk products plant license number of the original bottler, as assigned annually by the director, may be used in lieu of the name and address of the original bottler.

36002. All labels which are required by Section 36001 shall be in capital letters of a size and boldness as to be legible by the purchaser or consumer. If the available space on any cap, bottle, or container for such labeling is not sufficient for the full name of the distributor, then a sufficient portion of the distributor's name which clearly identifies such distributor may be used in lieu of the entire distributor's name.

36003. In the labeling, advertising, and sale of market cream only the following designations may be used:

(a) Whipping cream which shall have a milk fat content of not less than 35 percent.

(b) Pastry cream or all purpose cream which shall have a milk fat content of not less than 30 percent.

(c) Table cream which shall have a milk fat content of not less than 20 percent.

Article 11. Bottle Caps and Labels

36031. It is unlawful for any person that sells or handles market milk, except the original bottler of the market milk, to have in his possession, or under his control, any milk bottle cap or label, except the caps or labels that are affixed to the filled containers at the time of delivery to the seller or handler.

36032. It is unlawful for any person that sells or handles market milk to remove any cap or label from any milk container and attach such cap or label to another milk container.

36033. It is unlawful for any person to sell or use any milk bottle caps which are not packed by the manufacturer in single column in unopened, dustproof tubular packages.

Article 12. Misrepresentation

36061. No false, misleading, or deceptive name, picture, symbol, mark, word, or other representation shall appear on any milk bottle, bottle cap, can, or other container, nor on any advertisement for market milk.

36062. A label or advertisement of market milk is false, misleading, or deceptive if in any particular it is untrue, or by ambiguity or inference creates a misleading or deceptive impression regarding the production, handling, processing, quality, composition, merits, or value of such market milk.

36063. It is unlawful for any person to sell, purchase, use, or represent as market milk or market cream any milk or cream which does not meet the requirements and standards of market milk or market cream.

36064. Except as otherwise provided in this division, it is unlawful for any person to sell, purchase, use, or represent as market milk or market cream any milk or cream which is combined with any other substance or compound.

36065. It is unlawful for any person to serve to any customer for consumption on the premises milk or cream which is combined with any other substance or compound and represented as a substitute for or to take the place of market milk or market cream.

Article 13. Degrading and Exclusion Based Upon Dairy Score

36091. Milk which is delivered by the producer of the milk, to be sold as any grade of market milk, shall not be degraded or excluded from the market if a score of the dairy farm on which the milk is produced is below the specified minimum legal requirements unless both:

(a) A copy of the score is promptly given to the proprietor or operator of the dairy farm and, if milk is sold in bulk to a distributor or processor, a copy of the notice is also given or mailed to the distributor or processor.

(b) A rescore, after 10 days, shows the score of the dairy farm to be still or again below the specified minimum legal requirements and a copy of the rescore is promptly given to the proprietor or operator of the dairy farm and the purchaser of the milk produced by the dairy farm and until 60 hours has elapsed after the rescore.

36092. If, during the 60 hours following the rescoring of a dairy farm, a protest is filed with the head of the milk inspection service under whose jurisdiction the milk of the dairy farm is sold, the milk which is produced on such dairy farm shall not be degraded or excluded from the market until after a third score has been made and concurred in by the representative of the milk inspection service and the director.

Article 14. Degrading or Exclusion Based Upon Excess Bacteria

36121. No milk or cream which is delivered by the producer of the milk or cream in bulk to a distributor and no milk or cream which is sold by a distributor as any grade of market milk, shall be degraded or excluded from the market as market milk if such milk or cream is found to contain bacteria in excess of the legal requirements for the milk or cream unless both:

(a) The producer or distributor, as the case may be, is immediately notified in writing of such excessive count by the approved or established milk inspection service which has jurisdiction of the producer or distributor.

(b) At least three recounts are made by such approved or established milk inspection service within a period of three weeks in addition to the count which is made on milk or cream for routine examination

36122. Samples for the purpose of making recounts pursuant to Section 36121 shall be taken, in the case of a producer that sells milk in bulk, at the producer's dairy farm or at the milk products plant to which the milk is sold. In the case of a distributor, samples shall be taken at his milk products plant or from delivery vehicles which are owned and operated by the distributor.

36123. The first sample for a recount shall not be taken until 72 hours have elapsed after the mailing of the notice which is specified in subdivision (a) of Section 36121.

36124. If the last recount is high and the average of the recounts which were obtained during the three weeks period based on the logarithmic average exceeds that which is established by this division for that particular grade of market milk, such milk or cream shall be degraded or excluded from the market as market milk.

Article 15. Reestablishment

36151. If milk or cream has been degraded or excluded from the market as provided in Article 14 (commencing with Section 36121) of this chapter, such milk or cream shall not be reestablished at its previous grade until a legal count has been obtained which indicates that the product is again in conformity with legal standards.

36152. The samples for the first count which is taken for the purpose of reestablishing milk or cream which has been degraded or excluded from the market shall be taken within three days of such degrading or exclusion. Additional samples for counts if necessary shall be taken at the rate of two per week for the following two weeks.

Chapter 3. Manufacturing Milk and Cream

Article 1. General Provisions

36301. Manufacturing milk or manufacturing cream shall be sold only for manufacturing purposes and to be converted into some other form or product.

36302. Manufacturing milk or manufacturing cream shall not be sold for human consumption in a fluid state.

36303. Manufacturing milk or manufacturing cream shall not be sold in quantities of less than three gallons nor in containers of less than three gallons capacity.

36304. The provisions of Sections 36301, 36302, and 36303 do not apply to milk or cream which is sold by a producer to a milk products plant or to milk or cream which is sold after pasteurization, by a milk products plant to producers from whom such plant purchases milk or cream.

36305. Manufacturing cream, when pasteurized, may be sold by a milk products plant to persons from whom the milk products plant purchases cream, and the cream, so sold, shall not be considered market cream. The manufacturing cream shall not be resold by the purchasers.

36306. Manufacturing milk or manufacturing cream may be repasteurized once.

Article 2. Manufacturing Milk Standards

36331. Manufacturing milk shall comply with all of the following requirements:

(a) It shall be free from foreign substances.

(b) It shall not contain any undesirable flavors or odors.

(c) It shall not contain more than 2,000,000 individual bacteria per milliliter as found by direct microscopic count.

Article 3. Manufacturing Cream Grades and Standards

36351. Manufacturing cream is classified as follows:

(a) First grade.

(b) Second grade.

(c) Third grade.

36352. First grade manufacturing cream is cream which is clean, smooth, free from undesirable flavors or odors, sweet or acid not more than three-tenths of 1 percent acid (figured as lactic acid), and which contains at least 30 percent of milk fat.

36353. Second grade manufacturing cream is cream which has begun to ferment, has developed slightly undesirable flavors or odors, or which contains more than three-tenths and not more than six-tenths of 1 percent acid (figured as lactic acid).

36354. Third grade manufacturing cream is cream which may be slightly foamy or curdy, has a distinct off-flavor, is old, or contains more than six-tenths of 1 percent acid (figured as lactic acid).

36355. Manufacturing cream which does not conform to the minimum requirements for third grade cream is not fit for human consumption.

PART 3. MANUFACTURED PRODUCTS

CHAPTER 1. GENERALLY

Article 1. Quality Standards

36601. The director, after public hearing, shall adopt by regulation such quality standards as are necessary for any product which is defined in this division. These quality standards which are adopted by the director shall be no lower than those which are in effect under regulations of the United States Department of Agriculture, but may be higher if found by the director to effectuate the purposes of this part, and of this section, which are, among others, to provide dairy products to the consumers of this state of the highest possible quality.

36602. The director, in determining the quality of any product which is sold, but not produced and processed in this state, shall ascertain that such product will meet the minimum quality requirements which are applicable to such product by the standards which are contained in, or established by, regulations which are adopted pursuant to this division.

36603. Any standard which is established pursuant to this article shall expire on the 91st day after the final adjournment of the general session of the Legislature which next convenes after the adoption of the standard.

36604. No product for which standards are required to be established pursuant to Section 36601 is required to meet any quality standards which are in excess of those that are in effect under regulations of the United States Department of Agriculture, unless a like product is processed in this state

and the processors of such like product in this state are also required to meet such higher standards.

36605. Except as otherwise provided in Section 36604 and notwithstanding any other provisions of this part, no dairy products, as such products are defined in this division, shall be sold within this state unless they are of a quality which is comparable to that of the same product which is manufactured or processed pursuant to this division.

Article 2. New Milk Products

36631. Upon the request of any interested person, the director may, by regulation, establish a temporary definition and standard for a new milk product pursuant to this article if all of the following conditions exist:

(a) Research in the uses of milk and the products or by-products of milk has developed a new milk product for which no definition or standard is prescribed.

(b) The new product cannot be produced or marketed because no definition or standard is prescribed for it.

(c) It appears to the satisfaction of the director that the public interest would be served by permitting the new product to be produced and marketed.

(d) The request to establish the temporary definition and standard is presented to the director after final adjournment of a regular session, and prior to the convening of the next ensuing regular session, of the Legislature.

(e) Proposed legislation which embodied a permanent definition and standard for such new milk product has not failed of enactment into law at the immediately preceding session of the Legislature.

36632. The director shall hold a hearing on the establishment of the temporary definition and standard. He shall give notice of the hearing to such persons as he considers may be affected by the establishment of the temporary definition and standard.

36633. If, at the hearing, it appears that all of the prerequisite conditions exist for the establishment of a temporary definition and standard for a new milk product and that the public interest would be served by the establishment of a temporary definition or standard for the product, the director may establish a temporary definition and standard for the new milk product.

36634. Any temporary definition or standard shall be as such as will insure the quality and wholesomeness of the product.

36635. In establishing a temporary definition or standard, the director shall take into consideration existing definitions and standards which are established for comparable products.

36636 Every manufacturer of any product for which a temporary definition and standard is established shall obtain

a special permit for the production of the product from the director Such a manufacturer shall be subject to all the provisions of this division which are applicable to milk products plants and milk products.

36637. Every definition, standard, and permit which is established or issued pursuant to this article expires on the 91st day after the final adjournment of the next regular session of the Legislature.

Article 3. Combination Milk and Food Products

36661. In addition to the standards for milk and milk products which are adopted pursuant to this division, the director may, after hearing, adopt separate standards and labeling requirements for any milk or milk product to which is added a food product of a kind which is not derived from milk and for which combination of such food product with milk or milk products no standard has been established or otherwise provided for in this division.

36662. Every definition, standard, and labeling requirement which is adopted pursuant to this article expires on the 91st day after the final adjournment of the next general session of the Legislature.

Chapter 2. Frozen Dairy Products

Article 1. General Provisions

36801. Pasteurized cream which is sold or used for ice cream, ice milk, or sherbet manufacture shall be clean, sweet, and free from undesirable flavors and odors. It shall contain not more than 75,000 bacteria per milliliter, official plate count.

36802. Milk and any milk product which is used in the manufacture of ice cream, ice milk, or sherbet shall be pasteurized.

36803. Sweet butter which is used in ice cream and ice milk shall be unsalted butter made from sweet cream which is free from undesirable flavor or odors. It shall have a rating of not less than 92 in accordance with the standards for quality of creamery butter which are established in Article 2 (commencing with Section 37131) of Chapter 3 of this part. Cream to which has been added ripener or starter, or cream which has been neutralized, is not sweet cream within the meaning of this section.

36804. Every product which is defined in this chapter shall be advertised and labeled in accordance with regulations which are adopted by the director.

36805. Ice cream or ice milk which is sold in package form shall be labeled with the name and address of the manufacturer, the wholesale distributor, or the retailer. The following words shall appear above the name:

(a) The words "manufactured by" if the name of the manufacturer is given.

(b) The words "distributed by" if the name of the wholesale distributor is given.

(c) The words "put up for" or "put up by," as the case may be, if the name of the retailer is given.

36806. Ice cream mix and ice milk mix are unfrozen products which are used in the manufacture of ice cream or ice milk. They shall comply with all the requirements for ice cream or ice milk, respectively.

Article 2. Ice Cream

36861. Ice cream is a frozen product. It shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, nonfat dry milk solids, dried buttermilk, extra grade edible dried whey, milk fat, or wholesome sweet butter which is made from sweet cream, or any combination of any such products. It may contain sweetening which is approved by the director, clean wholesome eggs or egg products, and harmless flavoring and coloring which is approved by the director.

36862. Ice cream, except chocolate, fruit, nut, or candy ice cream, shall comply with all of the following requirements:

(a) Contain not less than 10 percent milk fat.

(b) Contain not less than 20 percent total milk solids.

(c) Contain not less than 6 percent milk solids not fat.

36863. Ice cream at the time of sale by the manufacturer or retailer shall contain not more than 75,000 bacteria per gram.

36864. Ice cream shall contain not more than 0.5 percent stabilizer nor more than 0.2 percent emulsifier approved by the director.

36865. Ice cream shall weigh not less than 4.5 pounds per gallon and contain not less than 1.6 pounds of food solids per gallon.

Article 3. Standards for Special Varieties of Ice Cream

36891. French ice cream, custard ice cream, and all similar frozen products are varieties of ice cream. Such products shall contain not less than 10 percent of milk fat, and, for each 90 pounds of ice cream mix, shall contain any one of the following:

(a) Not less than five dozen of clean, wholesome egg yolks.

(b) One and five-tenths pounds of wholesome dry egg yolk which contain not to exceed 7 percent of moisture.

(c) Three pounds of wholesome, frozen egg yolk which contain not to exceed 55 percent of moisture.

(d) The equivalent of egg yolk in other form.

French ice cream, custard ice cream, and similar products shall otherwise conform to the regulations of the director.

36892. Fruit ice cream is ice cream which contains not less than 3 percent by weight of clean, mature, sound fruit, or its equivalent in other forms.

The milk fat and total milk solids content of fruit ice cream may be reduced by the addition of sweetened or unsweetened fruit which is approved by the director but in no case shall the milk fat be less than 8 percent or the total milk solids be less than 16 percent.

36893. Nut or candy ice cream is ice cream which contains not less than 1 percent by weight of sound and nonrancid nut meats or candy.

The milk fat and total milk solids content of nut or candy ice cream may be reduced by the addition of nuts or candy but in no case shall the milk fat be less than 8 percent or the total milk solids be less than 16 percent. As used in this section, "candy" includes candies, cakes, cookies, glacéed fruits, prepared cereals, and similar products.

36894. "Chocolate ice cream" is ice cream which is flavored with chocolate or cocoa. It shall contain not less than 8 percent of milk fat and not less than 16 percent of total milk solids.

36895. The chocolate or cocoa which is used to flavor chocolate ice cream may be sweetened and may be added as such or as a suspension in syrup

36896. Diabetic and dietetic ice cream is a frozen milk product which purports to be, or is represented, for special dietary use by man as the means of regulating intake of protein, fat, carbohydrate, or calories for dietary management in the control of disease. It shall not contain any added sugar, but shall otherwise conform to all applicable provisions of this division which relate to ice cream. It shall be advertised, labeled, and sold pursuant to regulations which are adopted by the director.

Article 4. Ice Milk

36921. Ice milk is a frozen product. It shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, nonfat dry milk solids, dried buttermilk, extra grade edible dried whey, milk fat or wholesome sweet butter made from sweet cream, or any combination of any such products It may contain sweetening which is approved by the director, clean wholesome eggs or egg products, and harmless flavoring and coloring which is approved by the director.

36922. Ice milk shall contain not less than 2 percent, nor more than 7 percent, milk fat and not less than 11 percent total milk solids.

36923. Ice milk shall contain not more than 0.5 percent stabilizer and not more than 0.2 percent emulsifier approved by the director.

36924. Ice milk shall weigh not less than 4.5 pounds per gallon and shall contain not less than 1.3 pounds food solids per gallon.

36925. Ice milk, at the time of sale by the manufacturer or retailer, shall contain not more than 75,000 bacteria per gram.

36926. Diabetic and dietetic ice milk is a frozen milk product which purports to be, or is represented, for special dietary use by man as the means of regulating intake of protein, fat, carbohydrate, or calories for dietary management in the control of disease. It shall not contain any added sugar, but shall otherwise conform to all applicable provisions of this division which relate to ice milk. It shall be advertised, labeled, and sold pursuant to regulations which are adopted by the director.

36927. Every container of ice milk shall be conspicuously so labeled.

36928. Every place where ice milk is sold at retail shall display a conspicuous, legible sign which contains the words "Ice milk sold here," in plain, block letters, which are not less than six inches high. The sign display requirements of this section do not apply to any place where ice milk is sold in properly labeled consumer packages or containers for off-premise consumption.

36929. Every manufacturer of ice milk shall, upon request of the department, submit the names and specific location of every dealer or other person that receives ice milk for the purpose of selling or otherwise dispensing it to the public.

Article 5. Sherbet

36951. Sherbet is a frozen product which contains milk or products of milk. It may contain sweetening, harmless flavoring, and coloring which are approved by the director.

36952. Sherbet shall contain not less than 1 percent, nor more than 2 percent, milk fat and not more than 5 percent total milk solids. It shall contain not more than five-tenths of 1 percent harmless stabilizer or more than two-tenths of 1 percent emulsifier which is approved by the director.

36953. Sherbet shall have an acidity of not less than the amount which is specified in the regulations adopted by the director.

36954. Sherbet, except citrus or berry sherbet, shall contain not less than 10 percent by weight of clean, mature, sound fruit or the juice of such fruit, or its equivalent in other form. Citrus sherbets may contain not less than 2 percent fruit, and berry sherbets may contain not less than 6 percent fruit or its equivalent in other forms.

36955. Sherbet at the time of sale by the manufacturer or retailer shall not contain more than 75,000 bacteria per gram.

36956. Sherbet shall weigh not less than six pounds per gallon.

36957. Yogurt sherbet is a product which meets all the requirements and standards prescribed for sherbet, except as follows:

(a) It shall have an acidity of not less than six-tenths of 1 percent calculated as lactic acid.

(b) Bacteria standards which are specified for sherbet do not apply to yogurt sherbet.

(c) It shall have a yogurt content of not less than 40 percent.

Article 6. Quiescently Frozen Confections

36981. Quiescently frozen confections means a clean and wholesome frozen, sweetened, flavored product in the manufacture of which freezing, which is not accompanied with stirring or agitation (generally known as quiescent freezing), has been used. This confection may be acidulated with harmless organic acid, may contain milk solids, may be made with or without added harmless pure or imitation flavoring, and with or without added harmless coloring approved by the director. The finished product may contain not more than one-half of 1 percent by weight of stabilizer composed of wholesome edible material. The finished product shall contain not less than 17 percent by weight of total food solids.

36982. Quiescently frozen confections may be sold under trade names which are not misleading or deceptive.

36983 A quiescently frozen confection shall be manufactured in the form of servings, individually packaged, bagged, or otherwise wrapped, properly labeled, and purveyed to the consumer in their original factory-filled package.

36984. In the production of a quiescently frozen confection, no processing or mixing prior to the quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 percent.

Chapter 3. Butter

Article 1. General Provisions

37101. As used in this chapter:

(a) "Package" includes cartons, wrappers, or other containers which are used for the sale of butter to the retail trade.

(b) When "numerals" appear following words which relate to scoring, the numerals represent the score of the butter, 100 being a perfect score.

37102. All scoring of butter shall be in the manner which is specified in the regulations which are adopted by the director.

37103. Quality designations shall be affixed on the package in a manner and fashion which is prescribed in the regulations which are adopted by the director.

Article 2. Butter Grades

37131. All butter which is sold or distributed in package form, including such butter which is received from out-of-state points, shall be classified into grades which indicate its quality and shall be labeled and advertised by the use of one of the following designations:

(a) First quality.

(b) Second quality.

37132. First quality butter is butter which scores not less than 92. The minimum requirements for first quality butter are as follows:

(a) It shall be fresh, sweet and clean in flavor if of fresh make, or sweet and clean if storage.

(b) The body shall be firm.

(c) The color shall be either light or medium and shall be uniform, except that it may show small curd specks or slight waviness.

(d) The salt shall be either light or medium, and free from grittiness.

(e) The package shall be clean, uniform, and sound.

(f) The defects in body, color, salt, and package shall not total over one point.

37133. Second quality butter is butter which scores below 92, but not less than 90. The minimum requirements for second quality butter are as follows:

(a) It shall be fresh and fairly sweet and fairly clean in flavor if of fresh make or fairly sweet and fairly clean if storage.

(b) It may also be flat or lacking in flavor.

(c) The body shall be fairly firm, but may show slight defects in grain and texture.

(d) The color may be either light or medium and shall be fairly uniform, but may be wavy.

(e) The salt may be either light, medium or high, and shall be fairly uniform, but may be slightly gritty.

(f) The package shall be clean, uniform, and sound.

37134. Butter which scores less than 90 shall not be sold or served to consumers. Such butter when sold shall be in bulk packages which contain not less than 30 pounds, and are labeled "for cooking and baking purposes only."

Article 3. Butter Standards

37161. Butter is the product made by gathering the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of other milk constituents.

37162. Butter shall be clean and nonrancid and shall contain not less than 80 percent of milk fat.

37163. Butter may contain salt or a harmless coloring matter.

Article 4. Retail Packages

37191. Butter which is sold to the retail trade shall be labeled with the name and address of the manufacturer, the wholesale distributor, or the retailer. The following words shall appear above the name:

(a) The words "manufactured by" if the name of the manfacturer is given.

(b) The words "distributed by," if the name of the wholesale distributor is given.

(c) The words "put up for" or "put up by," as the case may be, if the name of the retailer is given.

Article 5. Bulk Packages

37221. Butter which is received in this state by brokers, jobbers, and other persons that receive butter in cubes, tubs, firkins, or other bulk packages shall be labeled with all of the following:

(a) The name and address of the manufacturer.

(b) The date on which the butter was manufactured.

(c) The original lot or churn number.

37222. The markings shall remain on the packages until the butter which is contained in the packages is cut and wrapped for the retail trade.

37223. The name of any city, county, or other geographical designation, or any word which may be pronounced the same as any city, county, or other geographical designation, except the address of the manufacturer, wholesale distributor, or retailer, whose name is printed on any package or wrapper, shall not appear upon any package or wrapper.

37224. This article does not prohibit the use of a trademark or brand which has a geographical name if it was copyrighted or registered in the office of the Secretary of State of this state prior to January 1, 1923.

Article 6. Imported Butter

37261. Every person that sells, consigns, ships, or presents to any other person any butter that has been shipped or imported into this state from any place outside of the United States shall, before he does so, do all of the following:

(a) Cause to be stamped, marked, or printed upon the wrapper, or other container in blackface letters which are not less than one-eighth of an inch in height the word "imported"

(b) Display in a conspicuous place in his public salesroom a sign, which shall be not less than one foot in height and two feet in length, which bears the words "imported butter sold here" in blackface letters not less than three inches in height and one-half inch in width upon a white ground.

37262. Violation of this article is punishable by imprisonment in the county jail for not more than six months, or by a fine of not more than two hundred fifty dollars ($250), or by both.

Article 7. Renovated Butter

37291. Renovated butter is the product made from impure or rancid butter reduced, for the purpose of cleansing and renovating, to a liquid state by melting and draining off the liquid milk fat and afterwards churning or otherwise manipulating it in connection with milk or any product of milk.

37292. It is unlawful for any person to sell any renovated butter unless there is printed upon the label of each and every package, or other container in which such renovated butter is put up for sale or sold at retail, all of the following:

(a) The words "renovated butter" in letters which are at least as large as any other type or lettering on such label.

(b) The name and address of the manufacturer or distributor.

(c) The net weight of the contents of the package.

(d) A full and accurate statement of all the ingredients which are contained in the renovated butter.

Chapter 4. Cheese

Article 1. General Provisions

37401. Established varieties of cheese are described in Articles 4 (commencing with Section 37491) to 11 (commencing with Section 37671), inclusive, of this chapter.

37402. All varieties of cheese, except the varieties which are established in this chapter, are special varieties and shall conform to the standards of composition and labeling requirements which are adopted by the director.

37403. Milk, skim milk, or cream which is to be made into cheese shall conform to at least the minimum requirements for milk, skim milk, or cream as the case may be.

Article 2. Cheese Standards Generally

37431. Except as otherwise provided in Section 37433, cheese is the solid or semisolid product which is made from milk, skim milk, or cream by coagulating the casein of the milk, skim milk, or cream.

37432. The coagulating of the casein for cheese shall be with rennet, pepsin, lactic acid, or such other coagulating agents as may be approved in writing by the director, with or without the addition of ripening ferments, seasoning, salt (sodium chloride), or harmless coloring matter.

37433. Evaporated or condensed skim milk or nonfat dry milk solids may be used in the manufacture of cheese. If nonfat dry milk is used in the manufacture of cottage cheese,

such nonfat dry milk shall be of extra grade spray process.

37434. Except as otherwise provided in this division, whole milk cheese shall contain not less than 50 percent of pure milk fat in its water-free substance.

37435. Part skim cheese shall contain not less than 30 percent of pure milk fat in its water-free substance.

37436. Skim cheese is cheese that contains less than 30 percent of pure milk fat in its water-free substance.

Article 3. Standards for Cheese of the Cheddar, Granular, and Stirred-Curd Types

37461. Cheese of the cheddar, granular, and stirred-curd types shall conform to the standards which are prescribed by this article.

37462. Cheese equivalent to U.S. grade A shall conform to all of the following standards:

(a) It shall be free of objectionable flavors and odors, but may have slight feed flavors and a flavor typical of the variety of cheese being examined It may have a slightly acid flavor if minimum cured plus a slightly bitter flavor if aged.

(b) It shall have a reasonably firm, smooth, and waxy body and texture characteristic of the type of cheese being examined. It may, however, be slightly curdy, slightly short, mealy, or weak and be slightly pasty in aged cheese. It shall be free from yeast holes and other gas holes.

(c) It may be uncolored or minimum colored and slightly seamy. Aged or cured cheese may also have tiny white specks.

(d) It shall have a finish and appearance if bandaged and paraffin dipped so as to be free from surface defects, including, but not being limited to, cracks in the rind, soft spots, rind rot, and scaly paraffin, which may cause deterioration of the cheese It shall not be huffed, shall have a coating of paraffin that adheres to the surface of the cheese but may be slightly lopsided and may have slightly high edges. The bandage may be slightly uneven, overlapped, or wrinkled, but may not be burst or torn.

(e) If rindless, the cheese may not be huffed but may be slightly lopsided, and the wrapper may be slightly wrinkled but unbroken.

37463 Cheese equivalent to U.S. grade B shall conform to all of the following standards:

(a) It may possess definite off-flavors and odors such as acid, bitter, feed, fruity, metallic, whey taint, and yeasty.

(b) The body and texture may have a weak, pasty body, but not extremely soft and smeary, and may have a firm, short, mealy body.

(c) It shall be uncolored, minimum colored, or high colored, may be seamy, slightly acid cut or slightly wavy and slightly mottled. Aged or cured cheese may have tiny white specks.

(d) If bandaged and paraffin dipped, it may have a rough or unattractive appearance, have scaly paraffin, be slightly huffed, and be lopsided, but not to the extent that the lid will not fit squarely on the box. It shall be solid, free from soft spots, rind rot, cracks, and openings of any kind. The bandage may be uneven, overlapped, or wrinkled, but shall not be burst or torn. There shall be no indication that any mold has entered the cheese.

(e) If rindless, the cheese may be slightly huffed and slightly lopsided, and the wrapper may be slightly wrinkled but unbroken.

37464. Variation in flavor or texture which is due to the characteristic or type of cheese involved and differences in age of cheese that is current, minimum, or aged will be considered in the final grading of the cheese.

Article 4. Cheddar or American Cheese

37491. Except as otherwise provided in Article 5 (commencing with Section 37521) of this chapter, all varieties of cheese which are made by the so-called cheddar process which consists, in part, of subjecting the curd to a matting and milling process and molded under pressure, into characteristic forms approved by the director, with or without bandage, are classified as cheddar or American cheese.

37492. Cheddar or American cheese shall contain not more than 39 percent of moisture and shall contain not less than 50 percent milk fat in its water-free substance.

Article 5. Washed-Curd Cheese

37521. Washed-curd cheese may be manufactured by the so-called cheddar process if the curd, after milling, is cooled and soaked in water until the whey is partly extracted and water is absorbed.

37522. Washed-curd cheese shall contain not more than 42 percent of moisture and not less than 50 percent of milk fat in its water-free substance.

Article 6. Granular or Colby Cheese

37551. Granular or Colby cheese is made by the so-called stirred curd or granular process and molded, under pressure, into characteristic forms similar to those for cheddar or American cheese. It shall contain not more than 42 percent of moisture and not less than 50 percent milk fat in its water-free substance.

Article 7. Monterey Cheese or Monterey Jack Cheese

37571. Monterey cheese or Monterey jack cheese is made by the so-called stirred curd or granular process, without

added color, and molded, under pressure, into characteristic forms. Except as otherwise provided in Section 37572, it shall contain not more than 44 percent of moisture and not less than 50 percent of milk fat in its water-free substance.

37572. Monterey cheese or Monterey jack cheese for drying purposes may contain less than 50 percent milk fat in its water-free substance, but in no event shall such dry cheese contain less than 46 percent of milk fat in its water-free substance.

Article 8. High Moisture Jack Cheese

37601. High moisture jack cheese is made by the so-called stirred curd or granular process, without added coloring, and molded in bags under pressure into a characteristic form or shape. It shall contain not more than 50 percent of moisture and not less than 50 percent of milk fat in its water-free substance.

Article 9. Cream Cheese

37621. Cream cheese is the soft uncured cheese which is prepared by the mixing of cream with milk or skim milk, or both. The milk shall be pasteurized and may be homogenized. It is coagulated by the addition of harmless lactic acid producing bacteria with or without rennet. The curd may be pressed, chilled, worked, and seasoned. It shall contain not less than 33 percent of milk fat and not more than 55 percent of moisture.

Article 10. Uncreamed Cottage Cheese or Cottage Cheese

37641. As used in this article:

(a) "Concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(b) "Dairy ingredients" mean sweet skim milk, concentrated skim milk, and nonfat dry milk solids.

(c) "Skim milk" means the milk of cows from which the milk fat has been separated.

37642. For the purposes of this article, cottage cheese made from goat milk is a special variety of cheese.

37643. Uncreamed cottage cheese or cottage cheese is the soft uncured cheese prepared by the procedure which is prescribed in this article or by any other comparable procedure which is approved by the director. The finished cottage cheese shall contain not more than 80 percent of moisture and not more than 0.5 percent fat.

37644. Uncreamed cottage cheese or cottage cheese may be prepared by adding harmless lactic acid-producing bacteria, with or without rennet, to any dairy ingredients. The dairy ingredients shall be pasteurized. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quan-

tity not in excess of that removed when such milk was concentrated or dried.

Calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix. Harmless artificial coloring may also be added.

The resultant mixture is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained.

The curd may be washed with water and further drained; it may be pressed, chilled, worked, or seasoned with salt.

37645. The packaging of uncreamed cottage cheese or cottage cheese shall take place only in a licensed milk products plant.

Article 11. Creamed Cottage Cheese

37671. As used in this article:

(a) "Milk" means sweet milk of cows.

(b) "Skim milk" means milk from which the milk fat has been separated.

37672. For the purposes of this article, creamed cottage cheese which is made from goat milk is a special variety of cheese.

37673. Creamed cottage cheese is the soft uncured cheese which is prepared by mixing cottage cheese with one or more of the following pasteurized products or a pasteurized mixture of two or more of them: cream, milk, skim milk, concentrated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water.

The pasteurized product or mixture shall be used in such quantity that the milk fat which is added to the finished creamed cottage cheese is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese shall contain not more than 80 percent of moisture.

37674. The addition of milk products to cottage cheese in the preparation of creamed cottage cheese shall take place only in a licensed milk products plant.

37675. Creamed cottage cheese to which any chives, fruits, or vegetables are added shall contain not less than 4 percent of milk fat and not more than 80 percent of moisture at the time of sale to the consumer.

37676. If chives are added to creamed cottage cheese, it shall contain a sufficient amount of properly cleaned fresh or frozen chives to impart the characteristic flavor of chives to the finished product.

37677. If fruit is added to creamed cottage cheese, whether the fruit is a single variety or a combination of two or more varieties, the amount which is added shall not be less than 10 percent and not more than 25 percent by weight of the finished product.

37678. If vegetables are added to creamed cottage cheese, whether the vegetables are a single variety or combination of

two or more varieties, the amount which is added shall not be less than 5 percent and not more than 20 percent by weight of the finished product.

37679. Any fruit or vegetable which is added to creamed cottage cheese shall be clean and sound It shall be frozen, canned, or dried, or have been heated to a pasteurization temperature as specified in Section 34001.

37680. In addition to the labeling provision of Article 21 (commencing with Section 37971) of this chapter, any chives, fruits, or vegetables which are added to creamed cottage cheese shall be shown on the label of each package in the order of predominance by weight.

Article 12. Homogenized Creamed Cottage Cheese Spread

37701. Homogenized creamed cottage cheese spread is creamed cottage cheese which has been subjected to a mechanical process or treatment in such manner as to insure the breakup of all curd particles It shall contain not less than 4 percent milk fat by weight of the product or more than 80 percent of moisture.

Article 13. Partially Creamed Cottage Cheese

37721. As used in this article:

(a) "Milk" means sweet milk of cows.

(b) "Skim milk" means milk from which the milk fat has been separated.

37722. For the purposes of this article, partially creamed cottage cheese which is made from goat milk is a special variety of cheese.

37723. Partially creamed cottage cheese is the soft uncured cheese which is prepared by mixing cottage cheese with one or more of the following pasteurized products or a pasteurized mixture of two or more of them: cream, milk, skim milk, concentrated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water. The pasteurized product or mixture shall be used in such quantity that the milk fat which is added thereby is not less than 0.5 percent, nor more than 2 percent by weight of the finished partially creamed cottage cheese. The finished partially creamed cottage cheese shall contain not more than 80 percent of moisture.

37724. The addition of milk products to cottage cheese in the preparation of partially creamed cottage cheese shall take place only in a licensed milk products plant.

37725. Partially creamed cottage cheese to which chives, fruits, or vegetables are added shall contain not more than 2 percent and not less than 0.5 percent milk fat and not more than 80 percent of moisture at time of sale to consumer.

37726. If any chives are added to partially creamed cottage cheese, it shall contain a sufficient amount of properly cleaned fresh, frozen, or dehydrated chives to impart the characteristic flavor of chives to the finished product.

37727. If any fruit is added to partially creamed cottage cheese, whether the fruit is a single variety or a combination of two or more varieties, the amount which is added shall not be less than 10 percent and not more than 25 percent by weight of the finished product.

37728. If vegetables are added to partially creamed cottage cheese, whether the vegetables are a single variety or combination of two or more varieties, the amount which is added shall not be less than 5 percent and not more than 20 percent by weight of the finished product.

37729. Any fruit or vegetable which is added to partially creamed cottage cheese shall be clean and sound. It shall be frozen, canned, or dried, or have been heated to a pasteurization temperature as specified in Section 34001.

37730. In addition to the labeling requirements of Article 21 (commencing with Section 37971) of this chapter, the chives, fruits, or vegetables which have been added to partially creamed cottage cheese shall be shown on the label of each package in the order of predominance by weight.

Article 14. Cream Cheese With Other Foods

37751. "Cream cheese with other foods" is a class of food products which is prepared by mixing, with or without the aid of heat, cream cheese and any properly prepared food, or a mixture of two or more properly prepared foods, other than cheeses. The following are foods which may be mixed with cream cheese in preparing such food product:

(a) Fresh, cooked, canned, or dried fruits or vegetables.

(b) Cooked or canned meats.

(c) Relishes or pickles.

(d) Any other foods which are suitable for blending with cream cheese.

37752. The amount of the added food shall be sufficient to so differentiate the mixture that it does not simulate cream cheese.

37753. Any of the following ingredients may also be used in the food product:

(a) One or any mixture of two or more of the following optional ingredients: gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, carboxymethyl cellulose, carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including that which is contained in the cream cheese, shall not be more than 0.8 percent by weight of the finished food product.

(b) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food product appear better or of greater value.

37754. No water except that which is contained in the added food ingredient shall be used, but the moisture content of the finished food product in no case shall be more than 60 percent.

37755. The milk fat shall be not less than 33 percent of the percent by weight of the cream cheese which is used, but in no case shall it be less than 27 percent of the finished food product.

37756. The name of the food product is "cream cheese with _____" or "cream cheese and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

37757. The label of any such food product shall bear the name of the optional water-retaining ingredients which were used, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum, or any mixture of them, may be named as "vegetable gum" or "vegetable gums," as the case may be.

37758. If artificial coloring is used, the label shall bear the statement "artificially colored" unless the food which is added to the cream cheese is the only portion artificially colored. If the food which is added is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name of any food so colored.

37759. The name of the food shall appear on the label so conspicuously as to be easily seen under customary conditions of purchase. The words and statements of the optional ingredients used which are required by this article to be shown, shall immediately and conspicuously precede or follow such name, without any intervening written, printed, or graphic matter.

Article 15. Pasteurized Neufchâtel Cheese Spread With Other Foods

37781. "Pasteurized Neufchâtel cheese spread with other foods" is a class of food products which is prepared by mixing, with aid of heat, Neufchâtel cheese and any properly prepared food, or a mixture of two or more properly prepared foods, other than cheese The following are foods which may be mixed with Neufchâtel cheese in preparing such food product:

(a) Fresh, cooked, canned, or dried fruits or vegetables.

(b) Cooked or canned meats.

(c) Relishes or pickles.

(d) Any other foods which are suitable for blending with Neufchâtel cheese.

37782. The amount of the added food shall be sufficient to so differentiate the blend that it does not simulate Neufchâtel cheese. It shall be spreadable at 70 degrees Fahrenheit.

37783. Any of the following ingredients may also be used in the food product:

(a) One or any mixture of two or more of the following: gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of

alginic acid), guar gum, carboxymethyl cellulose, carrageen, and oat gum. The total quantity of any such substances, including that contained in the Neufchâtel cheese, shall be not more than 0.8 percent by weight of the finished food product.

(b) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value.

(c) An acidifying agent which consists of one or a mixture of two or more of the following: an edible grade of a vinegar, acetic acid, lactic acid, citric acid, or phosphoric acid.

(d) A sweetening agent which consists of one or a mixture of two or more of the following: sugar, dextrose, maltose, corn syrup, corn syrup solids, malt syrup, or hydrolized lactose.

(e) Cream, milk, skim milk, cheese whey, or any mixture of two or more of them.

(f) Cream, milk, skim milk, cheese whey, or any mixture of two or more of them, from which part of the water has been removed.

(g) Albumin from cheese whey.

37784. During its preparation the mixture shall be heated for not less than 30 seconds at a temperature of not less than 150 degrees Fahrenheit.

37785. No water except that which is contained in the ingredients which are used shall be added to this food product, but the moisture content of the finished food product in no case shall be more than 65 percent.

37786. The milk fat shall be not less than 20 percent by weight of the finished food product.

37787. The name of the food shall be "pasteurized Neufchâtel cheese spread with _____" or "pasteurized Neufchâtel cheese spread and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

37788. The label of any "pasteurized Neufchâtel cheese spread with other foods" shall bear the names of any of the optional ingredients which were used, except carob bean gum, gum karaya, tragacanth, gum guar, and the oat gum, or any mixture of them, may be referred to as "vegetable gum" or "vegetable gums," as the case may be.

37789. If artificial coloring is used, the label shall bear the statement "artificially colored," unless the food added to the Neufchâtel cheese is the only portion artificially colored. If the food which is added to the Neufchâtel cheese is the only portion that is artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name of any food so colored.

37790. If an optional acidifying agent is used so that the pH of the finished food product is less than 4.2, there shall appear after its name the words "chemical preservative."

37791. If vinegar is the only acidifying agent which is added, it shall be considered to be acetic acid if the pH of the finished food product is less than 4.2.

37792. If vinegar and any other acidifying agent is used and the pH of the finished food product is less than 4.2, only the name of the acidifying agent other than vinegar shall be followed by the statement "a chemical preservative."

37793. The name of the food shall appear on the label so conspicuously as to be easily seen under customary conditions of purchase. The words and statements of the optional ingredients used which are required by this article to be shown, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Article 16. Pasteurized Process Cheese

37821. Pasteurized process cheese is the pasteurized product which is prepared by comminuting and mixing any lot or variety, or two or more lots or varieties, of cheese into a homogeneous plastic mass with the aid of heat, with or without addition of water and with the incorporation of not more than 3 percent of a suitable emulsifying agent.

37822. The standard of composition for any pasteurized process cheese shall be fixed by the director by regulation. It shall conform as nearly as possible to the standard proclaimed and established by the United States Department of Health, Education, and Welfare or any duly constituted successor of such department.

37823. The labeling and the advertising of any pasteurized process cheese shall be in accordance with this division and the regulations which are adopted by the director.

Article 17. Pasteurized Process Cheese Food

37851. Pasteurized process cheese food is the pasteurized product which is prepared by comminuting and mixing any lot or variety, or two or more lots or varieties, of cheese into a homogeneous plastic mass with the aid of heat. It may contain any of the following:

(a) Added water.

(b) Added solids which are derived from milk.

(c) Approved acids, sugars, seasoning, and emulsifying agents in amounts which are specified in the regulations adopted by the director.

37852. The standard of composition for any pasteurized process cheese food shall be fixed by the director by regulation. It shall conform as nearly as possible to the standard which is proclaimed and established by the United States Department of Health, Education, and Welfare or any duly constituted successor of such department.

37853. Pasteurized process cheese food shall be sold to the consumer in the original unopened package which shall contain not more than two pounds in weight.

37854. The labeling and the advertising of any pasteurized process cheese food shall be in accordance with this division and the regulations which are adopted by the director.

Article 18. Pasteurized Cheese Spread

37881. Pasteurized cheese spread is a product prepared by mixing with the aid of heat into a homogeneous plastic mass any lot or variety, or two or more lots or varieties, of cheese. It may contain any of the following:

(a) Added solids which are derived from milk, water, and spices.

(b) Added sugar, acids, emulsifiers, flavoring, and seasoning in amounts specified in the regulations adopted by the director.

37882. The standard of composition for any pasteurized cheese spread shall be fixed by the director by regulation. It shall conform as nearly as possible to the standard which is proclaimed and established by the United States Department of Health, Education, and Welfare or any duly constituted successor of such department.

37883. Pasteurized cheese spreads shall be packaged in size not to exceed two pounds in weight and shall be sold to the consumer in the original unopened package.

37884. The labeling and the advertising of any pasteurized cheese spread shall be in accordance with this division and the regulations which are adopted by the director.

Article 19. Cold Pack Cheese

37911. Cold pack cheese is the product which is prepared by comminuting any lot, or two or more lots, of cheese, which have been made from pasteurized milk or from cheese which has been held for a period of at least 60 days from date of manufacture, and mixing such cheese, with or without the addition of water or cream and without the aid of heat, to form a homogeneous mass.

37912. The standard of composition for any cold pack cheese shall be fixed by the director by regulation. It shall conform as nearly as possible to the standard which is proclaimed and established by the United States Department of Health, Education, and Welfare or any duly constituted successor of such department.

37913 The labeling and the advertising of any cold pack cheese shall be in accordance with this division and the regulations which are adopted by the director.

Article 20. Cold Pack Cheese Food

37941. Cold pack cheese food is the product which is prepared by comminuting and mixing any lot or variety, or two or more lots or varieties, of cheese which have been made from pasteurized milk or from cheese which has been held for a period of at least 60 days from date of manufacture, without the aid of heat, into a homogeneous mass. It may contain added solids derived from milk, approved acids, sugar, emulsifiers, water, flavoring, and spices in the amount specified in the regulations adopted by the director.

37942. The standard of composition for any cold pack cheese food shall be fixed by the director by regulation. It shall conform as nearly as possible to the standard which is proclaimed and established by the United States Department of Health, Education, and Welfare or any duly constituted successor of such department.

37943. Cold pack cheese food shall be sold to the consumer in the original unopened package which shall contain not more than two pounds in weight.

37944. The labeling and the advertising of any cold pack cheese food shall be in accordance with this division and the regulations which are adopted by the director.

Article 21. Labeling of Cheese

37971. Any cheese which is sold in this state, except that which is cut and wrapped into individual consumer packages or that which is defined in Articles 10 (commencing with Section 37641) to 20 (commencing with Section 37941), inclusive, of this chapter shall be labeled at the milk products plant where manufactured to indicate all of the following:

(a) The variety.

(b) The milk products plant number unless the cheese is manufactured in a state where milk products plant numbers are not assigned.

(c) State of origin.

(d) Date upon which the cheese was manufactured, if the cheese is made from raw milk.

(e) With the words "part skim" or "skim," as the case may be, if the cheese is made from part skim milk or from skim milk.

37972. Pasteurized cheese or cheese which is made from pasteurized milk or pasteurized products of milk shall be labeled to indicate that it is pasteurized or made from pasteurized products

37973 Cheese which is manufactured in any state where milk products plant numbers are not assigned shall be labeled with the name and address of the milk products plant where it was manufactured.

37974. Any cheese which has been coated or treated in such a manner as to cover or conceal the original label shall,

before being offered for sale to retail establishments, be relabeled in a legible manner to indicate all of the following:

(a) The milk products plant number or the name and address of the manufacturer or distributor.

(b) State of origin.

(c) The variety.

(d) The words "part skim" or "skim," as the case may be, if the cheese is made from part skim milk or from skim milk.

37975. Any cheese which is cut and wrapped or packaged into individual consumer packages shall be labeled to indicate all of the following:

(a) That it is pasteurized or made from pasteurized products or that it has been cured for at least 60 days.

(b) The variety.

(c) The name and address of the manufacturer or distributor.

All cheese which is sold in such individual consumer packages, except cottage cheese, shall be labeled with the words "part skim" or "skim," as the case may be, if the cheese is made from part skim milk or from skim milk.

37976. Any cheese which is cut and wrapped or packaged into individual consumer packages for sale on the premises where it is cut, wrapped, or packaged shall be labeled to indicate the variety of cheese in the package. This section does not apply to cheese which is cut, wrapped, or packaged in retail establishments at the request, or in the presence, of the consumer.

Article 22. Violations

38001. It is unlawful for any person to have in his possession any cheese, except cheese which has been allowed to ripen or cure for at least 60 days from the date of manufacture, which is not pasteurized or was not manufactured from milk or milk products which were pasteurized, unless the person has such cheese in his possession for one of the following purposes:

(a) Curing, aging, or processing by a manufacturer, broker, or wholesale handler.

(b) Transportation, in the case of boats, railroads, or other carriers.

(c) Storage, in the case of a warehouse or cold storage company.

38002. It is unlawful for any person to sell to the consumer any part skim cheese or skim cheese which contains more than 32 percent of moisture, except cottage cheese and special varieties of cheese for which moisture standards are established by the director.

CHAPTER 5. MISCELLANEOUS DAIRY PRODUCTS

Article 1. Milk Fat or Butter Fat

38151. As used in this article, "Reichert-Meissl number" means the number of milliliters of decinormal alkali which are required to neutralize the acidity of the distillate from five grams of fat treated in the manner specified in the regulations adopted by the director. Such regulations shall conform as closely as possible to the methods which are described in the book, entitled "Official and Tentative Methods of Analysis of the Association of Official Analytical Chemists," published from time to time by that association.

38152 Milk fat or butter fat is the fat of milk. It shall have a Reichert Meissl number not less than 24 and a specific gravity not less than 905/1000. In determining the specific gravity milk fat at 40 degrees centigrade shall be compared with water at 40 degrees centigrade.

Article 2. Skim Milk or Nonfat Milk

38181. Skim milk or nonfat milk is the product which results from the complete or partial removal of milk fat from milk. It shall contain not more than twenty-five hundredths of 1 percent of milk fat and not less than 8.5 percent of milk solids not fat.

38182. Skim milk or nonfat milk shall conform to the bacterial standards of the grade or class of milk from which such skim milk is derived.

38183. All fluid skim milk which is sold for human consumption as such shall be derived from market milk.

38184. Every container in which skim milk or nonfat milk is sold shall be plainly and conspicuously labeled with all of the following:

(a) The words "skim milk" or "nonfat milk."

(b) The word "raw" or "pasteurized," as the case may be.

(c) The grade or class of the milk.

(d) The name and address of the distributor.

38185. Every label which is required by this article shall be in capital letters of a size or boldness as to be legible by the purchaser or consumer. If the available space on any cap, bottle, or container for such labeling is not sufficient for the full name of the distributor, a sufficient portion of the distributor's name which clearly identifies such distributor may be used in lieu of the entire distributor's name.

38186. Every container of skim or nonfat milk, except a glass container, shall be labeled, if sufficient space is available on the container, with the words "skim milk" or "nonfat milk" in capital letters not less than one-quarter inch in height and one-eighth inch in width.

Article 3. Low-Fat Milk

38211. Low-fat milk is a market milk product. It shall contain not less than 1.9 percent milk fat, not more than 2.1 percent milk fat, and not less than 10 percent of milk solids not fat.

38212. Low-fat milk may contain added vitamins and minerals if it is labeled to indicate such additions and the amount of the vitamins or minerals which are added.

38213 Except as otherwise provided in this article, low-fat milk shall meet all standards and requirements which are specified in this division for market milk. It shall be labeled "low-fat milk."

Article 4. Evaporated Milk

38231. Evaporated milk is milk from which a considerable portion of moisture has been evaporated. The standard of composition for evaporated milk, whether sweetened or unsweetened, shall be fixed by the director and shall conform as nearly as possible to that proclaimed and established by the United States Department of Health, Education, and Welfare or any duly constituted successor of such department.

Article 5. Evaporated Cream or Clotted Cream

38241. Evaporated cream or clotted cream is cream from which a considerable portion of moisture has been evaporated.

Article 6. Evaporated Skim Milk or Condensed Skim Milk

38261. Evaporated skim milk or condensed skim milk is skim milk from which a considerable portion of moisture has been evaporated. It shall contain not less than 18 percent milk solids and not more than 75,000 bacteria per gram.

38262. It is unlawful for any person to sell at retail for consumption within this state any evaporated skim milk or condensed skim milk in any container which is smaller than a "number 10 can," except that which is sold exclusively by druggists, orphan asylums, child welfare associations, hospitals, and similar institutions upon prescription of a regularly licensed physician.

38263. Every hermetically sealed container which contains evaporated skim milk or condensed skim milk shall distinctly bear the name and address of the manufacturer of such milk, together with the words "condensed skim milk" in roman letters of a size at least as large as the largest of any other words or letters which appear on the brand, indention, or label upon the container.

Article 7. Sterilized Flavored Drink

38291. Sterilized flavored drink is milk or skim milk, evaporated, condensed, or dried milk, or nonfat milk solids, or any combination of them, which contains harmless sweetening, chocolate, chocolate syrup, or other harmless syrup or flavoring or combinations of such syrups or flavorings, and harmless edible stabilizer which does not exceed five-tenths of 1 percent or seasoning. It may be homogenized, packed in hermetically sealed containers, and so processed by heat as to prevent spoilage.

Article 8. Sterilized Flavored Milk

38311. Sterilized flavored milk is milk, evaporated or condensed milk, or dried milk, or any combination of them, which contains harmless sweetening, chocolate, chocolate syrup, or other harmless syrup or flavoring, or combinations of such syrups or flavorings, and harmless edible stabilizer which does not exceed five-tenths of 1 percent or seasoning. It is homogenized, packed in hermetically sealed containers, and so processed by heat as to prevent spoilage.

38312. Sterilized flavored milk shall contain not less than 3 percent milk fat and not less than 16½ percent total solids.

Article 9. Sterilized Flavored Cream

38321. Sterilized flavored cream is cream to which nonfat dry milk solids have been added, which contains harmless flavoring or syrup, or combinations of harmless flavorings or syrups, and harmless edible stabilizer which does not exceed five-tenths of 1 percent or seasoning and harmless stabilizing salts. It is homogenized, packed in hermetically sealed containers, and so processed by heat as to prevent spoilage.

38322. Sterilized flavored cream shall contain not less than 20 percent milk fat.

Article 10. Sterilized Milk and Sterilized Cream

38341. Sterilized milk and sterilized cream is milk or cream which has been subjected to a temperature which is high enough to sterilize the product. An edible stabilizer not to exceed five-tenths of 1 percent may be added to sterilized milk or sterilized cream.

38342. Sterilized milk or sterilized cream shall be made from milk or cream which meets all the requirements of this division for the respective class or grade of milk and cream which is used; except that such milk or cream need not be cooled if it has been demonstrated to the satisfaction of the director that such cooling is not required for the proper processing of the product.

38343. Sterilized milk or sterilized cream shall be packed in sterile containers and hermetically sealed.

38344. Sterilized milk shall contain not less than 3.25 percent milk fat and not less than 8.25 percent milk solids not fat.

38345. Sterilized cream shall contain not less than 18 percent milk fat.

38346. In an area in which a price stabilization and marketing plan is in effect, sterilized milk or sterilized cream shall be sold at not less than the minimum wholesale or minimum retail prices which are established for fluid milk or fluid cream in that area.

38347. Sterilized milk or sterilized cream which has been altered in composition to conform to special nutritional requirements or special dietary purposes, shall be labeled "modified sterilized milk" or "modified sterilized cream" as the case may be. If such alteration is due to the use of additives, such additives shall be approved by the director, and shall be declared on the label.

Article 11. Dried Milk

38361. Dried milk is the product which results from the removal of water from milk It shall otherwise conform to the definition, standards, and requirements which are prescribed in this article.

38362. Dried milk or dry whole milk standards shall apply to bulk, spray process and bulk, roller process.

38363. Dried milk or dry whole milk shall be classified into the following grades:

(a) "Extra grade."

(b) "Standard grade."

38364. "Extra grade" dried milk or dry whole milk shall meet the following specifications:

	Spray process	Roller process
(a) Milk fat__Not less than	26 00 percent	26 00 percent
(b) Moisture_Not more than	2.50 percent	3.00 percent
(c) Titratable acidity__Not more than	0.15 percent	0 15 percent
(d) Bacterial estimate. Not more than	50,000 per gm.	50,000 per gm.
(e) Solubility index___Not more than	0.50 ml.	15 00 ml.
(f) Scorched particle content _Not more than	15 0 mg.	22 5 mg.

38365. Extra grade dried milk or dry whole milk shall be free from lumps except those that break up readily under slight pressure The reliquefied product shall have a sweet and desirable flavor but may possess the following flavor to a slight degree: chalky, cooked, and feed. In the case of roller

process dried milk or dry whole milk, a slight scorched flavor is also permitted.

38366. Standard grade dried milk or dry whole milk shall meet the following specifications:

	Spray process	Roller process
(a) Milk fat. Not less than	26.00 percent	26.00 percent
(b) Moisture Not more than	3 00 percent	4.00 percent
(c) Titratable acidity__Not more than	0.17 percent	0.17 percent
(d) Bacterial estimate_Not more than	100,000 per gm.	100,000 per gm.
(e) Solubility index___Not more than	1.00 ml.	15.00 ml.
(f) Scorched particle content__Not more than	22.5 mg.	32.5 mg.

38367. Standard grade dried milk or dry whole milk shall be free from lumps except those that break up readily under slight pressure. The reliquefied product shall possess a fairly desirable flavor, but may possess a bitter, oxidized, storage, utensil, and scorched flavor to a slight degree and a chalky and feed flavor to a definite degree. In the case of roller process dried milk or dry whole milk, a definite scorched flavor is also permitted.

Article 12. Extra Grade Edible Dry Whey

38391. Extra grade edible dry whey is the product which results by spray drying sweet, fresh cheese whey which has been pasteurized, either before or during the process of manufacture at a temperature of 145° F. for 30 minutes or its equivalent in bacterial destruction, and to which no alkali or other chemical has been added.

38392. Extra grade edible dry whey and its reliquefied form shall have a clean whey flavor, free from objectional and nonwhey flavors and odors.

38393. Extra grade edible dry whey shall contain not more than 50,000 bacteria per gram, not more than 1.25 percent of milk fat, not more than 5.00 percent of moisture, and not more than 0.16 percent of titratable acidity.

38394. The alkalinity of ash which is contained in extra grade edible dry whey shall not exceed 225 ml. 0.1 normal hydrochloric acid (0.1 N HCl) per 100 grams. The scorched particle content shall be not more than 15.0 mg. and the solubility index shall be not more than 1 25 ml.

38395. Extra grade edible dry whey shall have a uniform light color, free from lumps that do not break up under moderate pressure, and practically free from brown and black scorched particles.

Article 13. Nonfat Dry Milk

38421. Nonfat dry milk is the product which results from the removal of fat and water from milk. It shall contain the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which it is made. It shall otherwise conform to the standards and requirements which are prescribed in this article.

38422. Nonfat dry milk shall contain not more than 5 percent by weight of moisture and not more than 1.5 percent by weight of milk fat.

38423. Nonfat dry milk shall be classified into the following grades:

(a) "Extra grade."

(b) "Standard grade."

38424. "Extra grade" nonfat dry milk shall meet the following specifications:

	Spray process not more than	Roller process not more than
(a) Milk fat	1 25 percent	1.25 percent
(b) Moisture	4.00 percent	4.00 percent
(c) Titratable acidity	0.15 percent	0.15 percent
(d) Solubility index	1.25 ml.	15.0 ml.
(e) Bacterial estimate	50.000 per gm.	50,000 per gm.
(f) Scorched particles	15.0 mg.	22.5 mg.

38425. Extra grade nonfat dry milk shall possess a uniform white to light cream natural color, free from lumps except those that break up readily with very slight pressure and practically free from visible dark particles. The reliquefied product shall be free from graininess and shall have a sweet and desirable flavor, but in the case of the spray process product it may possess the following flavors to a slight degree: chalky, cooked, feed, and flat. In the case of the roller process product, a slightly scorched flavor is permitted in addition to the flavors listed in this section.

38426 "Standard grade" nonfat dry milk shall meet the following specifications:

	Spray process not more than	Roller process not more than
(a) Milk fat	1 50 percent	1.50 percent
(b) Moisture	5.00 percent	5.00 percent
(c) Titratable acidity	0 17 percent	0.17 percent
(d) Solubility index	2 00 ml.	15.0 ml.
(e) Bacterial estimate	100.000 per gm.	100,000 per gm.
(f) Scorched particles	22.5 mg.	32.5 mg.

38427. "Standard grade" nonfat dry milk may possess a slight unnatural color. It shall be free from lumps, except those that break up readily under slight pressure and be reasonably free from visible dark particles. The reliquefied product shall be reasonably free from graininess and shall have a

fairly pleasing flavor but may possess the following flavors to a slight degree: bitter, oxidized, storage, utensil, and the following to a definite degree: chalky, feed, flat, and scorched.

38428. Nonfat dry milk which fails to meet the requirements for standard grade or shows a direct microscopic clump count exceeding 250 million per gram shall be deemed unfit for human consumption.

Article 14. Milk Drink Mix

38451. Milk drink mix is a market milk product. It shall contain not less than 12 percent total milk solids, not less than 4 percent butterfat, and not more than one-half of 1 percent of pure and harmless edible stabilizer.

38452. Milk drink mix shall contain no milk or milk products except market milk and milk products which are derived from market milk.

38453. Milk drink mix may contain sweetening and harmless flavoring and coloring.

38454. Milk drink mix shall be pasteurized.

38455. Each manufacturer of milk drink mix shall, upon request of the department, submit the names and delivery locations of all persons that receive milk drink mix from such manufacturer.

Article 15. Sterilized Milk Drink Mix

38481. Sterilized milk drink mix is a milk product which has been subjected to a temperature which is high enough to sterilize the product. It shall contain not less than 12 percent total milk solids, not less than 4 percent butterfat, and not more than one-half of 1 percent of pure and harmless edible stabilizer. It may contain sweetening and harmless coloring and flavoring.

38482. Sterilized milk drink mix shall be packaged by the manufacturer in sterile hermetically sealed metal containers.

38483. Each manufacturer of sterilized milk drink mix shall, upon the request of the department, submit the names and delivery locations of all persons that receive sterilized milk drink mix from such manufacturer.

Article 16. Milk Drink

38511. Milk drink is the product which is made from milk drink mix or sterilized milk drink mix and which contains not less than 3.5 percent of milk fat nor more than 75,000 bacteria per gram.

38512. No milk or milk products except market milk, market skim milk, or market cream shall be combined with, or added to, milk drink mix or sterilized milk drink mix in the freezing device in the making of milk drinks.

Article 17. Acidophilus Milk

38521. Acidophilus milk is market milk, skim milk that is derived from market milk, or a combination of market milk and skim milk that is derived from market milk, which has been pasteurized and afterward fermented by a pure culture of a strain, or strains, of Lactobacillus acidophilus.

38522. The manufacture, labeling, and sale of acidophilus milk shall be in accordance with regulations adopted by the director after a hearing which is duly called. Interested parties shall be notified of the hearing.

Article 18. Modified Milk

38531. Modified milk is market milk, evaporated milk, or powdered milk which has been altered in composition to conform to special nutritional requirements and which contains no fat or oil except milk fat.

Article 19. Buttermilk

38541. Buttermilk is that portion of sweet or ripened milk or cream which remains after the separation and complete or partial removal from such milk or cream of milk fat in the process of butter manufacture.

38542. Buttermilk at the time of sale for human consumption is adulterated if water is added to it.

38543. Every container in which buttermilk is sold shall be labeled with the name and address of the distributor.

Article 20. Cultured Buttermilk

38571. Cultured buttermilk is pasteurized milk, pasteurized skim milk, nonfat dry milk solids, condensed skim milk, or a combination of them, with or without an admixture of butter or buttermilk, which has been treated with special cultures of lactic acid bacteria so that the product resembles buttermilk in appearance, composition, and flavor. It shall contain not less than 8 percent milk solids.

38572. Every container in which cultured buttermilk is sold shall be labeled with the name and address of the distributor.

Article 21. Pasteurized Concentrated Milk

38601. Pasteurized concentrated milk is market milk which has been reduced to a semiliquid state by the removal of a portion of its water content by the aid of heat or the product derived from combining concentrated skim milk derived from market milk with market cream. It shall contain not less than 9.9 percent of milk fat and not less than 24 percent of milk solids not fat. It shall otherwise meet and be subject to

all the requirements and standards for market milk, except as follows:

(a) It may be pasteurized before concentration but shall be pasteurized after concentration.

(b) It shall contain not more than 20,000 bacteria per gram.

38602. Pasteurized concentrated milk shall be packaged in containers other than hermetically sealed containers.

Article 22. Concentrated Skim Milk

38631. Concentrated skim milk is skim milk which is derived from market milk that has been reduced to a semi-liquid state by the removal of a portion of its water content by the aid of heat.

38632. Concentrated skim milk shall contain not less than 24 percent of milk solids not fat.

Article 23. Flavored Milk

38651. Flavored milk is pasteurized, homogenized market milk which conforms to the requirements which are prescribed in Section 35941, to which has been added a stabilizer, sugar, syrup, or flavor made from wholesome ingredients.

38652. Flavored milk shall meet all standards and requirements which are specified in this division for pasteurized, homogenized market milk, and shall otherwise be subject to all provisions of this code that are applicable to pasteurized, homogenized market milk. In addition, flavored milk shall be labeled with the name of the product. The principal flavor may be substituted for the word "flavored" in the name of the product.

38653. Flavored milk shall be so colored or contain ingredients that cause it to distinctly differ from milk in appearance and other characteristics.

Article 24. Flavored Dairy Drink

38661. Flavored dairy drink is a pasteurized market milk product to which has been added a stabilizer, sugar, syrup, or flavor which is made from wholesome ingredients.

38662. Flavored dairy drink shall contain not more than 1.8 percent milk fat and not more than 15,000 bacteria per milliliter at the time of delivery of the product to the consumer.

38663. Flavored dairy drink shall be labeled with the name and address of the distributor or original bottler, and with the class or grade and the name of the product. In such labeling, the principal flavor may be substituted for the word "flavored" or the words "flavored dairy" in the name of the product.

38664. Flavored dairy drink shall be so colored or contain ingredients as to cause it distinctly to differ from milk in appearance and other characteristics.

Article 25. Sour Cream

38671. Sour cream is pasteurized market cream which has been fermented by the addition of pure cultures of one or more strains of lactic acid bacteria so that the product contains certain acidity. It may contain added milk solids which are derived from market milk and a harmless edible stabilizer not to exceed six-tenths of 1 percent by weight. Sour cream shall otherwise conform to all requirements for market cream, except those which pertain to bacteria count.

38672. Sour cream shall be labeled with the name and address of the distributor and may be labeled "sour cream", "sour market cream", or "cultured market cream".

Article 26. Sour Cream Dressing

38701. Sour cream dressing is a product which is made from pasteurized cream with added milk solids to which any strain, or two or more strains, of lactic acid producing organisms has been added to give it a distinct lactic acid flavor. It shall contain not less than 16 percent of milk fat and not less than 24 percent of total milk solids. It may contain seasoning and a harmless edible stabilizer not to exceed six-tenths of 1 percent.

38702. Sour cream dressing shall be labeled with the term "sour cream dressing" and with the name and address of the distributor.

38703. At the time of sale to consumers, sour cream dressing shall be in containers of at least one-half gallon capacity, except that sour cream dressing to which has been added a distinctive flavoring of onion, cheese, salmon, anchovy, or pickle which imparts a distinctive flavor to the dressing may be sold to consumers in containers of any size. If sour cream dressing contains any such distinctive flavoring the label shall clearly identify the flavoring.

Article 27. Yogurt

38731. Market milk or market milk combined with nonfat milk from market milk, with or without added market milk solids, flavoring, or seasoning, which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus (including yogurt strains), Streptococcus thermophilus and Lactobacillus acidophilus may be sold as yogurt, dietetic yogurt, mazun, or such names as may be characteristic for the product and approved by the director. Such product may contain harmless edible stabilizer not to exceed 0.6 percent. It shall be free of molds, yeasts, and other fungi, as well as coliform, and other objectional bacteria which may impair the quality of the product.

38732. When offered for sale, it shall be labeled with its name and with the name and address of the manufacturer or

distributor and shall, unless it is dietetic yogurt, contain not less than 3.5 percent of milk fat. Dietetic yogurt shall contain not less than 2 percent of milk fat.

38733. Dietetic yogurt shall be labeled either "Dietetic yogurt" or "Low fat yogurt" in lettering which is at least as large as any other lettering on the label.

Article 28. Fruit Yogurt

38741. Fruit yogurt is yogurt which contains not less than 8 percent by weight of clean, mature, sound fruit or its equivalent in other forms. Its milk fat content may be reduced to not less than 2.8 percent, and it may contain a harmless edible stabilizer not to exceed 0.6 percent.

Article 29. Whipped Cream or Cream Topping

38761. Whipped cream or cream topping is a product which is packaged and dispensed from a pressurized hermetically sealed container. It shall be made from cream which contains not more than 150,000 bacteria per milliliter. It may contain added nonfat milk solids, sweetening, and harmless edible stabilizer not exceeding one-half of 1 percent.

38762. Whipped cream or cream topping shall contain not less than 20 percent of milk fat and shall contain not more than 30,000 bacteria per milliliter after pasteurization.

38763. Whipped cream or cream topping shall be charged with nitrous oxide or other inert harmless gas which is approved by the director.

38764. Harmless flavoring or coloring may be added to whipped cream or cream topping.

38765. Whipped cream or cream topping shall be manufactured and processed in a milk products plant which is licensed by the department.

38766. Whipped cream or cream topping shall be labeled with the term "whipped cream" or "cream topping" and with the name and address of the manufacturer.

38767. Milk or any milk product which is used in the manufacture of whipped cream or cream topping shall be pasteurized.

Article 30. Whipped Cream Mix or Cream Topping Mix

38781. Whipped cream mix or cream topping mix is a milk product which contains not less than 20 percent of milk fat, not more than 30,000 bacteria per milliliter, after pasteurization, and which contains one or more of the following ingredients:

(a) Sweetening.

(b) Harmless flavoring or coloring.

(c) Harmless edible stabilizer not exceeding one-half of 1 percent.

38782. Whipped cream mix or cream topping mix may contain added nonfat milk solids. It shall be made from cream which contains not more than 150,000 bacteria per milliliter. It shall be manufactured and processed in a licensed milk products plant.

38783. Whipped cream mix or cream topping mix shall be served only from a pressurized container which is charged with nitrous oxide or other approved inert harmless gas. The charging of containers with the gas shall be done either in a licensed milk products plant or in premises where food and drink is served to the public.

38784. Whipped cream mix or cream topping mix shall be labeled with the name of the product and the name and address of the manufacturer.

Article 31. Eggnog

38791. Eggnog is an unfrozen product which is made with milk, cream, evaporated or condensed milk, evaporated or condensed skim milk, dry milk solids, nonfat dry milk solids, or any combinations of them, egg yolk or whole eggs, sweetening, and harmless flavoring with or without harmless coloring.

38792. Eggnog may contain edible stabilizer in an amount not to exceed six-tenths of 1 percent. It shall contain not less than one-half of 1 percent by weight of wholesome fresh egg yolk solids or the equivalent amount of egg yolk solids obtained from wholesome frozen egg yolks or from wholesome dried egg yolks or the equivalent amount in other approved form.

38793. Eggnog shall contain not less than 6 percent of milk fat and not more than 75,000 bacteria per gram.

38794. All ingredients, except flavors, which are to be used in the manufacture of eggnog shall be pasteurized.

38795. Eggnog shall be labeled with its name and with the name and address of the manufacturer or distributor.

Chapter 6. Imitation Milk, Imitation Cream, and Imitation Milk Products Generally

Article 1. General Provisions

38901. This chapter does not prohibit the use of imitation milk or imitation cream or imitation milk product for cooking purposes, or the serving of oleomargarine, margarine, or other substitute for butter which has been specifically requested by a patron and which otherwise complies with the requirements of Sections 39461 and 39493.

38902. Except as otherwise provided in this section, no imitation milk product shall be used in any of the charitable or penal institutions that receive assistance from the state. If the state is informed in writing that government holdings of butter cannot be purchased or acquired by the state, the

Department of General Services may purchase for use in state institutions colored oleomargarine if requested to do so by the director of the department which has control of any state institutions for which such product is intended.

38903. Proof that any fat or oil except milk fat has been combined with any milk product and that the resulting substance, mixture, or compound has the outward appearance and semblance in taste and otherwise of a milk product and is sold for use without further processing shall be prima facie proof that such substance, mixture, or compound is an imitation milk product. This section does not apply to any substance, mixture, or compound in which the presence of oil or fat except milk fat is expressly permitted and provided for in this division.

Article 2. Imitation Milk and Imitation Cream Standards

38931. Imitation milk is any substance, mixture, or compound which is made in the imitation of, or which has the appearance or semblance of, milk, condensed milk, condensed skim milk, evaporated milk, evaporated skim milk, dried milk or dried skim milk, and which contains any edible oil or fat other than milk fat. Chocolate when used in combination with either whole or skim milk and sweetened is not imitation milk.

38932. Imitation milk shall contain not less than 3 percent of edible oils or fats and, if it is evaporated or condensed, shall contain not less than 7.8 percent of edible oils or fats.

38933. Imitation cream is any substance, mixture, or compound which contains any edible oil or fat other than milk fat and which is made in imitation of, or has the appearance or semblance of, cream, condensed cream, evaporated cream, frozen cream, or dried cream.

Article 3. Adulterated Imitation Milk or Imitation Cream

38951. Imitation milk which is not condensed or evaporated is adulterated if it contains less than 3 percent of edible fats or oils. Imitation milk which is evaporated is adulterated if it contains less than 7.8 percent of edible fats or oils.

38952. Imitation cream is adulterated if it contains less than 20 percent of edible fats or oils.

Article 4. Labels and Statements

38981. Each person that manufactures any imitation milk, imitation cream, or imitation milk product, or any substitute that may be used as and substituted for milk, cream, or evaporated milk, shall comply with the requirements prescribed by this article.

38982. Except as otherwise provided in Section 38986, there shall be printed, stamped, or stenciled in a clear manner upon the top, if the top is of sufficient size, and the sides of each

package, in which containers of the article or substance are kept, and in which they may be removed from the place where the article or substance is produced or put up, the words "imitation milk", "imitation cream", or "imitation milk product", as the case may require, in plain roman type, the letters of which are not less than one inch in height and one-half inch in width.

38983. A statement shall be prepared, printed in plain roman type of a size not smaller than pica, which states in the English language all of the following:

(a) The name of the product.

(b) The name and address of the manufacturer.

(c) The name of the place where the product is manufactured or put up.

(d) The names of the various ingredients and the percentages of fat which are contained in the imitation milk, imitation cream, or imitation milk product and the percentage of milk fat, if any.

38984. A copy of the statement described in Section 38983 shall be placed within and upon the contents of each package, and next to that portion of each package which is commonly and most conveniently opened.

38985. Except as otherwise provided in Section 38986, each container, within the outer package, which contains any imitation milk, imitation cream, or imitation milk product shall be labeled with the words "imitation milk", "imitation cream", or "imitation milk product", as the case may require, which are printed in blackface plain roman capital letters of a size not less than 12-point. Such words shall appear upon the main or principal label of the containers.

38986. The provisions of Sections 38982 and 38985 do not apply to a distinctive proprietary food compound which complies with all of the following requirements:

(a) Not readily mistaken in taste for milk, or for evaporated, skim, condensed, or dried milk.

(b) Prepared and designed for feeding infants and young children.

(c) Sold exclusively by druggists, orphan asylums, child welfare associations, hospitals, and similar institutions, or for shipment outside of this state.

A product described in, and complying with the requirements of, this section may be labeled as modified milk.

Article 5. Sign Requirements

39011. The following persons shall not place before any patron or employee for use as food, any imitation milk, imitation cream, or imitation milk product, unless there is displayed in a prominent place in each room where meals are served, a sign which bears the words: "Imitation milk used and served here", "Imitation cream used and served here", or "Imitation milk product used and served here", as the case may require,

in blackfaced letters which are not less than four inches in height upon a white background:

(a) The keeper or proprietor, person in charge, or an employee of any bakery, hotel, boardinghouse, restaurant, lunch counter, or other place where food or drink is served to the public.

(b) An employer that furnishes board as compensation, or part of the compensation of any employee.

CHAPTER 7. IMITATION ICE CREAM AND ICE MILK

Article 1. General Provisions

39151. The ingredients, except fruits, nuts, and flavors, which are used in the manufacture of imitation ice cream or imitation ice milk, shall be pasteurized.

39152. Imitation ice cream and imitation ice milk shall otherwise be manufactured, advertised, and sold pursuant to regulations which are adopted by the director.

39153. It is unlawful for any person to sell imitation ice cream or imitation ice milk in bulk for purpose of resale.

Article 2. Imitation Ice Cream and Ice Milk Standards

39181. Imitation ice cream and imitation ice milk are substances, mixtures, or compounds which are made in the imitation of, or which have the appearance of, ice cream or ice milk, and which contain any edible oil or fat, except milk fat, or which contain solids other than milk solids not fat except stabilizer, fruits, nuts, chocolate syrup, or sweetening.

39182. Imitation ice cream shall contain not less than 10 percent of edible oil or fat.

39183. Imitation ice milk shall contain not less than 2 percent of edible oil or fat, nor more than six-tenths of 1 percent of pure and harmless edible stabilizer which is approved by the director.

39184. Imitation ice cream or imitation ice milk, at the time of sale by the manufacturer or retailer, shall not contain more than 75,000 bacteria per gram. Imitation ice cream and imitation ice milk shall otherwise conform to the composition and weight requirements which are specified in regulations of the director.

Article 3. Labels and Signs

39211. Every container of imitation ice cream or imitation ice milk shall be conspicuously so labeled, and every place where imitation ice cream or imitation ice milk is sold, shall display a conspicuous, legible sign which contains the words "imitation ice cream sold here" or "imitation ice milk sold here", as the case may be, in plain, block letters that are not less than six inches high. The sign display requirements

of this section shall not apply to any place, except any vending machine whether mobile or otherwise, where imitation ice cream or imitation ice milk is sold in properly labeled consumer packages or containers for off-premises consumption.

39212. If a trade name is used on any vehicle which conveys, or any place where imitation ice cream or imitation ice milk is sold, the words "imitation ice cream" or "imitation ice milk", shall be the same size as the largest letters used in the trade name and as conspicuously placed. In no case shall the letters in the words "imitation ice cream" or "imitation ice milk" be less than six inches high.

39213. A person shall not use the name "creamy," "creamery," or "dairy," or the representation of a cow or any breed of dairy cattle, or any combination of such words, symbols, marks, designs, or representations commonly used in the sale, advertising, or distribution of ice cream.

39214. Milk shakes, malted milks, or malts, as such terms are commonly used in the restaurant, confectionary, or soft drink trade shall not be made from imitation ice cream or imitation ice milk or served to any customer for consumption upon the premises where they are made unless there is displayed upon such premises and visible to all customers a sign, which, as the case may require, shall read: "Imitation ice cream used in the milk drinks served here" or "Imitation ice milk used in the milk drinks served here."

Each such sign shall be printed in plain block letters not less than six inches high.

CHAPTER 8. OLEOMARGARINE AND IMITATION CHEESE

Article 1. General Provisions

39351. Except as otherwise provided, the provisions of this code which relate to oleomargarine or margarine are likewise applicable to colored oleomargarine or colored margarine.

39352. It is unlawful for any person knowingly to ship, or for any carrier for hire knowingly to receive for shipment, any oleomargarine or margarine, substitute for butter, or substitute for cheese, unless it is labeled in conformity with this chapter and shipped and receipted for in its true name, or unless it is in transit between foreign states.

39353. It is unlawful for any person knowingly to possess or have under his control any oleomargarine or margarine, substitute for butter, or substitute for cheese, except for actual consumption by himself or his family, unless it is labeled in conformity with this chapter.

Article 2. Labeling of Shipping Containers

39381. Each person that manufactures any oleomargarine or margarine, any substitute for butter, or any substitute for

cheese shall comply with the requirements prescribed by this article.

39382. There shall be printed, stamped, or stenciled in a clear and durable manner upon one side of each tub, firkin, box, or other outer package in which oleomargarine, margarine, substitute for butter, or substitute for cheese is removed from the place where it is produced or put up, as distinguished from the package in which it is to be put up for sale or sold at retail, all of the following:

(a) The words "oleomargarine", "margarine", "substitute for butter", or "substitute for cheese", as the case may be, in plain roman letters of not less than 36-point type.

(b) A statement, which is printed in plain roman type, of a size not smaller than pica, which states the name and address of the manufacturer or of the distributor.

39383. The absence of the markings and the labelings which are specified in this article is a representation that the package does not contain oleomargarine or margarine, or a substitute for butter, or substitute for cheese.

Article 3. Labeling of Retail Packages

39411. It is unlawful for any person to sell any colored oleomargarine or colored margarine, or any oleomargarine or margarine, unless there is printed upon the label of each and every package, or other container in which such oleomargarine or margarine, or colored oleomargarine, or colored margarine is put up for sale or sold at retail all of the following:

(a) The words "oleomargarine", or "margarine", as the case may be, in letters which are at least as large as any other type or lettering on such label. The word "oleomargarine" or "margarine" shall be of a color in strong contrast to the color of the container.

(b) The name and address of the manufacturer or distributor.

(c) The net weight of the contents.

(d) A full and accurate statement of all the ingredients which are contained in the substance in the package.

Article 4. Misrepresentation

39431. A person shall not sell or take orders for the future delivery of any oleomargarine or margarine, or any substance which is designed to be used as a substitute for butter or substitute for cheese, under the name of butter or cheese, or under the pretense that the substance is butter or cheese.

39432. A person shall not, in connection or association with the sale or advertisement of any oleomargarine or margarine or any substance which is designed to be used as a substitute for butter or as a substitute for cheese, represent or suggest by any means whatsoever that such substance is a

dairy product. Nothing contained in this section shall, however, prevent an accurate and full statement of all of the ingredients which are contained in such substance.

Article 5. Sign or Notice Requirements

39461. The following persons shall not place before any patron or employee, for use as food, any oleomargarine or margarine or any substitute for butter or substitute for cheese, unless there is displayed in a prominent place in each room where the meals are served, a sign which bears the words: "oleomargarine served here", "margarine served here", "substitute for butter served here", or "substitute for cheese served here", as the case may be, in blackfaced letters of not less than four inches in height upon a white background, or unless such words are printed on a menu which is furnished to such patrons or employees, in legible type, no smaller than that which is used to describe other food items on the menu, and upon the same portion of the menu where other food items are described:

(a) The keeper or proprietor, person in charge, or employee of any bakery, hotel, boardinghouse, restaurant, lunch counter, or any other place where food or drink is served to the public.

(b) A person who furnishes board for others than members of his own family, or any employee where such board is furnished as compensation or as a part of the compensation of any employee.

Article 6. Oleomargarine or Margarine

39471. The following manufactured substances, mixtures, and compounds, with or without butter, milk, or cream, are "oleomargarine" or "margarine":

(a) All substances known prior to 1953 as oleomargarine, margarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral.

(b) All mixtures and compounds which contain any edible oils or fats except milk fat.

(c) All mixtures and compounds which contain milk fat that do not conform to the standard for butter, and which are made in imitation or semblance of butter or, when so made, which are intended to be sold as or for butter or butter substitute.

Article 7. Colored Oleomargarine or Colored Margarine

39491. Colored oleomargarine or colored margarine is oleomargarine or margarine which has a tint or shade that contains more than 1.6 degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in terms of the Lovibond tintometer scale or its equivalent.

39492. Colored oleomargarine or colored margarine may be sold at retail for consumption off the premises but shall not be sold except in a package or container which contains one pound or less.

39493. Colored oleomargarine or colored margarine shall not be served to any patron in any restaurant or any other place where food is served to the public for consumption on the premises of sale unless both of the following requirements are satisfied:

(a) The patron has specifically requested such colored oleomargarine or colored margarine.

(b) The colored oleomargarine or colored margarine is served to the patron in chips or patties which are triangular in shape or which have stamped upon them the words "oleomargarine" or "margarine".

Article 8. Substitutes or Imitations of Cheese

39521. Every article, substance, or compound, other than that produced from cream, milk or skim milk, evaporated or condensed skim milk, or nonfat dry milk solids, which is made in the semblance of cheese, and which is designed to be used as a substitute for cheese, is imitation cheese. The use of salt, rennet, or harmless coloring matter for coloring the cheese made from cream, milk or skim milk, evaporated or condensed skim milk, or nonfat dry milk solids, does not, however, render such product an imitation.

39522. Except as otherwise provided in this article, it is unlawful for any person to manufacture, sell, use, or to serve to patrons, guests, boarders, or inmates in any hotel, eating house, restaurant, public conveyance, boardinghouse, public or private hospital, asylum, or eleemosynary or penal institution, any imitation cheese which is colored in imitation of cheese by whatever means the coloring is accomplished.

39523. Substitutes for cheese which do not resemble cheese may be sold under regulations of the director in such manner as will advise the purchaser of the real character of the product.

39524. Any substitute or imitation of cheese, which is colored in imitation of cheese, may be manufactured, sold, or possessed in this state only for export to points outside of all of the following:

(a) The United States

(b) The territories of the United States.

(c) The territorial possessions of the United States.

DIVISION 16. CERTIFICATION, PROCESSING AND CANNING, AND CANNED FOODS

CHAPTER 1. CERTIFICATION OF AGRICULTURAL PRODUCTS

Article 1. General Provisions

40501. This chapter does not apply to any investigation which is made or any certificate which is issued by any of the following:

(a) Any person, firm, or corporation in respect to canned or dried fruit which is shipped, packed, or stored by it.

(b) Any bona fide chamber of commerce, board of trade, or other bona fide nonprofit association of producers or merchants in respect to canned or dried fruit which is sold, shipped, packed, or stored by any of its members or other persons for whom it may make any such inspection or issue any such certificate.

40502. The director may cooperate with the United States Department of Agriculture in carrying out this chapter.

Article 2. Investigation and Certification

40531. The director may investigate and certify to shippers or other financially interested parties the analysis, classification, grade, quality, or condition of any fruit, vegetable, or other agricultural product, either raw or processed, under such regulations as he may prescribe, including the payment of reasonable fees.

40532. Every certificate which relates to the analysis, classification, condition, grade, or quality of any agricultural product, either raw or processed, and every duly certified copy of such certificate, shall be received in all courts of the State of California as prima facie evidence of the truth of the statements which are contained in it, if duly issued in accordance with any of the following:

(a) By the director under authority of this code.

(b) In cooperation between federal and state agencies, authorities, or organizations under authority of an act of Congress and an act of the legislature of any state.

(c) Under authority of a federal statute.

40533. Any certificate which is issued by the state pursuant to this chapter or by any person shall truly state the grade, quality, and condition of the product which is certified. A true copy of any such certificate shall be furnished to the director or to the commissioner of the county where the shipment originated, on demand which is made in writing.

Article 3. Funds

40561. Any money which is collected pursuant to this chapter shall be paid into the Department of Agriculture Fund.

40562. Within 90 days after the end of each fiscal year, the director shall prepare a statement which shows the receipt and expenditure during the fiscal year of funds provided for in this chapter. He shall, upon written request, forward a copy of this report to any party that is financially interested in the inspection work which is conducted pursuant to this chapter.

CHAPTER 2. STANDARDS FOR TOMATOES FOR CANNING OR DEHYDRATION

Article 1. Definitions

40701. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

40702. "Canning purposes" means the packing of commercially canned tomatoes, the manufacture of tomato paste, tomato puree, tomato pulp, tomato catsup, tomato sauce, tomato juice, and similar manufactured tomato products wherein the contents of the product is all, or practically all, made up of tomatoes.

40703. "Fairly well colored" means that the average color of the tomato flesh is two-thirds good red tomato color.

40704. "Well colored" means that the average color of the tomato flesh is 90 percent good red tomato color.

Article 2. General Provisions

40731. The official standards which are established by this chapter are the only standards of quality for canning tomatoes. The provisions of any contract to sell canning tomatoes or to deliver them on consignment, which prescribe other or different standards, are ineffective, and in such contracts the standards which are prescribed by this chapter shall be implied by law.

40732. The standards which are established by this chapter shall be considered as a grade under Chapter 1 (commencing with Section 40501) of this division. If a marketing order is issued pursuant to Chapter 1 (commencing with Section 58601), Part 2, Division 20 of this code, which establishes uniform grading and inspection for canning tomatoes, then and so long as it is effective the provisions of such marketing order shall control and the provisions of Sections 40841 to 40848, inclusive, are ineffective as to tomatoes which are covered by such marketing order.

40733. The provisions of this chapter which apply to tomatoes for canning purposes apply with like force and effect to tomatoes for dehydration, except as to requirements for minimum color or unless otherwise expressly distinguished.

Article 3. Regulations

40761. The director by regulation may do all of the following:

(a) Prescribe methods of selecting samples of lots, loads, or containers of tomatoes for canning purposes which shall be reasonably calculated to produce by such sampling fair representations of the entire lot, load, or container sampled.

(b) Establish and issue official color charts which depict the color standards and requirements which are established in this chapter, which shall be as near as possible in color to the standards and requirements which are shown on the "California Standard Color Chart for Canning Tomatoes" which was issued by the California State Department of Agriculture, Bureau of Fruit and Vegetable Standardization in 1942.

(c) Adopt and enforce such other regulations as are reasonably necessary for the enforcement of this chapter.

Article 4. Powers of the Director

40781. The director may, for the purpose of inspection, enter any place where tomatoes for canning purposes may be found and take for inspection such representative samples as may be necessary to determine whether or not any uncertified lot or load of tomatoes complies with the standards which are established by this chapter, and the percentage of tomatoes which are not suitable for canning purposes. He may subject such samples of tomatoes to any method of inspection or testing.

40782. The director may cause the prosecution of any person violating any provision of this chapter, and may seize and hold such portion of any lot or load of tomatoes for canning purposes involved in such a violation, as may in his judgment be necessary as evidence.

Article 5. Inspection and Certification by the Director

40811. The director shall inspect all deliveries of tomatoes for canning purposes, except those which are accompanied by a certificate that is issued in accordance with Chapter 1 (commencing with Section 40501) of this division.

40812. If the director finds that the tomatoes which are being delivered conform with the standards of Article 6 (commencing with Section 40841) of this chapter as being suitable for canning purposes, he shall issue a certificate which shows all of the following:

(a) The percentage of tomatoes that are suitable for canning purposes for each delivery.

(b) Separately, the percentage of tomatoes in each delivery which are not suitable for canning under subdivision (a), under subdivision (b), and under subdivisions (c) to (f), inclusive, of Section 40844.

(c) The percentage of tomatoes that are suitable for canning purposes which are well-colored and fairly well-colored.

40813. If the director finds that any delivery of tomatoes is not suitable for canning purposes, he shall issue a rejec-

tion order pursuant to Sections 40845 to 40847, inclusive. Except as otherwise provided in Sections 40814 to 40816, inclusive, inspection shall be performed at the cannery or at a receiving station which is established or designated by the canner.

40814. The director may review the operation of any inspection station which is not located at a cannery during a period beginning November 1st of any year and ending not less then 30 days before the date inspection began at such station in the preceding year and, if the director determines that the interest and economy and efficient operation of the inspection service would be served, he may, with the consent of each canner that is involved, terminate inspection at such place.

40815. If the canners fail to consent to such termination prior to the date which is set forth in Section 40814, the director may hold a hearing to consider the termination of inspection at such place. At the hearing testimony of the canners and growers that use such station shall be heard.

40816. The director may announce to all of the parties of record, that will be affected by such action, that inspection is terminated for the ensuing season at an inspection station which is not located at a cannery if he makes all of the fol lowing findings:

(a) Termination of inspection at such station will satisfactorily accomplish the objectives of the inspection service and tend to provide economical and efficient operation.

(b) No unreasonable burden will be imposed upon canners or growers.

(c) Tomatoes which are normally inspected at such station will not have to be hauled an unreasonable distance to be inspected at another point.

40817. The director is not required to perform inspection at any place where adequate inspection facilities are not provided.

40818. The inspection certificate which is issued pursuant to this chapter is prima facie evidence of the percentage of defects according to the definition of such defects as defined in this chapter.

Article 6. Standards

40841. Tomatoes for canning purposes, except hard green tomatoes for use in the manufacture of green tomato products, shall conform to the standards which are prescribed in this article.

40842. Tomatoes for canning purposes, except pear or plum types, shall be vine-ripened.

40843. Tomatoes shall not be regarded as suitable for canning purposes if the delivery contains spray residue which cannot be removed by washing in plain water in order to meet the tolerances which are permitted by Section 12671 of this code.

40844. A tomato shall not be regarded as suitable for canning purposes if, as established by inspection of a representative sample, it has any of the following defects:

(a) Any worm or worm damage is present which has penetrated the flesh of the tomato.

(b) In excess of 10 percent of the weight of the tomato cannot be used for canning purposes due to the presence of mold.

(c) In excess of 20 percent of the weight of the tomato cannot be used for canning purposes due to the presence of rot.

(d) In excess of 25 percent of the weight of the tomato cannot be used for canning purposes due to the presence of sunburn, sunscald, growth cracks, insect bites, pest infections, hail damage, green or yellow color at the stem end, or other imperfections which are not specified in this article.

(e) The tomato is sufficiently overripe to make it useless for canning purposes.

(f) The tomato is shriveled, frozen, or frosted.

(g) The tomato is not well colored or fairly well colored.

40845. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 10 percent of the delivery, by weight, does not comply with subdivisions (a) and (b) of Section 40844.

40846. Any load of tomatoes which is offered for delivery to a cannery shall be rejected and turned back to the grower if in excess of 15 percent of the delivery, by weight, does not comply with subdivisions (a) to (g), inclusive, of Section 40844.

40847. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if less than 5 percent of the delivery by weight is well colored. The enforcing officer may affix a warning tag or notice to such rejected load.

40848. The size of tomatoes shall be determined by contract between buyer and seller, but in no event shall the minimum contract size be more than two inches in diameter, if the tomatoes are measured through the widest portion of the cross-section. There shall, however, be no minimum size on pear or plum types of tomatoes.

Article 7. Contract Inspection

40871. Each load of tomatoes which is offered for delivery by a grower to a canner in accordance with the terms of a contract between them shall be given such inspection as may be required without undue delay and within a reasonable time after such load arrives at the cannery or other point which is specified for such inspection.

40872. Any load of tomatoes which is so offered for inspection and delivery that is rendered unsuitable for canning purposes as a direct result of unwarranted delay in inspection, willfully or negligently caused or permitted by the canner, shall be paid for by the canner at the full price that is agreed

upon for tomatoes suitable for canning purposes and on the basis that such tomatoes were of the grade, quality, and condition which is stipulated in the contract.

If no price is stipulated in the contract, payment shall be made by the canner to the grower on the basis of the then prevailing market price for tomatoes of the grade, quality, and condition which is specified in the contract.

40873. In addition to any other remedy, the grower so offering for inspection and delivery any load of tomatoes that has incurred any added handling costs as a direct result of the unwarranted delay in inspection and delivery, willfully or negligently caused or permitted by a canner, may recover the amount of such added handling costs by an action at law against such canner.

40874. Delay in such inspection and acceptance for delivery for a period of six hours or more after a load of tomatoes is offered for inspection and delivery in accordance with the terms of a contract between the grower and the canner, except during 15 24-hour peak periods in any canning season, shall be prima facie evidence that such delay was unwarranted and caused by willfulness or negligence on the part of the canner.

During 15 24-hour peak periods in any tomato canning season, delay in such inspection and acceptance of delivery shall not be prima facie evidence that such delay was caused by willfulness or negligence on the part of the canner unless such delay covered a period of more than 12 hours. Such peak periods are the periods of maximum delivery as shown by the records of the canner and shall be designated by the canners for each cannery or other specified inspection point promptly after the close of each tomato canning season by posting a notice of the peak periods for each cannery or inspection point in a conspicuous place at such cannery or inspection point.

40875. No grower shall have any rights under this article unless he shall register each load of tomatoes with the canner at the time he offers such load for inspection and delivery. Such registration shall be made by obtaining from the canner a certificate, which such canner is, by this provision, required to furnish, that states the time of arrival of the load at the cannery or other specified inspection point.

Article 8. Discrimination by Canner in Furnishing Picking Boxes

40901. The failure of a canner willfully and without due cause to furnish vegetable or deciduous fruit picking boxes to a grower as agreed upon, or any willful discrimination against any grower in this regard, shall subject such canner to an action for all damages which are sustained by the grower as a direct result of such failure or discrimination, and judgment against any such canner may be entered in the dis-

cretion of the court either for the amount of the damages sustained or for three times such amount. Treble damages may, however, only be awarded if the grower has furnished the canner written notice of the claimed failure or discrimination within 48 hours after the claimed failure or discrimination.

40902. This article does not affect existing remedies for the violation of a contract but is in addition to such existing remedies.

Article 9. Fees

40931. The director shall adopt a schedule of uniform fees to defray the cost of the inspection and of the certification which are required by Article 5 (commencing with Section 40811 of this chapter).

40932. Each canner that receives deliveries of tomatoes for canning purposes is hereby designated as the authorized agent of the director to collect the inspection and certification fees which are chargeable to such canner and to each producer that delivers such tomatoes.

40933. The cost of such inspection shall be borne equally by both the canner and the producer, but the total cost of such inspection shall in no event exceed forty cents ($0.40) per ton.

40934. Any money which is collected pursuant to the provisions of this article shall be remitted to the director weekly during the tomato canning season for deposit into the Department of Agriculture Fund to be used in carrying out the purposes of this chapter.

40935. Except as otherwise provided in this article, any money which is so collected and not used for the purposes of this chapter shall be returned to the canners from whom it was received for distribution to the canners and producers from whom the money was originally collected, in proportion to their several interests.

40936. If the director determines, as to any such money heretofore or hereafter collected as inspection and certification fees, that the return of the money with respect to any canning season is impracticable because of the smallness of the amounts returnable, or for any other reason, the money so collected shall not be so returned but shall remain in the Department of Agriculture Fund and be available for expenditure for the purposes of this chapter in any subsequent year.

Article 10. Violations

40961. It is unlawful for any person to make delivery or for any person to accept delivery of tomatoes for canning purposes, or to can or to process any tomatoes, which have not first been inspected and certified as provided in Article 5 (commencing with Section 40811) of this chapter, or which have been rejected as provided in Sections 40845 to 40847, inclusive.

40962. It is unlawful for any person to deliver to a canner or for any canner to accept delivery of any load of tomatoes which has been rejected for failing to comply with the standards which are established by this chapter until such load has been reconditioned to comply with the standards, reinspected, and a certificate issued by the proper enforcing officer.

40963. It is unlawful for any person to remove, deface, or destroy, any warning tag or notice which has been placed by a proper enforcing officer upon a rejected lot or load of tomatoes for canning purposes

CHAPTER 3. GRAPES FOR BYPRODUCTS

Article 1. General Provisions

41101. The director shall have supervision and control over the commissioners and their deputies or inspectors in the performance of their duties under this chapter.

41102. The certificates which are provided for in this chapter are prima facie evidence before any court in this state of the true average soluble solids test of all of the grapes in the lot or load under consideration.

Article 2. Exceptions

41131. This chapter does not apply to grapes which are marketed by or through a nonprofit cooperative marketing association unless the board of directors of the association elects to have the soluble solid determination of the grapes of its members determined as provided in this chapter and notifies the agricultural commissioner of each county in which the association operates any winery of such election.

41132. This chapter does not affect the right of a purchaser of grapes for byproducts purposes to specify a minimum percentage of soluble solids as a definition of maturity of the grapes if the price which is to be paid is to be determined other than on the basis of the soluble solid contents of the grapes.

Article 3. Determination of Soluble Solids Generally

41161. In order to prevent fraud and deception in any transaction which involves fresh grapes for byproducts purposes, that requires the extraction or pressing out of the juice, in which the average percentage of soluble solids in the juice of such grapes is the basis for the amount of the purchase price, the determination of such average percentage of soluble solids shall be made by the commissioner or his deputies or his inspectors.

41162. Each lot or load of such grapes which is delivered shall be tested at or immediately after the time of delivery and the average soluble solids test of the juice of such grapes shall

be certified to by such officer, in accordance with regulations which are prescribed by the director.

41163. Each commissioner shall provide for the taking of samples, making tests, and issuing the certificates which are required in this chapter.

41164. The board of supervisors of the county shall establish a scale and method of collection of fees, to be paid for each such certificate which is provided for in this chapter. The scale of fees which are established for such certificates shall be based upon the approximate cost of the inspection, sampling, and testing which is necessary to the certification of the percentage of the soluble solids in each lot or load of grapes. Such certification fee shall be paid by the person that accepts delivery of such grapes.

Article 4. Determination of Soluble Solids by the Director

41191. Notwithstanding any other provisions which are contained in this chapter and in lieu of such determinations by the commissioner, the director may make determinations of the average percentage of soluble solids in the juice of fresh grapes and certify, by the issuance of a certificate, to marketing order advisory boards, handlers, associations, or financially interested persons the determinations and findings which are so made if both of the following conditions are satisfied:

(a) A marketing order is made effective or the director is requested to determine the average percentage of soluble solids as required by this chapter by any person that is engaged in the business of purchasing fresh grapes for byproducts or processing purposes which require the extraction or pressing out of the juice of the grapes.

(b) The director and the commissioner determine that such determinations can be more effectively made by the director.

41192. For the purpose of carrying out this article, the director may establish necessary regulations, including reasonable fees which are to be charged for such services and for the acceptance of advance fees to effectuate such determination. Any fees which are so established shall be based upon the approximate cost of the service which is rendered.

41193. Any money which is received pursuant to this article shall be paid into the Department of Agriculture Fund to be expended in carrying out this article.

Chapter 4. Canned Foods

Article 1. General Provisions

41301. This chapter provides certain standards of quality, condition, or fill of container and requirements for marking of fruits and vegetables, including olives, which are packed in tin or glass containers.

41302. Any act which is made unlawful by any provisions of Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code is not made lawful by reason of any provision of this part. This part does not limit the powers of the State Board of Health.

41303. Any person or any common carrier may refuse to accept for shipment or transportation, and may refuse to ship or to transport, any canned fruit, including olives, which upon inspection are found to be, or to be packed, in violation of this chapter. Any such person or common carrier may reserve the right in any receipt, bill of lading, or other writing which is given to the consignor, to reject for shipment or transportation and to return to such consignor, or to hold at the expense and risk of the consignor, all canned fruit, including olives, which upon inspection are found to be, or to be packed, in violation of this chapter.

41304. This chapter does not apply to olives which were packed prior to October 1, 1931, or to other fruit which was packed prior to January 1, 1930.

Article 2. Enforcement

41331. The Director of Public Health shall be charged with the enforcement of this chapter and for that purpose he shall have all the powers heretofore conferred upon the Director of Agriculture.

41332. The Director of Public Health, for the purpose of enforcing this chapter, may do all of the following:

(a) Enter and inspect every place within the state where canned fruits or vegetables, including olives, are canned, stored, shipped, delivered for shipment, or sold, and inspect all fruits or vegetables, including olives, and containers which are found in any such place.

(b) Seize and retain possession of any canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold in violation of any provision of this chapter, and hold them pending the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the state in which may be found canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold, in violation of any provision of this chapter, an action for the condemnation of canned olives or canned fruits or vegetables as provided by Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code.

Article 3. Standards Generally

41361. The following fruits and vegetables shall not be canned, packed, shipped, or sold within this state:

(a) Fruits or vegetables which are unclean, immature, mouldy, overripe, infested with brown rot, scab, shothole

fungus, or other defects to the extent of rendering the product unwholesome.

(b) Olives which are unclean, immature, mouldy, overripe, infested with fungus, rot, or other defects to the extent of rendering the product unwholesome.

(c) Olives which are processed or artificially colored to the extent that the meat has been turned black, or the flavor has been impaired.

41362. In addition to the standards and requirements which are prescribed by Section 41361, the standard of quality, condition, and fill of container and requirements for marking of canned fruits and vegetables, including olives, are those which are promulgated or to be promulgated by the Secretary of the United States Department of Agriculture.

The markings for canned ripe olives which are prescribed by this chapter shall be enforced until such time as requirements for markings for canned ripe olives shall be promulgated by the United States Department of Agriculture, at which time the above markings for canned ripe olives shall be changed to comply with the regulations of the United States Department of Agriculture.

Article 4. Grades of Canned Olives

41391. Canned olives are seconds if they have any of the following defects:

(a) The fruit is not of firm texture.

(b) The fruit is not reasonably free from woody, spotted, shriveled, misshapen, or otherwise defective olives serious for the grade.

(c) The fruit is not reasonably uniform in size for the variety which conforms to the size as marked.

(d) The fruit is not reasonably free from mixed varieties.

(e) The fruit has any foreign disagreeable flavor.

The specifications as to quality and uniformity of size of olives shall apply to olives which are packed in tin or glass containers of all sizes whether or not such sizes are specifically designated in this chapter.

41392. Ripe olives of better grade are, in the rising order of grade and quality, "choice" and "fancy."

Article 5. Size Standards Generally for Canned Ripe Olives

41421. Except as otherwise provided in Section 41423, if the following size names are used for canned ripe olives, the count per pound, as determined by the examination of a representative sample of the olives which are taken at random from the container, shall be as follows:

(a) "Small," "select," or "standard(s)" shall average 135 to the pound.

(b) "Medium" shall average 113 to the pound.

(c) "Large" shall average 98 to the pound.

(d) "Extra large" or "picnic" shall average 82 to the pound.

(e) "Mammoth" or "gem" shall average 70 to the pound.

(f) "Giant" shall average 53 to 60 to the pound.

(g) "Jumbo" shall average 46 to 50 to the pound.

(h) "Colossal" shall average 36 to 40 to the pound.

(i) "Supercolossal" shall not exceed 32 to the pound.

41422. In determining the count per pound of the olives, the sample shall be weighed so as to determine its weight by pounds, ounces, and fractions of an ounce.

41423. A tolerance of 7½ percent by count, above or below the count per pound which is prescribed, shall be allowed if any of the size names which are described in subdivisions (a) to (e), inclusive, of Section 41421 is used. "Small," "select," or "standard(s)" shall not, however, count less than an average of 128 or more than an average of 140 to the pound. No tolerance shall be allowed if any of the size names which are described in subdivisions (f) to (i), inclusive, of Section 41421 are used.

Article 6. Size Standards for Blended Sizes of Canned Ripe Olives

41451. If any of the following size names are used for blended sizes of canned ripe olives, the count per pound, as determined by a representative sample of the olives which are taken at random from the container, shall be as follows:

(a) "Family" shall average not less than 91 nor more than 105 to the pound, the blend to contain not more than 15 percent by count of the standard size grade.

(b) "King" shall average not less than 45 nor more than 53 to the pound, the blend to contain not more than 15 percent by count of the mammoth size grade.

(c) "Royal" shall not exceed 34 to the pound.

In determining compliance with these size designations of blended olives, there shall be no tolerance from the maximum and minimum counts of each blended size.

Article 7. Disposition of Ripe Olives Which Are Below Specified Sizes

41471. The following varieties of ripe olives which are below the specified sizes shall not be packed, shipped, delivered for shipment, or sold within this state, as whole or pitted or broken pitted canned ripe olives:

(a) Mission and Manzanillo varieties under standard size.

(b) Obliza variety under medium size.

(c) Ascolano, St. Agostino, and Barouni varieties under extra large size. Any of such varieties which are packed in the extra large size shall be designated and labeled "picnic" size only and no other varieties nor sizes of such variety shall be so labeled or designated.

(d) Sevillano variety under mammoth size. Any of such variety which are packed in the mammoth size shall be designated and labeled "gem" size only, and no other varieties nor sizes of such variety shall be so labeled or designated.

(e) All other varieties under mammoth size.

Article 8. Standard Cans for Ripe Olives

41501. The standard size of cans for canned ripe olives which are packed, shipped, delivered for shipment, or sold in the state are as follows:

(a) Buffet can, which is a cylindrical can $2\frac{11}{16}$ inches in diameter by 3 or $3\frac{1}{4}$ inches in altitude.

(b) Six-ounce, which is a cylindrical can $2\frac{11}{16}$ inches in diameter and 4 inches in altitude.

(c) No. 1 tall, which is a cylindrical can 3 inches in diameter and $4\frac{21}{32}$ inches in altitude.

(d) Cylinder pint, which is a cylindrical can $2\frac{11}{16}$ inches in diameter and 6 inches in altitude.

(e) Cylinder quart, which is a cylindrical can $3\frac{3}{8}$ inches in diameter and $7\frac{1}{4}$ inches in altitude.

(f) No. $2\frac{1}{2}$, which is a cylindrical can 4 inches in diameter and $4\frac{11}{16}$ inches in altitude.

(g) No. 10, which is a cylindrical can $6\frac{1}{8}$ inches in diameter and $6\frac{15}{16}$ inches in altitude.

Article 9. Markings on Containers

41521. There shall be no false or misleading marking or designation on any container of canned fruit, vegetables, or ripe olives.

41522. In addition to any other marking or wording on the label, the label which covers the walls of a container of olives, except olives which are packed in clear glass, shall show a cut or imprint which represents the approximate size of the fruit, followed by a statement of the approximate number of olives which are contained in the can.

41523. If blended sizes of olives are packed, the approximate size of the blended olives in the container shall be shown by one of the following:

(a) A cut or imprint which represents a size that is no larger than the average size in the container.

(b) By cuts or imprints, which appear in combination or in close proximity on the label, of the smallest and largest sizes in the container, with a declaration that the olives in the container range in size between the two sizes which are shown.

41524. Except as otherwise provided in Section 41525, all canned olives which are shipped, delivered for shipment, or sold in the state of the grade of "seconds" shall be clearly, indelibly, and permanently marked "seconds" in letters not less than one-fourth of an inch high, embossed or lithographed in

the tin of the top or cover of the can unless the space of the lid is insufficient. If the space of the lid is insufficient, the letters shall be as large as practicable for the space on the lid.

41525. All canned ripe olives of the grade of "seconds" shall, in lieu of the marking requirements which are prescribed by Section 41524, be prominently marked "seconds" on the label in conjunction with the name of the contents if such name appears in 14-point Cheltenham bold type surrounded by a 10-point border on a contrasting solid background.

Article 10. Violations

41551. Except as otherwise provided in Section 41552, any person, firm, company, or corporation that violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars ($5) nor more than five hundred dollars ($500), or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

41552. A person shall not be convicted of a violation of any provision of this chapter if such person establishes a guaranty, which is signed by the person that resides or is lawfully engaged in business in the state, by or for whom the canned fruit, including olives, in question were originally packed, to the effect that the product in question complies in all respects with the provisions of this chapter. Such guaranty, to afford protection, shall contain the name and address of the party that made such guaranty. Such guarantor shall be amenable to all of the prosecutions, fines, and penalties which are provided for by this chapter.

41553. One-half of all fines which are collected by any court or judge, for the violations of the provisions of this chapter shall be paid to the State Treasurer for credit to the General Fund.

Article 11. Abatement

41581. If the Director of Public Health finds, after investigation and examination, that any canned fruits or vegetables, including olives, which are found in the possession of any person, firm, company, or corporation are misbranded or mislabeled within the meaning of this chapter, he may seize such canned fruits or vegetables, including olives, and tag them "quarantined". Such canned fruits or vegetables, including olives, shall not thereafter be sold, removed, or otherwise disposed of pending a hearing and final disposition as provided by Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code.

41582. Canned fruits or vegetables, including olives, which are found to be mislabeled or misbranded within the meaning of this chapter may, by order of any court or judge, be seized and destroyed.

DIVISION 17. FRUIT, NUT, AND VEGETABLE STANDARDS

CHAPTER 1. DEFINITIONS

42501. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

42502. "Agent" means broker, commission merchant, auctioneer, solicitor, seller on consignment, and any other person that is acting upon the actual or implied authority of another.

42503. "Bulk lot" or "bulk load" of any fresh or dried fruit, nut, or vegetable means any one group of specimens of such product which is not in a container and which is set apart or is separate from any other group.

42504. "Byproduct" means any product which is commercially processed, preserved, or manufactured from fruits, nuts, or vegetables, except fresh citrus fruit juices, with or without the addition of other ingredients.

42505. "Closed container" means lidded container, as defined in Section 42511.

42506. "Container" means any box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, or other receptacle.

42507. "Cross section" means the section of the fruit or vegetable that is taken at a right angle to a straight line which is drawn from the stem end to the distal end of the fruit or vegetable.

42508. "Deceptive arrangement" or "deceptive display" of fresh or dried fruits, nuts, or vegetables means any bulk lot or load, arrangement, or display of such products which has in the exposed surface, fresh or dried fruits, nuts, or vegetables which are so superior in quality, size, condition, or in any other respect so superior to those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk lot or load.

42509. "Deceptive pack" means any container or subcontainer which has in the outer layer or any exposed surface, fruits, nuts, or vegetables which are in quality, size, condition, or in any other respect so superior to those in the interior of the container or subcontainer or in the unexposed portion as to materially misrepresent the contents. Such pack is deceptive if the outer or exposed surface is composed of products whose size is not an accurate representation of the variation of size of the products in the entire container, even though the fruits, nuts, or vegetables in the container are virtually uniform in size or comply with the specific commodity size variation requirements of this part.

42510. "Fruits, nuts, or vegetables" means the food product of any tree, vine, or plant.

42511. "Lidded container" and "closed container" are synonymous and, unless otherwise specifically defined in

this part, mean any container of which 40 percent or more of the opening is covered by any material in the form of a lid, cover, or wrapping of any kind.

42512. "Manufacturing" means processing, as defined in Section 42519.

42513. "Mature," except when otherwise specifically defined, means having reached that stage of ripeness which will insure the completion of the ripening process to a degree which will insure palatability, after the removal of the product from the tree, plant, or vine.

42514. "Mislabel" means the placing or presence of any false or misleading statement, design, or device, upon any of the following:

(a) Any container.

(b) The label or lining of any container.

(c) The wrapper of any fresh or dried fruit, nut, or vegetable.

(d) Any fruit, nut, or vegetable.

(e) Any placard which is used in connection with, and which has reference to, any fresh or dried fruits, nuts, or vegetables.

A statement, design or device is false or misleading, if the fresh or dried fruit, nut, or vegetable, or container to which it apparently or actually refers, does not conform in every respect to such statement, design, or device.

42515. "Overripe" means having reached an advanced state of maturity which causes the product to be undesirable for human consumption in a fresh state.

42516. "Pack," "packing," or "packed" means the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer.

42517. "Placard" means any sign, label, or designation, except an oral designation, which is used in connection with any fresh or dried fruit, nut, or vegetable as a description or identification of it.

42518. "Preserving" means processing, as defined in Section 42519.

42519. "Processing" means canning, preserving, or fermenting, which materially alters the flavor, keeping quality, or any other property, the extracting of juices or other substances, or the making of any substantial change of form. It does not include refrigeration at temperatures which are above the freezing point nor any other treatment which merely retards or accelerates the natural processes of ripening or decomposition.

42520. "Subcontainer" means any container which is being used within another container.

CHAPTER 2. GENERAL PROVISIONS

Article 1. Enforcement

42651. The director and the commissioners of each county of the state, their deputies and inspectors, under the supervision and control of the director shall enforce this division.

42652. The refusal of any officer who is authorized under this division to carry out the orders and directions of the director in the enforcement of this division is neglect of duty.

42653. The director, through the chief of the branch of the department which has jurisdiction over the enforcement of this division, or any deputy, inspector, or agent of the department, may enforce and make inspections of grade, standard of quality, and other provisions of any fruit, nut, or vegetable marketing program which is adopted under the authority of the United States or of this state.

42654. The director may maintain state inspection stations at such places within this state as he deems necessary for the purpose of enforcing the standardization provisions of this code.

Article 2 Regulations

42681. The director by regulation may do all of the following:

(a) Prescribe methods of selecting samples of lots or containers of fruits, nuts, and vegetables on a basis of size or other specific classification, which are reasonably calculated to produce by such sampling fair representations of the entire lots or containers which are sampled.

(b) Establish and issue official color charts which depict the color standards and requirements which are established in this division.

(c) Make such other regulations as are reasonably necessary to secure uniformity in the enforcement of this division.

Article 3. Emergency Standards

42701. The director may, upon petition of persons that are interested in the growing or handling of fruits, nuts, or vegetables, or upon his own motion, establish emergency standards for any commodity or container, the marking of containers, or the arrangement of produce within the container if he makes any of the following findings regarding any provision of this division which relates to standards for such commodity or type of container, the markings which are required on any container, or the arrangement of the produce within a container:

(a) It is difficult or impossible of performance by reason of laws or orders which are promulgated by authority of the government of the United States.

(b) It is difficult or impossible of performance because of a scarcity of materials, labor, or equipment that is used in the production or marketing of any commodity which is regulated by this division.

(c) It results in serious waste of useful produce otherwise available for human consumption or in serious waste of other resources.

(d) It prevents utilization of new technological developments, to the serious disadvantage of producers in this state.

42702. Notwithstanding any other provision of this division, emergency standards shall be in full force and effect, until their expiration as provided in this division. Every provision of this division which applies to standards shall apply to such emergency standards in lieu of the standards which are set forth in this division.

42703. All emergency standards which are established pursuant to this article shall be reasonably calculated to effectuate the purposes of the standards which they supersede.

42704. No emergency standards shall be established which tend to raise or lower any standards which relate to the maturity or to the carrying or keeping quality of any commodity.

42705. Emergency standards shall not be construed to modify in any respect any provision of this division which is designed to prevent deception or mislabeling, or which is designed to prevent the marketing of produce which is unwholesome or which would fail to give consumer satisfaction.

42706. All emergency standards which are issued pursuant to this article shall, before they may become effective, be published in one or more newspapers, trade papers, or industry publications which are deemed best adapted to give notice to interested persons, together with a notice of the time and place for hearing objections to the emergency regulations. The hearing upon the emergency standards shall be not less than 10 nor more than 20 days from the date of publication.

42707. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons that have filed with the director a request for notice of such hearings.

42708. If, at the hearing, it is developed by competent testimony that additional time will be required to produce further essential evidence, the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence.

42709. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the facts which are shown at the hearing.

42710. The director, upon his findings on the facts which are shown at the hearing, shall rescind, modify, or affirm the emergency standards as published

42711. The emergency standards, as modified or affirmed, shall take effect on the day which is appointed for them to

take effect, and shall continue in effect until suspended or rescinded by the director, or until the 91st day after adjournment of the next regular session of the Legislature, whichever first occurs.

42712. Emergency standards may be amended, suspended, or rescinded upon notice and hearing in the same manner as is provided for the establishment of such standards.

Article 4. Experimental Packs

42731. This division does not prohibit the preparation, packing, shipment, or sale under permit of the director, of fruits, nuts, or vegetables which do not conform to the count, arrangement, or packing requirements of the standards which are prescribed in this division, if each container of such fruits, nuts, or vegetables is conspicuously marked in letters which are not less than one-half inch in height, "Experimental Pack."

42732. Application for a permit shall be made to the director at least 15 days before shipment. The application shall state all of the following:

(a) The name of the product.

(b) The quantity intended to be shipped.

(c) The description of the count, arrangement, or method of packing which is to be used.

(d) The quantity of such product, if any, which was shipped by the applicant during the preceding year.

(e) If no shipments of such product were made by the applicant during the preceding year, an estimate of the total quantity which such applicant will ship during the current year.

42733. If the director finds that the count, arrangement, or pack is not deceptive or misleading in any manner, he may issue to the applicant a permit for the shipment, within a specified period which shall not exceed one year, of a specified quantity of the product which is packed as described in the permit. The permit is subject to renewal for an additional year upon a proper showing to the director, without a formal hearing, that the experiment has not been completed.

42734. If the applicant has shipped products of the kind which is specified in the application during the preceding year, a permit shall not be issued for the shipment of experimental packs of more than 5 percent of the quantity of any of such product which was shipped by such person in the preceding calendar year.

42735. Any type of pack for which a permit has been issued, which is in containers that are uniformly marked as provided in this article, and which is not in excess of the quantities that are specified in the permit, is an experimental pack within the meaning of this article.

Article 5. Inspection and Certification by the Director

42761. The director may inspect and certify to any marketing order advisory board, handler, association, or financially interested person the analysis, classification, quality, or condition of any fruits, nuts, vegetables, or other agricultural commodities. The director may adopt necessary regulations for the purpose of carrying out this article.

42762. The regulations may include reasonable fees which are to be charged for such services and for the acceptance of advance fees to effectuate such inspection. Any fees so established shall be based upon the approximate cost of the service to be rendered.

42763. Any money which is received pursuant to this article shall be paid into the Department of Agriculture Fund to be expended in carrying out this article.

Article 6. Inspection and Certification by a County Commissioner

42791. The commissioner of each county and any of his deputies who holds a valid certificate of qualification for the office to which such deputy has been appointed or any of his inspectors who holds a valid standardization certificate, may upon request, issue certificates which state that the fruits, nuts, or vegetables which have been inspected meet all the requirements of this division or the requirements of the state or country of intended destination.

42792. The certificate shall contain a description of the fruits, nuts, or vegetables which were inspected, including quantity, identifying marks on containers, identification of location or vehicle, and any other facts which are necessary to readily identify such lot.

42793. The board of supervisors of the county may establish a schedule of fees for the certificates to be paid by owners, shippers, or other interested parties that request such certificates The schedule of fees which is established for such certificates shall be based upon the approximate cost of the inspection which is necessary to determine that the fruits, nuts, or vegetables have met the requirements of this division or the requirements of the state or country of intended destination.

42794. Any lot of fruits, nuts, or vegetables which bears or is accompanied by a certificate of inspection that readily identifies such lot which was issued by any commissioner, deputy, or inspector who holds a valid standardization certificate, shall not be rejected from transportation or sale within this state for the purported violation of any provision of this division.

Such certified lot of fruits, nuts, or vegetables may, however, be held for inspection at any time by any enforcing officer who holds a valid standardization certificate. If such

enforcing officer shall find that the certified lot of fruits, nuts, or vegetables is in violation of any provision of this division he may appeal to the director who shall within 24 hours cause a reinspection to be made of the certified lot of fruits, nuts, or vegetables. The lot of certified fruits, nuts, or vegetables shall be released or rejected in accordance with the findings upon such reinspection.

Article 7. Powers of Enforcing Officers

42821. An enforcing officer may enter and inspect any place or conveyance within the county or district over which he has jurisdiction, where any fresh or dried fruits, nuts, or vegetables are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, or sold.

He may inspect all fresh or dried fruits, nuts, and vegetables and their containers and equipment found in any such place or conveyance. He may also take for inspection, such representative samples of the produce and such containers, as may be necessary to determine whether or not this division has been violated and may subject such samples of produce to any method of inspection or testing.

42822. An enforcing officer shall cause the prosecution of any person whom he knows or has reason to believe is guilty of violating any provision of this division.

42823. Any enforcing officer may, while enforcing this division, seize and hold as evidence all or any part of any pack, load, bulk lot, consignment or shipment of fresh or dried fruits, nuts, or vegetables which is packed, delivered for shipment, loaded, shipped, or being transported, or sold in violation of this division, or any container of such product, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any provision of this division.

42824. Any prosecution for the violation of any provision of this division may be made in any county where any part of the offense occurred.

42825. Any evidence which is taken by an enforcing officer in any county may be admitted in evidence in any prosecution in any other county.

Article 8. Samples

42851. Any sample which is taken pursuant to this division is prima facie evidence, in any court in this state, of the true conditions of the entire lot in the examination of which the sample was taken.

42852. A written notice of violation, which is issued by a duly qualified representative of the director or by any commissioner, or by any of their deputies and inspectors who holds a valid standardization certificate of qualification as an enforcing officer of this division, which states that a certain lot of

produce violates any provision of this division and based upon the examination of such sample, is prima facie evidence, in any court in this state, of the true condition of the entire lot.

Article 9. Warning Notices and Disposal Orders

42881. The enforcing officer may, and if requested by an enforcing officer of the county of destination shall, affix a warning notice to any vehicle or other means of transportation, or to any load or lot. of fruits, nuts, or vegetables which do not conform to the standards which are established by this division, whether or not the fruits, nuts, or vegetables are exempt from such standards, and serve a disposal order upon the owner or person that has custody or possession of any such load or lot.

42882. The warning notice, the disposal order which directs the proper disposition of such products, and the disposal order receipt to be signed by an enforcing officer at destination which confirms such disposition, shall be in the form which is specified by, and provided by, the director.

42883. The enforcing officer at the point of destination of such load or lot shall determine that the load or lot has been delivered to the consignee at the destination which is specified in the order and shall then release the load or lot and countersign the disposal order receipt so given to him. He shall immediately forward the receipt to the enforcing officer who served the disposal order.

42884. It is unlawful for any person to deliver any load or lot of fruits, nuts, or vegetables which is subject to a disposal order to any person or destination except the person or destination which is shown on the disposal order, unless he is specifically authorized in writing to do so by an enforcing officer.

42885. It is unlawful for any person to dispose of any load or lot of fruits, nuts, or vegetables which is subject to a disposal order prior to the release in writing of the load or lot by the enforcing officer at the point of destination. This section does not, however, make it unlawful for any person to unload and store any load or lot of fruits, nuts, or vegetables which is subject to a disposal order.

42886. It is unlawful for any person to use or dispose of any fruits, nuts, or vegetables, for which a disposal order has been issued, in any manner or for any purpose except the manner or purpose for which such disposal order was issued, unless such person is specifically authorized in writing to do so by an enforcing officer.

Article 10. Shippers and Transporters

42911. Any person, forwarding company, or common carrier may decline to ship or transport any fruits, nuts, or vege-

tables if it is notified by any enforcing officer of this division, that such products are found to be delivered for shipment in violation of this division.

Any such person, forwarding company, or common carrier may reserve the right, in any receipt, bill of lading, or other writing which is given to the consignor, to reject for shipment and to return to the consignor or hold at the expense and risk of the consignor all fruits, nuts, or vegetables, which upon inspection are found to be delivered for shipment in violation of this division.

42912. A carrier which is subject to the jurisdiction of the Public Utilities Commission that transports any fruits, nuts, or vegetables in the ordinary course of its business as a carrier shall not be deemed to be in violation of any provision of this division, unless such carrier shall willfully fail or refuse to stop the transportation of any fruits, nuts, or vegetables with reasonable dispatch after being notified in writing by any enforcing officer of this division that such products are found to be delivered for shipment in violation of this division.

Article 11. Violations

42941. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any fruits, nuts, or vegetables in bulk, or in any container or subcontainer, unless such fruits, nuts, and vegetables, and their containers, conform to the provisions of this division.

42942. It is unlawful for any person to prepare, pack, place, deliver for shipment, load, ship, transport, or sell a deceptive pack, bulk lot, bulk load, load, arrangement, or display of fresh or dried fruits, nuts, or vegetables.

42943. It is unlawful for any person to mislabel any fruit, nut, or vegetable, or place or have any false or misleading statement or designation of quality, grade, trademark, or trade name, on any wrapper or container, or on the label or lining of any container of any fresh or dried fruit, nut, or vegetable, or on any placard which is used in connection with, or which has reference to, any fresh or dried fruit, nut, or vegetable or container, bulk lot, bulk load, load, arrangement, or display of fresh or dried fruits, nuts, or vegetables

This section does not require the obliteration of old markings or labels on any of the following containers:

(a) Used containers which are not closed if such markings or labels are clearly inapplicable to the contents.

(b) Unlidded containers in which the product is not packed, unless there is deception as to the contents, quality, or area of production.

42944. It is unlawful for any person to make any statement, representation, or assertion orally, by public outcry, or proclamation, or in writing, or by any other manner or

means whatever, which concerns the quality, size, maturity, condition of, or any other matter which relates to fruits, nuts, or vegetables, which is false, deceptive, or misleading in any particular.

42945. It is unlawful for any person to remove or dispose of any fruits, nuts, or vegetables, or their containers to which any warning tag or notice has been affixed, or to remove such warning tag or notice from the place where it is affixed, except under a written permit to do so from an enforcing officer or under his specific direction.

42946. Except as otherwise provided, it is unlawful for any person to pack any fruits, nuts, or vegetables in layers in any container which has straight sides, unless there is approximately the same numerical count in each layer.

All packed fruits, nuts, or vegetables shall be so packed that they will not move in the container. Fruits or vegetables which, after having been in storage or after having been shipped, fail to meet this requirement due to unavoidable natural shrinkage which occurs after packing, do not violate this section.

42947. It is unlawful for any person to pack any mixture of fresh or dried fruits, with or without nuts, glazed fruits, or confections, unless the contents of the lower layers or unexposed portion are of the same kind and quality, and in the same proportion, as to count, volume, and weight. as the contents of the top layer or the exposed portions.

A consumer type package, also known as "gift pack," need not, however, comply with such requirement if it complies with all of the following requirements:

(a) The package is sold in its unbroken form and is clearly and conspicuously marked "consumer package" or "gift pack".

(b) The package is clearly and conspicuously marked to indicate the contents of the unexposed portion.

(c) The contents of the lower layers or the unexposed portion are of the same size and quality as the top layer or the exposed portion.

42948. It is unlawful for any person to refuse to submit any container, subcontainer, load, or display of fruits, nuts, or vegetables to the inspection of any enforcing officer, or to refuse to stop any vehicle which contains any fruits, nuts, or vegetables, for the purpose of inspection by an enforcing officer.

42949. It is unlawful for any person to alter in any respect any certificate of inspection, notice of violation, report, statement, or other document that is referred to in this division, which is issued by an enforcing officer.

42950. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, or sell any nuts, fresh fruits, or vegetables in bulk, or in any container or subcontainer, unless 90 percent by weight or more of such fruits, nuts, or vegetables in bulk, or

in any container or subcontainer, as established by the inspection of a representative sample, are free from insect injury which has penetrated or damaged the edible portion, worms, mold, or decay.

This section applies only to those fruits, nuts, or vegetables for which specific quality standards are not otherwise established in this division.

Article 12. Criminal Penalties and Procedures

42971. Any violation of any provision of this division is a misdemeanor which is punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment in the county jail for not more than six months, or by both.

42972. If any person is arrested for the transportation of fruits, nuts, or vegetables in violation of this division, unless he demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, do all of the following:

(a) Take the name and address of the arrested person, the number of his motor vehicle, and such other information as may be necessary.

(b) Notify him in writing to appear at a time and place which is specified in such notice.

42973. The time which is specified in the notice shall be at least five days after the arrest. The place which is specified in the notice shall be one of the following:

(a) Before a magistrate of the judicial district in which the offense with which the arrested person is charged is alleged to have been committed.

(b) Upon the demand of the person arrested, before a magistrate of the judicial district in which is located the county seat of the county in which the offense is alleged to have been committed.

(c) In any county in which there is established a municipal court at the county seat, the notice may specify the appearance of the person arrested before any magistrate in the county.

42974. If the arrested person gives his written promise to appear at the time and place which are specified in the notice, the arresting officer shall forthwith release him from custody.

42975. If the arrested person refuses to give his written promise to appear or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the judicial district in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial unless he waives such time in writing or in open court and gives his written promise to appear at such time and place as the court may

fix for his further appearance or, if he refuses to give such promise, upon such bail as the court may fix. He shall thereupon be released from custody.

42976. Any person who willfully violates his promise which is given in accordance with this article is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

Article 13. Civil Penalties and Remedies

43001. Any person that violates any provision of this division shall, in addition to any penalty which is otherwise provided, be liable civilly, in an action brought by the director, for a penalty in an amount which is equal to the value which the fruits, nuts, or vegetables involved in the violation would have if they conformed to the requirements of this division.

The value of such noncomplying fruits, nuts, and vegetables shall be the current market value of the lowest priced grade of a marketable commodity of like kind and nature at the time and place of the violation. Any money which is recovered under this section shall be paid into the Department of Agriculture Fund.

43002. The director may bring an action to enjoin the second or other repeated violation, or threatened second or other repeated violation, of any provision of this division in the superior court in and for the county in which the violation occurred or is about to occur.

Any proceeding pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director is not, however, required to allege facts necessary to show or which tend to show lack of adequate remedy at law or which show or tend to show irreparable damage or loss.

Article 14. Abatement

43031. Any lot of fruits, nuts, or vegetables, including its containers, which is not in compliance in all respects with this division and the regulations which are issued pursuant to it, is a public nuisance.

43032. Any enforcing officer, if he has reason to believe that any lot of fruits, nuts, or vegetables is not in compliance with this division or such regulations, may hold such lot pending proceedings to condemn and abate such nuisance, as provided in this article.

43033. The officer may affix to any lot so held a tag or notice which warns that the lot is held and states the reason why it is held. It is unlawful for any person except an authorized enforcing officer to detach, alter, deface, or destroy any such tag or notice which is affixed to any such lot, or to remove or dispose of such lot in any manner or under condi-

tions other than as prescribed in such tag or notice, except upon written permission of an authorized enforcing officer or by the order of a court.

43034. The officer by whom any lot of fruits, nuts, or vegetables is held shall cause notice of noncompliance to be served upon the person in possession of the lot. The notice of noncompliance shall comply with all of the following requirements:

(a) Include a description of the lot.

(b) State the place where, and the reasons for which, the lot is held.

(c) Give notice that the lot is a public nuisance and subject to disposal as provided in this article, unless within a specified time it is reconditioned or the deficiency otherwise corrected so as to bring it into compliance.

43035. If the person served is not the sole owner of the lot, or does not have authority as agent for the owner to bring the lot into compliance, such person shall, in writing, notify the officer by whom such lot is held of the name and address of the owner and all other persons that are known to him to claim an interest in the lot. Any person that is served with such a notice of noncompliance is liable for any loss which is sustained by such owner or other person whose name and address he has knowingly concealed from such officer.

43036. If the lot has not been reconditioned or the deficiency otherwise corrected so as to bring it into compliance within the time specified in the notice, the enforcing officer shall cause a copy of the notice to be served upon all persons that are designated in writing by the person in possession of the lot to be the owner or to claim an interest in it.

43037. Any notice which is required by this article may be served personally or by mail which is addressed to the person to be served at his last known address.

43038. The enforcing officer, with the written consent of all such persons served, may destroy such lot or otherwise abate the nuisance. If any such person fails or refuses to give such consent, the enforcing officer shall proceed as provided in Section 43039 or 43040.

43039. If the lot which is held is perishable or subject to rapid deterioration, the enforcing officer may file a verified petition in any superior or inferior court of the state to destroy the lot or otherwise abate the nuisance. The petition shall show the condition of the lot, that the lot is situated within the county, that the lot is held, and that notice of noncompliance has been served as provided in this article. The court may thereupon order that the lot be forthwith destroyed or the nuisance otherwise abated as set forth in the order.

43040. If the lot which is held is not perishable or subject to rapid deterioration, the enforcing officer shall immediately report the condition of the lot to the director. Within five days from the receipt of such report, the director may file a peti-

tion in the superior court in the county where the lot is situated for an order to show cause, returnable in five days, why the lot should not be abated.

The owner or person in possession on his own motion within five days from the expiration of the time specified in the notice of noncompliance may file a petition in such court for an order to show cause, returnable in five days, why the lot should not be released to petitioner and any warning tags previously affixed removed from it. Final determination by the court in either case shall be within a period of not to exceed 20 days from the date such petition was filed.

43041. The court may enter judgment ordering that the lot be condemned and destroyed in the manner which is directed by the court or relabeled, denatured, or otherwise processed, or sold or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the lot is sold by order of the court, the costs of storage, handling, and reconditioning or disposal shall be deducted from the proceeds of sale and the balance, if any paid into court for the owner.

CHAPTER 3. EXEMPT FRUITS, NUTS, AND VEGETABLES

Article 1. Fruits, Nuts, and Vegetables Which Are Exempt

43251. Except as otherwise provided in Section 44008, fruits, nuts, and vegetables of the kinds which are specified in this division, if they are not wrapped or packed, are exempt from the standards which are established in this division when being transported or delivered to the destinations and for the purposes herein set forth, or when prepared, loaded, shipped, or sold under any of the following conditions:

(a) From a packing plant which does not have proper or adequate facilities for processing, grading, packing, or reconditioning, to another packing plant within the state which has such facilities.

(b) To a byproduct plant within the state for commercial processing, preserving, or manufacture of byproducts for resale. Dates, however, are not exempt from the standards which are established by Chapter 20 (commencing with Section 47401) of this division, except while they are being transported or delivered to a distillery for the manufacture of brandy or alcohol or to any person for the production of any product which is not for human consumption.

(c) To a feed yard within the state for livestock feeding purposes.

(d) To a dumping ground or waste disposal plant within the state for disposal.

(e) From the orchard or field where they were produced to a packing plant within the state for first processing, grading, or packing.

Article 2. Permits for Exempt Fruits, Nuts, or Vegetables

43281. Except as otherwise provided in Section 43282 or 43283, any commissioner may issue a permit to any person that resides or maintains a principal place of business in his county to sell, buy, receive, transport, deliver, or cause to be transported any fruits, nuts, or vegetables which are exempt from the standards established in this division, for any one or more of the purposes which are prescribed in Article 1 (commencing with Section 43251) of this chapter.

43282. A permit shall not be issued which authorizes, nor does any permit authorize, any person to sell, buy, receive, transport, deliver, or cause to be transported fruits, nuts, or vegetables which are in conflict with orders or regulations which are issued by the director pursuant to the California Marketing Act of 1937, Chapter 1 (commencing with Section 58601), Part 2, Division 21 of this code, or a marketing program issued pursuant to the Agricultural Producers Marketing Law, Chapter 2 (commencing with Section 59501), Part 2, Division 21 of this code.

43283. A permit shall not be issued for the purpose set forth in subdivision (a) of Section 43251 unless and until the commissioner has found and determined both that:

(a) The packing plant from which the fruits, nuts, or vegetables are to be transported or delivered does not have proper and adequate facilities for processing, grading, packing, or reconditioning the particular lot of fruits, nuts, or vegetables.

(b) The packing plant to which the fruits, nuts, or vegetables are to be transported has such facilities.

43284. Permits may be issued for a period not exceeding 36 months.

43285. A permit which is issued pursuant to this chapter, except to the seller and the receiver, is not valid in any county except in the county where it is issued unless the permit, or a rider which is securely attached to it, carries the endorsement of the commissioner of both the county:

(a) To which the fruits, nuts, or vegetables are to be transported or delivered.

(b) From which such products are to be transported or delivered.

43286. A permittee shall, upon request of any commissioner, furnish such affidavits, receipts and other evidence as the commissioner reasonably may require as proof that the commodities have been disposed of in accordance with the provisions of this division and the terms of the permit.

43287. Any commissioner may refuse to issue or to endorse a permit, or may revoke or suspend any permit or endorsement which is issued by him, if after investigation and in his judgment the permittee or applicant for permit comes within any of the following classes:

(a) Does not have available proper and adequate facilities with which to pack, process, or otherwise dispose of the commodities which are described in Article 1 (commencing with Section 43251) of this chapter in accordance with the provisions of this division.

(b) Has previously violated any of the provisions of this division or the terms of any permit which is issued pursuant to this chapter.

(c) Has failed or refused to furnish the evidence required by the commissioner.

43288. Any order of the commissioner refusing to endorse or issue a permit, or suspending or revoking a permit, shall be in writing

43289. Any person may appeal to the director, within 10 days, for a hearing upon a written order of the commissioner refusing to endorse or issue a permit, or suspending or revoking a permit.

The proceedings for such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. However, the provisions of Sections 11505 and 11506 of such code shall not apply and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of such code.

43290. This article does not allow a permittee or applicant to operate pending the disposition of his application or petition.

43291. This article does not prevent the commissioner from suspending or revoking a permit forthwith, and without notice or hearing. Such peremptory action shall, however, be supported by previous investigation, the results of which reasonably indicate to the commissioner that to allow an existing permit to remain in use pending a hearing would encourage, allow, or permit additional or other violations of any provision of this division.

43292. A permit shall be submitted for inspection upon demand of any enforcing officer.

Article 3. Records

43311. Every person that sells, delivers, or receives any fruits, nuts, or vegetables which do not conform to the standards which are prescribed by this division shall keep an accurate record of all such transactions in such form as the commissioner shall require. All such records shall be kept for at least one year and shall be delivered to the commissioner for his inspection on demand at any time within that period.

Article 4. Violations

43331. It is unlawful for any person to use or dispose of any fruits, nuts, or vegetables for which a permit has been is-

sued, in any manner or for any purpose except the manner or purpose for which such permit was issued, unless he is specifically authorized in writing to do so by an enforcing officer.

43332. It is unlawful for any person that does not have a valid permit which is issued pursuant to Section 43281 to sell, buy, receive, transport, deliver, or cause to be transported, or for any person to transport unless such a permit accompanies the vehicle which is transporting, any fruits, nuts, or vegetables, which are exempt from the standards which are established in this chapter, except a person that comes within one of the following classes:

(a) A common carrier which operates over a regular route or between fixed termini and transports any such fruits, nuts, or vegetables, in good faith and in accordance with its duties as a common carrier.

(b) A person that is transporting fruits, nuts, or vegetables from the orchard or field where they were produced to a packing plant within the state for first processing, grading, or packing.

(c) A person that is transporting fruits, nuts, or vegetables in accordance with the terms of a disposal order which is duly issued pursuant to Section 42881.

43333. It is unlawful for any person to sell or offer for transportation or delivery any fruits, nuts, or vegetables which fail to conform to the standards of this division to any person that is required to have a permit pursuant to Section 43332 unless such person has such permit.

CHAPTER 4. CONTAINERS

Article 1. General Provisions

43451. This chapter, among other things, establishes standard containers for the fruits, nuts, and vegetables for which standard packs are established by this division, when such fruits, nuts, and vegetables are being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container.

43452. The standard containers which are established by this chapter are permissive unless otherwise provided in this division.

43453. The words "standard" or "standard container" shall not be placed on any container unless such container conforms to the requirements which are specified for the standard containers of such fruit, nut, or vegetable.

43454. Only if any fruit, nut, or vegetable is packed in a standard container and in conformity to the standard pack which is established for such product may the container be marked with the words "standard pack" or "standard container and pack."

Article 2. Experimental Containers

43481. This chapter does not prohibit the preparation, packing, shipment, or sale under permit of the director of fruits, nuts, or vegetables in any experimental type of container which does not conform to the standards which are prescribed in this chapter, if each such container is conspicuously labeled on one outside surface which bears marks which are intended to describe the contents of such container, in letters and figures which are not less than one-half inch in height, "Experimental container," followed by the permit number that is assigned to the applicant by the director preceded by the designation "Permit No."

43482. Application for the permit and permit number shall be made to the director at least 15 days before shipment. The application shall state all of the following:

(a) The name of the product.

(b) The quantity intended to be shipped.

(c) The description and inside dimensions of the container, expressed in inches.

(d) The name of the person from whom the experimental containers are to be obtained.

(e) The reason for the contemplated experiment.

(f) The quantity of such product, if any, shipped by the applicant in all types of containers during the preceding year. If no shipments of such product were made by the applicant during the preceding year, an estimate of the total quantity which such applicant will ship in all types of containers during the current year.

43483. The director may issue to the applicant a permit and a permit number for the shipment of a specified quantity of the product in the containers within a specified period, which shall not exceed one year, if he makes all of the following findings:

(a) The container is not deceptive in shape, design, or capacity.

(b) The applicant has complied with the permit application requirements and has established the proper reasons for the experiment.

(c) The proposed shipments are only for experimental purposes.

43484. A permit is subject to renewal for an additional year upon a proper showing to the director, without a formal hearing, that the experiment has not been completed.

43485. If the applicant has shipped products of the kind specified in the application during the preceding year, a permit shall not be issued for the shipment in experimental containers of more than 5 percent of the quantity of any such product which was shipped in all types of containers by such person in the preceding calendar year. A permit may not, however, be issued, except for citrus fruit, for more than 10,000 such containers.

43486. If no shipments of such products were made by the applicant during the preceding year, a permit shall not be issued for the shipment in experimental containers of more than 5 percent of the quantity which such applicant estimates he will ship in all types of containers during the current year. A permit may not, however, be issued, except for citrus fruit, for more than 10,000 such containers.

43487. Any type of container for which a permit has been issued, which is uniformly marked as provided in this article, and which is not used for shipping fruits, nuts, and vegetables in excess of the quantities which are specified in the permit, is an experimental type of container within the meaning of this article.

43488. It is unlawful for any person to prepare, pack, transport, deliver, or sell commodities in experimental containers, or to mark such containers with the permittee's assigned permit number, in excess of the quantities which are specified in the permit.

43489. Every person to whom an experimental container permit has been issued shall keep an accurate record of all shipments of such experimental containers including the place from which such shipments are made, the date of shipment, and the number of containers in each shipment. All such records shall be kept for at least one year and shall be delivered to the director or the commissioner for inspection on demand at any time within that period.

Article 3. Consumer Packages of Fresh Fruits, Nuts, or Vegetables

43511. Except for containers which are filled entirely with dates or berries, any fresh fruits, nuts, or vegetables which are prepared, packed, shipped, or sold in unbroken consumer-type containers, that have a volume not greater than 85 percent of the smallest size standard container which is provided in this division for the specific commodity, are exempt from the standard container provisions in this division. Such exempt containers shall not, however, be of a size that will hold more than 15 pounds net when full. The 85 percent volume requirements shall not apply to unbroken consumer-type containers filled entirely with apricots, cherries, grapes, nectarines, peaches, pears, or plums.

43512. This article does not modify any provision of this division which relates to deception or mislabeling, nor any provision in a specific commodity section in this division which has requirements that pertain to consumer-type packages.

43513. Marking requirements which are prescribed in this division need not be placed on any of the following containers:

(a) Containers which are exempted from the standard container requirements by this division.

(b) Containers which are holding commodities for which no standard containers are provided in this division if the net contents when full do not exceed 15 pounds.

Article 4. Imported Fruits, Nuts, or Vegetables

43561. This division shall not be construed to do any of the following:

(a) Conflict with any laws or regulations of this state or the United States regarding net weight or other markings on containers or subcontainers.

(b) Prohibit the shipment, transportation, delivery for sale, or sale of fruits, nuts, or vegetables which are imported into this state in containers which are established as standard by the applicable laws or regulations of the United States.

43562. In addition to other exceptions which pertain to the use of standard containers, this division does not prohibit the shipment, transportation, delivery for sale, or sale of any fruits, nuts, or vegetables, imported into this state in containers which do not conform to the container requirements which are prescribed in this division if such containers comply with all of the following requirements:

(a) Are lawful for use in the state of origin and in interstate commerce.

(b) Are plainly marked with the name of the state of origin.

(c) If the shape and design of such containers are not such as to misrepresent their capacity and the dimensions are not so similar to those of any standard container in California for the commodity as to be deceptive.

Article 5. Standard Containers

43591. The numbers, names, and dimensions of standard containers are set forth in this article. All measurements, unless otherwise specified, are measurements inside in inches, and reading from left to right are measurements of depth, width, and length, respectively.

43592. Standard containers numbers 1 to 1C, inclusive, are as follows:

Number	Name	Dimensions in inches
1	Standard basket	Approximately 8 inches square on top, $6\frac{1}{2}$ inches square on bottom, and 4 inches to 5 inches deep, inside measurements.
1B	Standard basket	Approximately $5\frac{1}{2}$ inches square on top, $4\frac{1}{4}$ inches square on bottom, and 3 inches deep, inside measurements.
1C	Standard basket	Approximately $6\frac{1}{2}$ inches square on top, $5\frac{3}{8}$ inches square on bottom, and $3\frac{3}{4}$ inches deep, inside measurements.

43593. Standard containers numbers 3A to 3C, inclusive, are as follows:

Number	Name	Dimensions in inches
3A	Standard berry basket	Dry pint which contains an interior capacity of approximately 33.6 cubic inches.
3B	Standard berry basket	Dry one-half pint which contains an interior capacity of approximately 16.8 cubic inches.
3C	Standard berry basket	Dry quart which contains an interior capacity of approximately 67.2 cubic inches.

43594. Standard containers numbers 4 to 9C, inclusive, are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
4	Standard 12-basket crate	$2\frac{7}{8}$ to $3\frac{7}{8}$	$12\frac{3}{8}$ to $13\frac{1}{2}$	18 to $18\frac{1}{2}$
5	Standard crate	4 to $7\frac{1}{8}$	16	$16\frac{1}{8}$
9B	Special crate	4 to $7\frac{1}{8}$	$14\frac{1}{2}$	$14\frac{1}{2}$
9C	Special plum box	7	$12\frac{1}{2}$	$12\frac{1}{2}$

43595. Standard containers numbers 9D and 9E are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
9D	Avocado flat	$3\frac{3}{8}$ to 4	13 to $13\frac{3}{4}$	16 to $16\frac{3}{4}$
9E	Avocado lug	$5\frac{3}{4}$ to 8	13 to $13\frac{3}{4}$	16 to $16\frac{3}{4}$

43596. Standard container number 10A is as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
10A	Standard fruit box	5 to 10	$10\frac{1}{8}$	$16\frac{3}{4}$

43597. Standard container number 12A is as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
12A	Standard cherry lug	$3\frac{3}{4}$ to 5	$11\frac{1}{2}$	$14\frac{1}{8}$

43598. Standard container number 12B is as follows:

Number	Name	Dimensions in inches Depth	Width	Length
12B	California fruit box	$2\frac{3}{8}$ to $7\frac{1}{8}$	$11\frac{1}{2}$	$16\frac{1}{8}$

43599. Standard containers numbers 19 and 20 are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
19	Special pear box	$5\frac{1}{2}$	$11\frac{1}{2}$	18
20	Standard pear box	$8\frac{1}{2}$	$11\frac{1}{2}$	18

43600. Standard containers numbers 21 to 22, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
21	Standard artichoke box	$9\frac{3}{4}$	11	$20\frac{5}{8}$
21A	Special artichoke box	7	11	$20\frac{5}{8}$
22	Half artichoke box	$4\frac{7}{8}$	11	$20\frac{5}{8}$

43601. Standard containers numbers 22A to 27C, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
22A	Special lug box	$3\frac{5}{8}$ to $4\frac{3}{8}$	11	$14\frac{5}{8}$
22B	Special lug box	4 to $7\frac{1}{8}$	$12\frac{1}{2}$	$16\frac{1}{8}$
22C	Standard lug box	$3\frac{3}{4}$ to $7\frac{1}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
22D	Standard lug box	$2\frac{7}{8}$ to $7\frac{1}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
23	Standard lug box	4	$13\frac{1}{2}$	$16\frac{1}{8}$
24	Standard lug box	$3\frac{3}{4}$ to $7\frac{1}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
25	Standard lug box	$4\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27	Standard lug box	$5\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27A	Bay City lug	$7\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27B	Standard lug box	$6\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27C	Standard lug box	$6\frac{1}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$

43602. Standard containers numbers 28 to 31, inclusive, are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
28	Special sawdust pack chest	$7\frac{3}{4}$	$14\frac{15}{16}$	$18\frac{5}{8}$
29A	Special lug box	$6\frac{1}{2}$ to $7\frac{3}{16}$	$13\frac{1}{2}$	$20\frac{5}{8}$
29B	Special lug box	$8\frac{3}{4}$	11	$17\frac{1}{4}$
30	Special lug box	$8\frac{1}{2}$	14	$22\frac{3}{4}$
30A	Special lug box	$4\frac{7}{8}$	15	$22\frac{1}{8}$
31	Special box	$4\frac{3}{4}$ to $5\frac{1}{4}$	12	$19\frac{3}{4}$

43603. Standard containers numbers 32 and 34 are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
32	Standard persimmon box	$3\frac{3}{4}$	$11\frac{1}{2}$	$24\frac{5}{8}$
34	Standard pomegranate box	$6\frac{1}{2}$	$11\frac{1}{2}$	$24\frac{5}{8}$

43604. Standard containers numbers 38I to 38Q, inclusive, are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
38I	Standard grape lug	$4\frac{3}{4}$ to $6\frac{7}{16}$	At top $14\frac{1}{2}$ to $14\frac{7}{8}$ At bottom $9\frac{1}{2}$ to $11\frac{1}{2}$	$16\frac{1}{8}$
38J	Standard grape lug	$4\frac{1}{2}$ to $5\frac{1}{2}$	$14\frac{1}{2}$	$16\frac{1}{8}$
38K	Standard grape lug	$4\frac{1}{2}$ to $5\frac{3}{4}$	14 or $14\frac{3}{4}$	$16\frac{1}{8}$
38L	Grape lug	$4\frac{7}{16}$ to $6\frac{7}{16}$	$13\frac{1}{2}$	$16\frac{1}{8}$
38M	California grape lug	$6\frac{1}{4}$	$14\frac{3}{4}$	$18\frac{1}{8}$
38N	California grape lug	$7\frac{7}{8}$	$12\frac{5}{8}$	$15\frac{3}{16}$
38P	California grape lug	$6\frac{1}{2}$	17	21 to $22\frac{1}{2}$
38Q	Grape lug	$5\frac{1}{2}$	$11\frac{1}{2}$	$16\frac{1}{8}$

Standard containers numbers 38J and 38K may have a taper (up and in—down and in) at each corner.

43605. Standard containers numbers 39 to 44D, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
39	Standard cantaloupe crate	12	12	$21\frac{7}{8}$ or $22\frac{1}{8}$
40	Pony cantaloupe crate	11	11	$21\frac{7}{8}$ or $22\frac{1}{8}$
41	Jumbo cantaloupe crate	13 or $13\frac{1}{2}$	13	$21\frac{7}{8}$ or $22\frac{1}{8}$
42	Cantaloupe crate	$13\frac{1}{2}$	13	$22\frac{1}{2}$
43	Cantaloupe container	9 or $9\frac{1}{2}$	13	$21\frac{7}{8}$ or 22
44	Cantaloupe container	9 or 10	13	22 or $22\frac{3}{8}$
44B	Cantaloupe—2 compartment container	$5\frac{1}{2}$	$9\frac{1}{8}$	$21\frac{3}{8}$ or $21\frac{5}{8}$
44D	Cantaloupe container	$9\frac{3}{4}$ to 10	$12\frac{3}{4}$ to 13	$16\frac{3}{4}$ to 17

Container number 41, which has a depth of $13\frac{1}{2}$ inches, shall be standard only if the maximum bulge of the lid, when tightly nailed in place, does not exceed $\frac{25}{32}$ of an inch measured from the top of the lid slat to the high point of the outside top of the bulge, which is normally at the center of the lid. Not more than 10 percent, by count, of such containers in any lot may, however, have a bulge which exceeds the $\frac{25}{32}$ of an inch bulge which is described in this paragraph.

Container number 44B shall be standard only if it complies with all of the following requirements:

(a) It is made as one container.

(b) Each container has two compartments.

(c) Each compartment has the dimensions which are specified as standard for container 44B in this section.

(d) The maximum inside width of the combined two compartments, including the center divider, does not exceed $19\frac{1}{8}$ inches.

The depth shall be measured from the bottom floor of the compartment to the underside of the overflap. The width shall be measured across the approximate geometrical center, with the inside drape pieces pressed firmly in place as though cantaloupes were tightly packed in the compartment.

Container 44B shall be considered standard if used without being closed.

Only the following numbers of cantaloupes shall be packed in cantaloupe container number 44B: 10, 12, 16, or 20.

43606. Standard containers numbers 44H to 44K, inclusive, are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
44H	Melon crate	$6\frac{3}{4}$ to $8\frac{3}{4}$	16	$22\frac{1}{8}$
44I	Melon crate	$7\frac{3}{4}$	14	$22\frac{1}{8}$
44J	Melon crate	$5\frac{3}{4}$	$14\frac{1}{2}$	$22\frac{1}{8}$
44K	Melon carton	$6\frac{1}{2}$ to $7\frac{1}{2}$	$15\frac{1}{4}$	17

43607. Standard containers numbers 45 to 45B, inclusive, are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
45	Standard crate	$14\frac{1}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45A	Lettuce crate	$9\frac{3}{4}$	14	21
45B	Nonbulge lettuce crate	$10\frac{3}{4}$	$16\frac{1}{8}$	$21\frac{1}{2}$

Standard container number 45, if it is lidded, shall have a lid which is not over $23\frac{3}{8}$ inches in length if it is constructed with the $20\frac{1}{2}$ inch inside length and which is not over $24\frac{5}{8}$ inches in length if it is constructed with the $21\frac{3}{4}$ inch inside length.

The nonbulge lettuce crate number 45B may have a bulge, when the lettuce is first placed or packed in it, of not more than $\frac{1}{4}$ of an inch on each side, each end, the top, and the bottom. Not more than 5 percent, by count, of containers number 45B in any lot may exceed the $\frac{1}{4}$ of an inch bulge.

Standard container 45B shall comply with the Mullen bursting test of not less than 300 pounds, and shall be plainly marked with the statement "Container material complies with the Mullen bursting test of not less than 300 pounds," or a similar statement which indicates not less than the same bursting standard.

43608. Standard containers numbers 45E to 45K, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
45E	Celery container	$9\frac{3}{4}$	16	$19\frac{1}{4}$
45F	Celery container	$9\frac{3}{4}$	16	20 to $20\frac{1}{4}$
45G	Celery container	10	11	$15\frac{3}{4}$ to 16
45H	Celery container	$9\frac{1}{2}$	$10\frac{1}{2}$	$15\frac{3}{4}$
45I	Celery container	$8\frac{1}{4}$	9	$17\frac{1}{4}$
45J	Celery container	$8\frac{1}{4}$	11	15
45K	Celery container	$9\frac{3}{4}$	$11\frac{1}{2}$	$19\frac{1}{4}$

43609. Standard containers numbers 45N to 45T, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
45N	Carrot container	$14\frac{1}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45O	Carrot container	$9\frac{3}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45P	Carrot container	9	$14\frac{1}{4}$	$21\frac{1}{4}$ or $21\frac{1}{2}$
45Q	Carrot container	$9\frac{3}{4}$	9	$17\frac{1}{2}$
45R	Carrot container	13	13	25
45T	Carrot container	$11\frac{15}{16}$	$11\frac{15}{16}$	$18\frac{3}{4}$

43610. Standard containers numbers 46 to 46C, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
46	Standard cauliflower crate	$8\frac{1}{2}$	18	$21\frac{5}{8}$
46A	Standard cauliflower crate	$5\frac{1}{2}$ to 6	$17\frac{1}{2}$	$21\frac{7}{8}$ or 22
46B	Standard cauliflower crate	$10\frac{1}{2}$ to $11\frac{1}{2}$	$12\frac{1}{4}$	$18\frac{1}{4}$
46C	Standard cauliflower crate	$14\frac{1}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$

The inside length which is shown for standard container number 46 shall be a minimum length, with maximum outside length of $24\frac{1}{2}$ inches. The inside length shall be measured between the end slats, except that if flat end posts which are wider than $1\frac{1}{2}$ inches are used, the inside length shall be measured between the posts.

43611. Standard containers numbers 47 to 48B, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
47	Sweet potato container	$11\frac{1}{2}$	$10\frac{11}{16}$	$16\frac{3}{8}$
48	Sweet potato container	10	11	$16\frac{3}{4}$
48A	Sweet potato box	$10\frac{1}{2}$	$11\frac{1}{2}$	18
48B	Three-fourths sweet potato container	$7\frac{1}{4}$	11	$16\frac{3}{4}$

43612. Standard container number 50A is as follows:

Number	Name	Dimensions
50A	Standard bushel basket	Contains 2150.42 cubic inches

43613. Standard containers numbers 51 and 52 are as follows:

Number	Name	Dimensions
51	Standard pyramid asparagus crate	Maximum depth inside, 11 inches; length inside, 18 inches; width at the bottom inside, 11 inches; maximum width at the top inside, 10 inches; minimum width at the top inside, 9 inches.
52	Standard pyramid asparagus crate	Maximum depth inside, 10 inches; length inside, 18 inches; width at the bottom inside, $11\frac{1}{2}$ inches; maximum width at the top inside, 10 inches; minimum width at the top inside, 9 inches.

43614. Standard containers numbers 53 to 57, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
53	Tomato lug	$11\frac{15}{16}$	$11\frac{15}{16}$	$18\frac{3}{4}$
54	Tomato lug	$10\frac{5}{8}$	$10\frac{5}{8}$	$16\frac{13}{16}$ to $17\frac{3}{16}$
55	Tomato lug	10 to 11	$11\frac{3}{8}$	$18\frac{1}{2}$
56	Tomato lug	$9\frac{1}{8}$ to 10	$11\frac{3}{8}$	18 to $18\frac{1}{2}$
57	Tomato lug	$10\frac{1}{4}$ to $11\frac{1}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$

Standard tomato lugs 55 and 56 which are used with an "H" divider may measure $\frac{3}{8}$ of an inch less in width and $\frac{3}{8}$ of an inch less in length if the side pieces of the "H" divider

completely cover the entire area of both sides of the container and the center divider extends the full depth of the container.

43615. Standard containers numbers 58 to 63, inclusive, are as follows:

		Dimensions in inches		
Number	Name	Depth	Width	Length
58	Standard orange or lemon container	$10\frac{1}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$
59	Standard grapefruit container	$9\frac{3}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$
62	Standard grapefruit master container	$12\frac{1}{2}$ to $13\frac{1}{2}$	$12\frac{3}{4}$ to $13\frac{3}{4}$	19 to 21
63	Standard tangerine or mandarin container	$7\frac{1}{2}$ to $8\frac{1}{2}$	$10\frac{11}{16}$	$16\frac{3}{8}$

Standard container number 62 shall comply with the Mullen bursting test of not less than 250 pounds and shall be plainly marked with the statement "Container material complies with the Mullen bursting test of not less than 250 pounds," or a similar statement which indicates not less than the same bursting standard

To allow for reasonable variations in the size of containers numbers 58, 59, 62, and 63 by reason of manufacturing variations, a variation of plus or minus one-eighth of an inch in each of the dimensions of height, width, or length is permitted. Notwithstanding this tolerance the net cubical contents of container number 58 shall not be less than 1,737 cubic inches; container number 59 shall not be less than 1,652 cubic inches; and container number 63 shall not be less than 1,265 cubic inches.

Article 6. Citrus Field Picking Box

43641. Except as otherwise permitted by the tolerance which is provided in Section 43643, the standard citrus field picking box shall have a cubic content of 3,115 cubic inches and shall not have cleats over one inch high. The volume which is added to such box by the cleats shall not be considered in computing the cubic content.

43642. It is unlawful for any person to load, ship, transport, or deliver citrus fruits from the orchard where they were produced or elsewhere within the state in any citrus field picking box that is not standard unless such box is conspicuously marked on an outside end with the word "irregular" and with the cubic content in cubic inches, in letters and figures which are not less than one inch in height. The provisions of this section do not, however, apply to any citrus field picking box which is designed to hold more than 500 pounds.

43643. In order to provide for reasonable variation in the cubic content of standard citrus field picking boxes because of atmospheric changes, normal use, and normal manufacturing

variations, a tolerance of 4 percent either above or below the standard cubic content is permissible. An equal tolerance is permissible in the case of irregular citrus field picking boxes above or below the cubic content as marked upon such picking boxes.

43644. All contracts which are entered into, and all settlements which are made with growers on the basis of citrus field picking boxes shall be on the basis of the standard box unless such contract or settlement is in writing and expressly provides in type as conspicuous as the balance of the type that the box which is involved is irregular and states its actual cubic content.

Article 7. Markings on Containers

43671. If any markings are used, or required to be used by this division, on any container of any fruits, nuts, and vegetables to describe the contents of the container, such markings, with the exception of net weight, shall be plainly and conspicuously marked, stamped, stenciled, printed, labeled, or branded on one end of each box, lug, or carton, and either on one side or the top cover of each basket, barrel, or other similar container.

The designation of grade shall be stated in letters which are not less than one-quarter of an inch in height. If the marking is on a placard which is used in display, the placard shall be placed or posted in such a position that there is no doubt as to the product it is to identify.

43672. Notwithstanding the provisions of this division, no markings are required, nor are old markings required to be obliterated, on any container of fruits, nuts, or vegetables which is not closed if it contains subcontainers which bear all of the markings which are required by this division to be placed on containers.

43673. If the name and address of any person is required by any of the specific commodity standards of this division to be placed on any container, the address shall be a California address, unless the fruits, nuts, or vegetables are packed or placed in such containers outside of this state.

Chapter 5. Apples

Article 1. Definitions

43801. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

43802. "Clean" means free from dust or dirt and free from visible spray residue.

43803. "Consumer type package" means any container or package which has a capacity which is equal to, or less than, one-half of the capacity of the standard half wooden apple box which is described in Section 44081.

43804. "Cross section" means that section of the apple which is taken at a right angle to a straight line that is drawn from the stem end to the blossom end of the apple.

43805. "Flagged" means incompletely covered by the use of wrappers which are not closed.

43806. "Hand picked" means apples which do not show evidence of having been on the ground.

43807. "Insect pests" include San Jose scale, codlin moth, and other insects, or the larvae, nymphs, or pupae of them, and any apple which has been infested with codlin moth and bears evidence of such infestation, with the exception of superficial well-healed codlin moth stings.

43808. "Place packed" means that the apples are not wrapped and are arranged compactly in layers throughout the container. Such apples need not be uniform in size or in count between the layers.

43809. "Properly matured" means that the apple to which it refers, at the time it was taken or fell from the tree, had reached that stage of minimum maturity, based upon the known factors of maturity, which will insure palatibility and the proper completion of the ripening process.

43810. "Uniform in size" means:

(a) If the apples are in boxes which contain 125 apples, or less, a variation of not more than one-half of one inch in diameter, if the apples are measured through the widest portion of the cross section between the fruits in any one container.

(b) If the apples are in boxes which contain 138 apples, or more, a variation of not more than three-eighths of one inch if the apples are so measured.

43811. "Well packed" means packed in regular, compact, diagonal arrangement of all of the fruit in any container, the fruit being compacted, at the time of packing, with sufficient solidity so that it will not move in the container when lidded, the top and bottom of the standard wooden box, when lidded, having a bulge of not less than one-half inch, and, where wrappers are used, all of the apples in the box are properly wrapped, with the exception of the bottom layer, which may be flagged.

Article 2. General Provisions

43831. If any lot of apples has been inspected and passed by an enforcing officer of this division as conforming to the requirements of this code, and has thereafter been sold, and placed in cold storage or shipped to a purchaser, the person that was owner, packer, or shipper of the lot at the time of such inspection, shall not be prosecuted pursuant to this division by reason of any failure of any of such fruit to conform to the provisions of this division as a result of deterioration subsequent to the original inspection. Any such stored lot of nonconforming apples may be sold to a purchaser that shall immediately recondition the apples upon their removal from storage so that they conform to the provisions of this division.

43832. If any lot of apples of the Newtown Pippin or Bellefleur variety has been inspected and certified by an enforcing officer as conforming to a specified grade or combination of grades and the identity of the lot is established to the satisfaction of the enforcing officer who then has jurisdiction of the lot, such lot shall not, at any time within 10 days after the date of such certification, be deemed to be in violation of any provision of this division because of an excess of damage which is caused by Baldwin spot or by internal browning.

Article 3. Exceptions for Apples for Byproduct Use

43861. This division does not prohibit any person, under a permit which is issued pursuant to this article, from transporting out of the state, apples which fail to comply with the packing, container, marking, or quality requirements of this division if both of the following requirements are complied with:

(a) Such permit is issued for, and is attached to, each load or lot which is transported.

(b) The apples are loose in containers which are not closed or are in a bulk load.

43862. A permit may be issued by the commissioner of the county from which the apples are to be transported only if he has verification by an official of the destination state, satisfactory to the commissioner, that the apples are to be delivered to a purchaser in such state for the manufacture of byproducts on the premises of the purchaser.

The verification shall include a statement by the official making it that, if the apples are so delivered, such official will report to the commissioner who issued the permit as to the byproducts use to which the apples which were transported under the permit were actually put by the purchaser of the apples.

Article 4. Exceptions for Gift Pack Apples

43871. Apples which are in containers that are labeled with the term "gift pack" shall conform to the "extra fancy grade" for apples, except that russeting on the Newtown Pippin variety shall not be considered damage unless it would be "appreciable damage" for russeting in the fancy grade.

43872. The containers of apples which are labeled "gift pack" shall be of rigid construction, may contain mixed varieties of apples, and at least 75 percent of the contents of each such container shall be apples.

43873. The containers of apples which are labeled "gift pack" shall also be conspicuously marked on one outside surface, excluding the bottom surface, with all of the following information:

(a) The name of the person that first packed or authorized the packing of such gift pack apples together with a sufficiently explicit address to permit ready location of such packer.

(b) The net weight or count of the apples in the container.

(c) The words "gift pack" in letters not less than one inch in height.

43874. Containers of apples labeled "gift pack" as provided in this article are exempt from other container, packing, and marking requirements in this chapter.

43875. Nothing in this article shall be construed to modify provisions of this division which relate to deception or mislabeling.

Article 5. Exceptions for Apples of the Lady Variety

43891. Apples of the Lady variety of a size that will pass through a ring 2¼ inches in diameter are not required to meet the minimum size and packing requirements of this chapter, and the containers need not be marked with the grade of apples which they contain. Such Lady apples shall, however, comply with the provisions of the "C" grade, and shall not be deceptively packed.

Article 6. Standard Apple Grades

43911. As used in this article, "appreciable damage" means any injury or defect which appreciably affects the appearance or quality of the apple. The following defects are not appreciable damage:

(a) Limb rubs which are not soft and which affect not to exceed an aggregate area of three-fourths of an inch in diameter.

(b) Sun scald and spray burn if the normal color of the skin is but slightly changed, and there is no blistering or cracking of the skin, and no discoloration of the flesh.

(c) Russeting which is not excessively rough, and which does not appear on more than 25 percent of the surface of any one apple in the aggregate, except in the case of Newtown Pippins, on which it does not appear on more than 33 percent of the surface of any one apple in the aggregate.

(d) Drought spots where the surface of the apple is only slightly discolored and depressed.

(e) Hail marks if such marks do not exceed two in number on any one apple and the injury is superficial and the skin has not been broken.

(f) Frost injury which is not more than skin deep and affects an aggregate area that does not exceed one-half of an inch in diameter.

(g) Internal browning which shows not more than a trace of discoloration in the flesh.

(h) Scab spots on any one apple which in the aggregate do not exceed one-fourth of an inch in diameter.

(i) Slight flyspeck fungus.

(j) Two well-healed case bearer, codlin moth, or aphid stings on an apple, neither of which shall exceed one-eighth

of an inch in diameter exclusive of any encircling green ring.

(k) Slight sunspots.

43912. As used in this article, "serious damage" means any injury or defect which seriously detracts from the appearance or quality of the apple. The following defects are not serious damage:

(a) Stem punctures, affecting apples of the Newtown Pippin and Bellefleur varieties, if the punctures are slight and if such punctures affect less than 50 percent, by count, of such apples in any one container or bulk lot. Stem punctures to any extent are serious when affecting any other variety of apples.

(b) Jonathan spot or Baldwin spot, which affects apples of the Newtown Pippin and Bellefleur varieties if no more than 25 percent, by count, of such apples in any one container or bulk lot are affected by no more than three spots each of either or both of such defects. Jonathan spot or visible Baldwin spot in any extent is serious in all other varieties of apples.

(c) Sun scald and spray burn, if there is no blistering or cracking of the skin or where the flesh is not seriously discolored or injured.

(d) Hail marks or frost injury, where such defects do not cover more than an aggregate area of one-tenth of the surface of the apple or materially deform or disfigure the fruit.

(e) Internal browning, which cannot be detected by external examination or pressure.

(f) Scab spots on any one apple which in the aggregate do not exceed one-half of an inch in diameter.

(g) Five well-healed case bearer, codlin moth, or aphid stings on an apple, none of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(h) Slight blossom-end cracks.

(i) Jonathan freckle on any one apple which in the aggregate does not exceed one half of an inch in diameter.

43913. Except as otherwise provided in this chapter, apples shall conform to the standards which are prescribed in this article.

43914. The grades which are established by this article are the standard grades for apples. The "extra fancy" is the highest, "fancy" the next highest, and "C" grade the lowest of such grades.

43915 The "extra fancy" grade consists of well grown, properly matured apples of one variety which are clean, well colored, normally shaped for the locality where they are produced, free from decay, visible Baldwin spot, Jonathan spot, scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, insect pests, limb rub, spray burn, sun scald, russeting except within the basin of the stem, drought spot, hail mark, frost injury, internal browning, apple scab, and other diseases, insect bites, and other defects.

43916. The "fancy" grade consists of well grown, properly matured apples of one variety which are clean, normally

shaped for the locality where they are produced, free from decay, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from appreciable damage caused by limb rub, spray burn, sun scald, russeting, drought spot, hail mark, frost injury, internal browning, apple scab, flyspeck fungus and other diseases, insect pests, sun spots, and other defects.

43917. The "C" grade consists of properly matured apples of one variety which are virtually clean, free from decay, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from serious damage caused by stem punctures, visible Baldwin spot, Jonathan spot, sun scald, spray burn, hail marks, frost injury, internal browning, apple scab, insect pests, blossom end cracks, storage scald, Jonathan freckle, and other diseases and defects.

43918. Apples of the varieties Alexander, Red Astrachan, White Astrachan, Beitigheimer, White Winter Pearmain, Greening, and Fall Pippin need not be properly matured in order to meet the requirements of any grade except extra fancy.

43919. Apples of the Bellefleur variety, which are of a size that will not pass through a ring 2¾ inches in diameter, need not be properly matured to meet the requirements of "C" grade if the apples are place packed or loose. Apples of the Bellefleur variety shall, however, be properly matured to meet the requirements of the "C" grade if they are in combination grades

Article 7. Emergency Commercial Grade

43941. An emergency grade to be known as the "commercial" grade may be declared in effect by the director pursuant to this article.

43942. The "commercial" grade shall apply only to Bellefleur apples and Newtown Pippin apples, or either, and shall conform to the standards which are required for a combination of fancy and "C" grade except that Baldwin spot and internal browning shall be permitted without limitation as to tolerance.

43943. The "commercial" grade shall be used only for apples which comply with all of the following requirements:

(a) Have been held in cold storage for a period of at least 15 consecutive days.

(b) Have been removed from cold storage not earlier than December 15th of the current cold storage season.

(c) Are loose in containers or in bulk.

43944. Apples of the "commercial" grade shall not be in combination with apples of any of the standard grades.

43945. A petition for a declaration by the director that an emergency exists and that the "commercial" grade is in effect may be filed by either of the following:

(a) Seventy-five percent or more by number of the persons that control the sale of the Bellefleur or Newtown Pippin apples, or the Bellefleur and Newtown Pippin apples, as the case may be, which are then held in cold storage.

(b) The persons that control the sale of 60 percent or more of such apples which are then so held.

43946. The petition shall contain all of the following:

(a) A statement whether the declarations are sought as to Bellefleur apples, Newtown Pippin apples, or both.

(b) A statement of the facts which constitute the petitioners the persons or number of persons that are qualified under Section 43945 to file the petition.

(c) A statement that an abnormal amount of Baldwin spot or internal browning has developed in the apples as to which the declarations are sought.

(d) A statement that there is imminent danger of great loss to the owners of the apples as to which the declarations are sought unless the "commercial" grade is declared in effect as to such apples.

(e) A request that the director declare the existence of an emergency and the "commercial" grade in effect as to the apples for which the declarations are sought.

43947. If the director, by investigation or otherwise, determines that the petition has been signed by persons that are qualified to file it and that the matters which are stated in the petition are true, he shall, at a time not less than 15 days after the filing of the petition, declare that, as to the apples as to which the declarations are sought, an emergency exists and the "commercial" grade shall be in effect for a period which is designated by him but not to extend beyond the 30th day of June of the then current cold storage season.

Article 8. Standards Generally

43971. Except as otherwise provided in Section 43972, apples may conform to any of the standard grades or to any combination of such grades.

43972. Notwithstanding the provisions of Sections 43801 to 43974, inclusive, and 44081 to 44168, inclusive, of this chapter and in addition to such requirements:

(a) All varieties of Gravenstein apples which are intended for shipment to, or sale within, the North American continent shall conform to the "extra fancy" or "fancy" grades.

(b) All apples which are in consumer type packages shall conform to the combination "fancy and C grade" or a higher grade, as defined in Article 6 (commencing with Section 43911) of this chapter.

43973. Apples of a standard grade or combination of such grades shall be of such size that the apple will not pass through a ring 2¼ inches in diameter. This size requirement does not

apply to apples which are well packed, nor to apples of "C" grade which are loose in the container or in bulk and not in combination with any other grade.

43974. Apples shall be hand picked, except apples of "C" grade which are loose in containers or in bulk, or apples of "C" grade which are in combination with any other grade if the apples in the combination are loose in containers or in bulk.

Article 9. Maturity Standards Generally

44001. This article is effective only in the counties, or districts within a county, where the apples are produced.

44002. The provisions of this article shall not be made effective with respect to varieties of apples which are regulated as to maturity by specific standards elsewhere in this code, or to the Gravenstein varieties.

44003. The provisions of this article do not apply to apples which are shipped into this state from outside of the state. Such apples shall, however, be properly matured as required in Article 6 (commencing with Section 43911) of this chapter or shall be accompanied by an official certificate which states that such apples, at the time of harvest, met the maturity requirements of the state of origin.

44004. As to apples which are produced in this state, the commissioners, under the supervision of the director, may determine, prior to the harvesting season, that apples of designated varieties in any area, county, or district within a county are, or will be, considered to be properly matured on a specified date, which date shall be announced by the commissioners. Designation of varieties shall be on the basis of availability of adequate data covering the known factors which determine maturity. The determination as to maturity shall be based upon known factors of maturity, including soluble solids content of the juice, pressure test, size, color, condition of the flesh, or other recognized methods of measuring the maturity of apples.

44005. The director may adopt regulations to establish minimum maturity standards for apples of designated varieties in any area, county, or district within a county.

44006. Dates of maturity shall be established by the commissioners, under the supervision of the director, for areas, counties, or districts within counties, taking into consideration location, climatic conditions, or other factors, which are known to produce apples which vary as to the dates of maturity. Such date of maturity shall be based upon an investigation which includes the testing of the apples from representative orchards in each area and shall be set when such tests generally indicate that the apples in each such area are, or will be, properly matured. The commissioners shall prepare records, based on the factors of maturity which are used each year, and submit them to the director

44007. If the enforcing officers find that apples in certain orchards in an area, a county, or a district within a county, do

not meet the minimum standards of maturity as prescribed by the director, the apples in such orchards shall not be harvested until such orchards are released by the enforcing officer.

44008. Notwithstanding the provisions of Article 1 (commencing with Section 43251) of Chapter 3 of this division, apples which are being transported to another county or district within a county for grading or packing shall be properly matured before such movement.

44009. It is unlawful for any person to cause to be transported for grading or packing apples which are grown in this state to another county or district within a county unless an enforcing officer has issued a disposal order to such person. The requirement that each load of such apples be accompanied by a disposal order does not, however, apply if all districts have been released.

Article 10. Maturity Standards for Gravenstein Apples

44031. The director may adopt such regulations as are reasonably necessary to establish minimum maturity standards for Gravenstein varieties of apples. Such standards shall be based upon the known factors of maturity, including soluble solids content of the juice, pressure tests, sizes, color, condition of the flesh, or other recognized methods of measuring the maturity of apples, which will insure that such apples are properly matured.

Article 11. Controlled Atmosphere Apples

44051. The director shall adopt regulations, as necessary, to properly establish and maintain the identity of controlled atmosphere apples by storage operators and others that are engaged in the preparation and sale of such apples.

44052. It is unlawful for any person to prepare, pack, sell, or transport for sale any apples which are represented as having been exposed to "controlled atmosphere," or so use any such term or form of words or symbols of similar import on any container or lot of apples within this state, unless both of the following requirements have been complied with:

(a) Such apples have been kept in a room or storage building with not more than 5 percent oxygen for a minimum of 90 days.

(b) The oxygen level was reduced to 5 percent within 20 days after the date of the sealing of the apples in the storage room.

Article 12. Apple Containers

44081. Except as otherwise provided in Sections 43874, 44083, 44084, 44085, or 44086, all wrapped apples shall be in one of the following containers:

(a) Standard wooden apple box, depth inside, 10½ inches; width inside, 11½ inches; length inside, 18 inches.

(b) Standard fiberboard apple box, depth inside, $11\frac{3}{8}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches, with a tolerance of one-fourth inch in all dimensions.

(c) Half wooden apple box, depth inside, $5\frac{1}{4}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches.

(d) Half fiberboard apple box, depth inside, $5\frac{11}{16}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches, with a tolerance of one-fourth inch in all dimensions.

44082. Except as otherwise provided in Sections 43874, 44083, 44084, 44085, or 44086, apples which are not wrapped shall be in one of the standard containers which are defined in Section 44081, or in one of the standard apple lugs of the following dimensions:

(a) Depth inside, $7\frac{1}{2}$ inches, width inside, $13\frac{1}{2}$ inches; length inside, $21\frac{1}{4}$ inches.

(b) Depth inside, $7\frac{3}{4}$ inches; width inside, 14 inches; length inside, $22\frac{5}{8}$ inches.

(c) Depth inside, $6\frac{1}{2}$ inches; width inside, $13\frac{1}{2}$ inches; length inside, $20\frac{5}{8}$ inches.

(d) Depth inside, $9\frac{3}{4}$ inches; width inside, 11 inches; length inside, $20\frac{5}{8}$ inches.

Containers which are described in subdivisions (a), (b), and (c) are standard whether used with or without cleats.

44083 Apples which are not wrapped may be in other size containers, and wrapped apples may be in containers smaller than the half apple box, if these are conspicuously marked, in letters which are not less than one-half inch in height, "irregular container" Such marking, however, is not required on open containers of apples which are not place packed or well packed.

44084 Apples which are not well packed or place packed may be in a standard fiberboard apple box of the following dimensions: depth inside, $10\frac{3}{4}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches, with a tolerance of one-fourth inch in all dimensions.

44085. Apples of the Lady variety, regardless of the method of packing, may be placed in containers with a depth of $8\frac{3}{4}$ inches, width 10 inches, and length 16 inches, all inside measurements

44086. Notwithstanding any other provision of this article, apples which are placed in layers between not less than four nor more than six trays or pads may be in the special apple box of the following dimension: depth inside, $11\frac{3}{4}$ inches; width inside, $12\frac{1}{8}$ inches; length inside, $19\frac{7}{8}$ inches; with a tolerance of one-quarter of an inch in all dimensions. The special apple box may be constructed with a full depth collar or liner if the inside measurements affected by such collar conform to the requirements of this section.

Article 13. Packing Requirements

44101. Apples which are of a standard grade or combination of such grades shall be well packed, place packed, placed

in layers between trays or pads, "face and fill packed," loose in containers, or in bulk.

44102. Apples which are well packed shall be uniform in size and shall be in clean, standard boxes. Apples which are place packed shall be in clean boxes.

44103. If apples are in combination of two grades, all of the apples in the container or bulk lot shall meet the requirements of the lower grade and at least 50 percent, by count, shall conform to the requirements of the higher grade.

44104. If apples are in combination of three grades, all of the apples in the container or bulk lot shall meet the requirements of the lowest grade, at least 25 percent, by count, shall conform to the requirements of the highest grade, and at least an additional 25 percent, by count, shall conform to the requirements of the next highest grade.

Article 14. Tolerances

44131. The tolerance, if apples in a container or bulk lot are of one grade, is as follows:

At least 90 percent of the apples in the container or bulk lot shall at least comply with the requirements of the grade. Not more than one-half of the tolerance shall, however, be allowed for any one cause.

44132. Tolerances, if apples are in a combination of two or more grades, are as follows:

(a) At least 90 percent of the apples in any container or bulk lot shall at least comply with the requirements of the lowest grade in the combination. Not more than one-half of the tolerance shall be allowed for any one cause.

(b) If in a combination of any two grades, at least 50 percent of the apples shall comply with the requirements of the higher grade.

(c) If in a combination of three grades, at least 25 percent shall comply with the requirements of the highest and at least an additional 25 percent shall comply with the requirements of the next highest grade.

44133. Tolerances, if apples are in consumer-type packages, are as follows:

(a) If the tolerance for defects allowed is 5 percent, individual packages in any lot may have double this amount.

(b) If the tolerance for defects allowed is 10 percent, individual packages in any lot may exceed this amount by one-half of the tolerance.

(c) The entire lot shall, however, average within the established tolerances.

44134. If a lot of apples is in containers other than consumer-type packages, the apples in each of such containers, not to exceed one-fourth, in number of the containers, may exceed, by not more than 50 percent, the tolerance which is provided. The entire lot shall, however, average within the

established tolerance and the apples in no container shall have more insect pests or decay than the amount which is permitted by such established tolerance.

Article 15. Markings on Containers

44161. Except as otherwise provided in Sections 43874, 44165, 44166, 44167, and 44168 every container of apples shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the apples or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) The name of variety of the apples which are in the container, if known, or if not known the words "unknown variety."

(c) The grade of such apples.

(d) The minimum net weight of the apples which are in the container, or the cubical contents of the package.

(e) In the case of wrapped packed apples, the numerical count.

44162. If apples are in a combination of grades, the grade markings shall be preceded by either "combination" or "comb."

44163. Grade terms which are used to designate apples which are place packed shall not be followed by the term "loose."

44164. A variation of five apples, more or less, than the number stated shall be allowed, unless the apples are placed in molded forms. If the apples are placed in molded forms, the exact count shall be marked on the container.

44165. Containers of apples which are place packed are required to show only the following information:

(a) The name and address of the person that first packed or authorized the packing of the apples.

(b) The variety of the apples.

(c) The designation of grade.

44166. Open containers of apples which are not packed are required to show only the name and address of the person that first packed or authorized the packing of the apples, and the designation of grade.

44167. Consumer-type packages are required to show only the name and address of the person that first packed or authorized the packing of the apples, and the designation of grade which shall comply with the requirements of Combination Fancy and C grade, or a higher grade.

44168. In lieu of the standard grade markings which are required by this article, any container of apples may be marked with the grades which are established in the official United States standards for apples, if the apples conform to such grades and the grades are approved by the director.

CHAPTER 6. APRICOTS

Article 1. Exceptions

44301. This division does not prohibit any person, under a permit issued pursuant to this article, from transporting out of the state apricots which fail to comply with the packing, container, or marking requirements of this division, if both of the following requirements are satisfied:

(a) The permit is issued for, and is attached to, each load or lot which is transported.

(b) The apricots are loose in containers which are not closed, or in bins each holding 200 pounds or more of the apricots.

44302. The permit may be issued by the commissioner of the county from which the apricots are to be transported if such commissioner has satisfactory verification by a like officer of the state of destination that the apricots are to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving, or manufacturing use to which the apricots so transported under the permit were actually put by the purchaser of the apricots.

Article 2. Standards

44321. Fresh apricots shall be mature but not overripe and free from any of the following defects:

(a) Insect injury which has penetrated or damaged the flesh.

(b) Mold, brown rot, and decay.

(c) Serious damage caused by cuts, bruises, cracks, shot hole fungus, growth cracks, scab, hail, or other causes.

44322. With the exception of shot hole fungus, damage to any one apricot is not serious unless it causes a waste of 10 percent, by weight, of the individual apricot. Damage to any one apricot caused by shot hole fungus is not serious unless the spots cover an aggregate area of more than one-half of an inch in diameter.

44323. Not more than 10 percent, by count, of the apricots in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause

Article 3. Packing Requirements

44361. Apricots shall be in standard container number 1, 5, 22a, 22b, or 24.

44362. The depth dimension of containers which are designated for apricots shall include in the measurement of the specified depth any cleats used, if any are used.

44363. Packed apricots shall not vary in size between the fruits in any one container, more than one-fourth of an inch in diameter, if measured through the widest portion of the cross section of the fruit.

Article 4. Marking on Containers

44391. Every container of apricots shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the apricots or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) The name of the variety, if known, or if not known, the words "unknown variety" or "seedlings."

(c) The size description or the row count, if the apricots are packed in any style container.

44392. In the case of the four-basket crate, the numerical description of the pack in the top layer of the basket shall be used to designate size.

44393. If the numerical description is used to designate size on a lug of loose or packed apricots, it means that all the apricots would tightly pack that size on the top layer of the standard container number 1 as used in the four-basket crate. Such size description shall be directly followed by the word "size."

44394. If row count is used to designate the size on any lug of packed apricots, the lug shall be marked with the number of rows of apricots packed laterally across the end of the container, directly followed by the word "row" or "rows."

Chapter 7. Artichokes

Article 1. Standards

44501. Globe artichokes shall be free from any of the following defects:

(a) Mold, decay, and insect injury or insect larvae.

(b) Serious damage which is due to freezing or other causes. Damage to any one artichoke from freezing is not serious if the stem discoloration which is due to freezing does not extend beyond the area of attachment of the stem to the base of the artichoke. Damage from other causes is not serious unless it causes a waste of 10 percent, by weight, of the edible portion of the artichoke.

44502. Not more than 10 percent, by count, of the globe artichokes in any one container or bulk lot may be below the requirements which are prescribed by this article but not to exceed one-half of this tolerance shall be allowed for decay.

Article 2 Standard Containers and Packs

44531. The standard containers and packs for globe artichokes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as specified in this article.

44532. The standard containers for globe artichokes are standard containers numbers 21, 21A, and 22.

44533. Globe artichokes which are packed as a standard pack in any standard container shall be tightly packed and if in standard container number 21 or 22 with a bulge.

44534. If globe artichokes are packed as a standard pack in standard container number 21, they shall have a minimum net weight of 35 pounds.

44535. The following sizes may be put up as standard packs in the standard container number 21:

(a) Size 1. Packed with not more than 60 artichokes.
(b) Size 2. More than 60 but not more than 75 artichokes.
(c) Size 3. More than 75 but not more than 96 artichokes.
(d) Size 4. More than 96 but not more than 125 artichokes.

44536. Size 5 artichokes may be packed as a standard pack in standard container number 22 and not more than 125 artichokes shall be packed in such container.

Article 3. Packing Requirements

44561. Artichokes shall be in standard container number 21, 21A, or 22.

44562. Globe artichokes which are packed shall not vary in size, in any one container, more than one-half of an inch in diameter if measured through the widest portion of the cross section of the artichokes.

Article 4. Markings on Containers

44581. Every container of artichokes shall bear upon it, in plain sight and in plain letters on one outside end the name of the person that first packed or authorized the packing of the artichokes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer

44582. In the case of standard container number 21A, if any marking which is intended to describe the container is placed upon such container, the designation which is used shall contain the term "special."

CHAPTER 8. ASPARAGUS

Article 1. Standards

44701. Fresh asparagus shall comply with all of the following requirements:

(a) It shall not be wilted or crushed, except such injuries as are necessarily caused in proper sorting or packing.

(b) Stalks shall not have badly broken, badly spreading, or badly seeded tips and shall be free from decay and from damage which is caused by dirt, disease, insects, mechanical injury, or other causes. "Damage" means any injury from any cause which is mentioned in this subdivision that materially affects the quality.

(c) Stalks of asparagus shall not be badly crooked.

44702. Not more than 10 percent, by count, of the asparagus stalks in any one container or bulk lot may be below the requirements which are prescribed by Section 44701, but not to exceed one-half of this tolerance shall be allowed for any one cause.

44703. Asparagus which fails to meet the requirements which are prescribed by Section 44701 only because of being "badly crooked" shall be considered as complying with this standard if the container in which it is packed is plainly marked on the outside of the end which bears other markings required by this section, in letters which are not less than one-half inch in height, with the word "crooks."

44704. In view of differences in climatic and other natural conditions that prevail south and east of San Gorgonio Pass, which cause fresh asparagus that is grown in that area to be satisfactory in quality only if a large portion of the stalk is green or colored, and therefore makes it necessary that such fresh asparagus be cut at a shorter length, as compared to asparagus grown in the area north and west of the San Gorgonio Pass, stalks of asparagus which are produced in the area south and east of San Gorgonio Pass shall have not more than two inches of white on the butt. Not more than 20 percent of the stalks in any bunch, or if the stalks are not packed in bunches, 20 percent of the stalks in any container, may, however, have not to exceed 2½ inches of white.

Article 2. Size Designations

44731. As used in this article, "diameter" means the measurement of the widest portion of the cross section which is measured at the largest point on the stalk.

44732. Asparagus which is classified according to the following size designations shall be graded to comply with the following individual stalk size requirements:

(a) "Jumbo" means stalks which are not less than thirteen-sixteenths of an inch in diameter.

(b) "Large" means stalks which are not less than seven-sixteenths of an inch in diameter.

(c) "Standard" means stalks which are not less than six-sixteenths of an inch in diameter.

(d) "Small" means asparagus in which more than 10 percent of the stalks are less than six-sixteenths of an inch in diameter.

44733. The size designation requirements which are established by this article shall apply to all stalks of asparagus in each container, except that in the case of the Jumbo, Large, and Standard sizes 10 percent, by count, of the stalks in any container may be smaller than the size designation which is specified.

Article 3. Bunch Designations

44761. Bunches of asparagus which are classified according to the following designated grades shall contain the number of stalks which are indicated in each classification and shall weigh not less than two pounds net weight when packed. Not less than 12 bunches of asparagus which are so classified may be packed in standard container number 51 or 52.

(a) "Colossal" means not more than 14 stalks to a bunch.

(b) "Jumbo" means 15 to 20 stalks to a bunch.

(c) "Extra select" means 21 to 28 stalks to a bunch.

(d) "Select" means 29 to 42 stalks to a bunch.

(e) "Extra fancy" means 43 to 67 stalks to a bunch.

(f) "Fancy" means 68 to 100 stalks to a bunch.

44762. For the reasons which are stated in Section 44704, stalks of asparagus that are produced in the area south and east of San Gorgonio Pass which are less than 7¼ inches in length shall, if marked with grade classification, be classified according to the following designated grades:

(a) "Mammoth" means not more than 17 stalks to a bunch.

(b) "Giant" means 18 to 24 stalks to a bunch.

(c) "Fancy regal" means 25 to 34 stalks to a bunch.

(d) "Regal" means 35 to 52 stalks to a bunch.

(e) "Fancy standard" means 53 to 78 stalks to a bunch.

(f) "Standard" means 79 to 115 stalks to a bunch.

44763. "Crooks" which are packed in bunches shall have no more than 67 stalks to a bunch.

44764. The number of stalks of asparagus which are packed in bunches shall not vary more than 10 percent from the count of the grade classification as marked, except that one bunch in standard container number 51 or standard container number 52, or 10 percent, by count, of the bunches in any other container or bulk lot, may exceed this tolerance.

Article 4. Standard Containers and Packs

44791. The standard containers and packs for asparagus, when being packed or placed in any container, or after pack-

ing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in this article.

44792. The standard containers for asparagus are standard containers numbers 51 and 52.

Article 5. Packing Requirements

44811. Except as otherwise provided in Section 44812, asparagus which is packed in bunches that weigh not less than two pounds per bunch shall be in the following standard containers:

(a) Bunches in which the stalks are 7¼ inches or longer in length shall be in standard container number 51.

(b) Bunches in which the stalks are less than 7¼ inches in length shall be in standard container number 52.

44812. Other size containers may be used if they are conspicuously marked on the outside of the end which bears any marks which are intended to describe the contents of such container, in letters which are not less than one-half of an inch in height with the words "irregular container."

Article 6. Markings on Containers

44841. Every container of asparagus shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first packed or authorized the packing of the asparagus, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) Except as otherwise provided in Section 44842, one of the size designations which are defined in Section 44732 that is shown in letters which are not less than one-half inch in height.

44842. Asparagus which is packed in bunches that weigh not less than two pounds each may be marked with one of the grade classifications defined in Article 3 (commencing with Section 44761) of this chapter in lieu of the size designations in Section 44732. Crates of such bunch packed asparagus which is badly crooked and so marked with the designation "crooks" need not bear any grade classification or size designation terms.

44843. If bunches of different grades of asparagus are packed in one container, the markings on each container shall clearly show the number of bunches of each grade classification or size designation.

44844. If 90 percent, by count, of the stalks of asparagus in any container have less than 50 percent of the length of the stalk white, the containers may be marked with the term "green."

44845. All markings which are required by this article, which are on containers less than one-half the size of standard containers numbers 51 and 52 may be in letters which are smaller than one-half of an inch in height, if such markings are in plain sight and in plain letters.

CHAPTER 9. AVOCADOS

Article 1. Standards

44951. As used in this article, "defect" includes damage which is due to insect injuries, freezing injury, decay, rancidity or other causes.

44952. Avocados shall be free from all defects, including, but not restricted to, those that are mentioned in Section 44951, which singly or in the aggregate cause a waste of 10 percent or more, by weight, of the entire avocado, including the skin and seed. Not more than 5 percent, by count, of the avocados in any one container or bulk lot may be below the requirement which is prescribed by this section.

44953. Avocados, at the time of picking, and at all times thereafter, shall contain not less than 8 percent of oil, by weight of the avocado excluding the skin and seed.

Article 2. Packing Requirements

44971. Avocados which are packed in rows and layers shall be fairly tightly packed, fairly uniform in size, and in standard containers numbers 9D and 9E. Each such standard container shall be clearly and plainly marked in letters at least one-fourth of an inch in height with the count of avocados in the container, and with the variety name if the containers are packed with avocados of the Fuerte or Hass varieties.

44972. Standard container number 9D, if packed to contain 41 or less of larger size avocados, shall contain a net weight of 12½ pounds. Standard container number 9E, if packed to contain 83 or less of larger size avocados, shall contain a net weight of 25 pounds.

Standard container number 9D, if packed to contain 42 or more of smaller size avocados, shall contain 11 pounds net weight. Standard container number 9E, if packed to contain 84 or more of smaller size avocados, shall contain a net weight of 22 pounds.

44973. Standard containers numbers 9D and 9E may be used for avocados which are placed loose, if 9D contains a net weight of 12½ pounds and 9E contains a net weight of 25 pounds.

44974. The net weight requirement specified in this chapter shall apply only on the day when the avocados are first placed or packed in the standard container.

44975. In lots of 10 or less containers of avocados, the net weight of each container shall be determined by the average net weight of the lot. In lots which are composed of 11 containers to 100 containers, 10 containers selected at random shall comprise a sample for determining the average net weight of each container in the lot represented by the sample.

Only one variety and one count size in standard container number 9D or in standard container number 9E shall be included in determining the average net weight of a lot inspected.

44976. If avocados are placed loose in containers other than standard containers for avocados, such containers shall be plainly and conspicuously marked in letters at least one-half of an inch in height with the words "irregular container."

44977. If avocados are packed or placed loose in any consumer-type container which does not exceed 60 percent of the size of the smallest standard container for avocados, such container need not comply with standard container size or with marking requirements.

CHAPTER 10. BERRIES

Article 1. Standards

45101. Strawberries, red and black cap raspberries, and blackberries, including the hybrid derivatives of such berries, shall be mature but not overripe and shall be free from any of the following defects:

(a) Insect injury which has penetrated or damaged the flesh.

(b) Mold, decay, and damage which is due to sun, frost, bruise, disease, or other cause.

45102. Not more than 10 percent, by weight, of the berries in any one container or bulk lot may be below the requirements which are prescribed by Section 45101, but not to exceed one-half of this tolerance shall be allowed for any one cause.

45103. Any strawberry which has two-thirds of the surface showing a pink or red color, shall be considered mature.

Article 2. Packing Requirements

45151. All strawberries shall be in standard container number 3A or 3C. All other berries shall be in standard container number 3A or 3B.

CHAPTER 11. BROCCOLI

Article 1. Standards

45301. Italian sprouting broccoli shall be free from any of the following defects:

(a) Mold, decay, and worm or other insect injury.

(b) Damage which is due to overmaturity.

45302. A stalk of Italian sprouting broccoli shall be considered as being damaged due to overmaturity if more than three

of the flower buds are opened to the extent that the normal flower color is readily visible.

45303. Not more than 10 percent, by count, of the individual specimens of Italian sprouting broccoli may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Article 2. Markings on Containers

45331. Every container of Italian sprouting broccoli shall bear upon it in plain sight and in plain letters on one outside end, the name of the person that first packed or authorized the packing of the broccoli, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such person.

Chapter 12. Brussels Sprouts

Article 1. Standards

45451. Brussels sprouts shall be free from any of the following defects:

(a) Mold, decay, burst heads, and insect larvae.

(b) Serious damage which is due to insects. Damage which is due to insects is not serious unless 50 percent, by weight, of the individual sprout is affected by insect injury or by the presence of insects.

45452. Brussels sprouts shall not be soft or spongy.

45453. Not more than 10 percent, by weight, of the sprouts in any one container or bulk lot shall be below these requirements, and not to exceed one-half of this tolerance shall be allowed for any one cause, with the exception of serious damage which is due to insects for which not more than 10 percent tolerance shall be allowed.

Article 2. Markings on Containers

45481. All containers of Brussels sprouts shall bear upon them, in plain sight and in plain letters, on one side or one end, the name of the person that first placed or authorized the placing of the Brussels sprouts in the containers, or the name under which such person is engaged in business, together with a sufficiently explicit address as to permit ready location of such person.

Chapter 13. Cantaloupes

Article 1. Standards

45601. Cantaloupes shall be mature but not overripe, not poorly netted, and free from any of the following defects:

(a) Mold, decay, and insect injury which has penetrated or damaged the edible portion of the cantaloupe.

(b) Serious damage which is due to bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, wilting, or other causes. Damage to any one cantaloupe is not serious unless it affects the edible portion of the individual cantaloupe.

45602. "Mature" in the case of a cantaloupe means that the cantaloupe complies with all of the following requirements:

(a) The appearance of the outside indicates maturity.

(b) The arils which surround the seed during the development of maturity have been absorbed.

(c) The juice of the edible portion contains not less than 8 percent soluble solids as determined by the standard hand refractometer.

45603. The soluble solids content of the edible portion of cantaloupes shall be determined by extracting the juice from two plugs of the flesh, one from each of opposite sides of the melons, and taken at approximately one-half of the distance between the stem and blossom ends. The plugs shall be approximately one-half of an inch in diameter. The portion of the plug three-eighths of an inch from the outside edge of the rind shall not be included as the edible portion of the plug of flesh.

45604. Not more than 10 percent, by count, of the cantaloupes in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Article 2. Standard Containers and Packs

45631. The standard containers and packs for cantaloupes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in this article.

45632. The standard containers for cantaloupes are standard containers numbers 39, 40, 41, 42, 43, 44, and 44A.

45633. The following counts of cantaloupes which are packed, are standard packs for the respective standard containers as follows:

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

Article 3. Packing Requirements

45661. As used in this article, "closed" as applied to containers of cantaloupes means:

(a) In the case of fiberboard containers, that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container.

(b) In the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material similar to that used in the construction of the sides and bottom of the containers, securely attached to the top.

45662. As used in this article, "consumer" means a person that buys cantaloupes for use as food and not for resale.

45663. All cantaloupes shall be packed in regular compact arrangement in standard container number 39, 40, 41, 42, 43, 44, 44A, or 44B. All such containers shall be closed and, except as otherwise provided in Section 45664, the number of cantaloupes in each container shall be one of the "standard pack counts" which is listed in Section 45633 for each such container.

This section does not apply to any of the following:

(a) Cantaloupes which are in a retail establishment in possession of a retailer for the purpose of resale directly to consumers.

(b) Cantaloupes which are sold by a producer regularly engaged in the production of cantaloupes directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the cantaloupes were produced.

45664. Notwithstanding the provisions of Sections 45633 and 45663, a smaller number of larger uniformly sized cantaloupes may be packed in standard container number 41 or 42 if the container is marked with the exact count of cantaloupes which it contains.

45665. Cantaloupes which are packed shall be virtually uniform in size and there shall be approximately the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

Article 4. Markings on Containers

45691. Every container of cantaloupes shall bear upon it in plain sight and in plain letters on one outside end, the name of the person that first packed or authorized the packing of the cantaloupes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

CHAPTER 14. CARROTS

Article 1. Definitions and General Provisions

45801. As used in this chapter, "bunched carrots" means carrots with tops that are attached which are tied together in a group. It does not include carrots with tops removed.

45802. In the case of bunched carrots, the term "prepare," as used in this division, includes the act or process of grading, counting, and tying of the carrots into bunches.

Article 2. Standards

45831. As used in this article:

(a) Two or more galls constitute a group.

(b) A rootlet is secondary if it is one-sixteenth of an inch or more in diameter at the widest portion of the cross section.

45832. Carrots shall be free from any of the following defects:

(a) Decay.

(b) Serious damage which is due to insects or to insect larvae, growth cracks, sunburn, doubles, mechanical injury, excessive roughness, disease, green discoloration, dirt, root galls, secondary rootlets, or objectionable flavor or odor from oil or other causes.

45833. Except in case of dirt, injury which is due to insects or insect larvae, root galls, secondary rootlets, objectionable flavor or odor from oil or green discoloration, damage to any one carrot is not serious unless it causes a waste of 5 percent, by weight, of the individual carrot.

45834. Damage to any one carrot which is due to dirt is not serious unless the dirt adheres to more than one-fourth of the surface and cannot readily be removed in the normal preparation for use.

45835. Damage to any one carrot which is due to green discoloration is not serious unless the discoloration on any portion of the carrot extends to 15 percent or more of the length of the carrot.

45836. Damage to any one carrot which is due to objectionable flavor or odor from oil is serious if the carrot is affected to the extent that such flavor or odor is noticeable in any part of the carrot, exclusive of the tops.

45837. Damage to any one carrot which is due to insects or to insect larvae is not serious unless the damage penetrates or affects the flesh to a depth of one-eighth of an inch or more or it causes a waste of 5 percent, by weight, of the individual carrot.

45838. Damage to any one carrot which is due to root galls or secondary rootlets is not serious in any of the following cases:

(a) If it is in bulk or in any container which is not closed unless such defects singly or in the aggregate cause a waste of 10 percent, by weight, of the individual carrot.

(b) If it is in any closed container unless the individual carrot has more than five groups of root galls on the carrot or on the secondary rootlets, or more than five secondary rootlets or unless such defects singly or in the aggregate cause a waste of 5 percent, by weight, of the individual carrot.

In no case shall any one carrot which is in any closed container have more than five groups of galls or five secondary rootlets or more than a total of five of both such defects.

45839. Not more than 10 percent of the carrots in any one container or bulk lot may be below the requirements which are prescribed by this article. This percentage shall be determined as follows:

(a) As to carrots with tops removed, by weight.

(b) As to carrots with tops attached, by count.

Article 3. Bunched Carrots Requirements

45861. Bunched carrots shall conform to all of the following requirements:

(a) The carrots in any one bunch shall not vary more than three-eighths of an inch in diameter measured at the greatest dimension at right angles to the longitudinal axis.

(b) Regardless of size of the carrots, each bunch shall consist of no less than four carrots and shall weigh not less than one pound including tops.

Twenty percent of the bunches in any one container or bulk lot may vary from one or all of the bunching, sizing, and weight requirements of this section but in no case shall a combination of such variances exceed 20 percent.

45862. Not more than 15 percent of the bunches of carrots with tops attached shall have tops which are seriously damaged by decay or blight or the presence of leaves or leaf stems which are both dried and discolored.

45863. Damage to the tops of any one bunch of carrots due to decay or blight, or the presence of leaves or leaf stems which are both dried and discolored, is serious if it affects the leaves, branches, or any part of more than 25 percent of the leaf stems.

Article 4. Standard Containers and Packs

45891. The standard containers and packs for carrots, when being packed or placed in any container, or after packing or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in this article.

45892. The standard containers for carrots are standard containers numbers 45N, 45O, 45P, 45Q, 45R, and 45T.

Article 5. Packing Requirements

45911. Bunched carrots and carrots with tops removed, whether in consumer packages or not, which are in closed wooden, fiberboard, or wirebound containers shall be in standard container number 45N, 45O, 45P, 45Q, 45R, or 45T.

45912. At least 90 percent of the carrots in any closed container shall be of the same varietal type. Varietal types of carrots are the short, blunt type and the long, slender, pointed type.

Article 6. Markings on Containers

45941. All closed containers of bunched carrots and carrots with tops removed shall bear upon them in plain sight and in plain letters and numbers on one outside end all of the following information:

(a) The name of the person that first packed or authorized the packing or the name under which such person is engaged in business and an address sufficiently explicit to permit ready location of such person. The name and address of such person need not, however, be placed upon burlap bags which contain carrots with tops removed if such carrots are not in consumer packages.

(b) In the case of bunched carrots or carrots with tops removed and placed in consumer packages, the exact number of dozens of bunches or consumer packages in the container in letters and figures at least one inch in height followed by the term "doz." or "dozen."

CHAPTER 15. CAULIFLOWER

Article 1. Standards

46051. Cauliflower shall be free from any of the following defects:

(a) Rots and worm or other insect injury which has penetrated or damaged the curd.

(b) Serious damage which is due to freezing, sunburn, or other causes. Damage which is due to freezing, sunburn, or other causes is not serious unless it causes a waste of 20 percent or more of the edible portion of the individual cauliflower.

46052. Not more than 5 percent, by count, of the heads in any one lot of containers or bulk lot may be below the requirements which are prescribed by this article, but no container or bulk lot of less than 10 heads shall have more than 20 percent, by count, of the heads which are below these requirements.

Article 2. Standard Containers and Packs

46081. The standard containers and packs for cauliflower, when being packed or placed in any container, or after pack-

ing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in this article.

46082. The standard containers for cauliflower are standard containers numbers 46, 46A, 46B, and 46C.

Article 3. Packing Requirements

46101. Except as otherwise provided in this article, all cauliflower which is packed shall be in standard container number 46, 46A, 46B, or 46C. Other size containers may be used if such containers are conspicuously marked on the outside of the end or side which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

46102. Except as otherwise provided in this section, heads or curds of cauliflower when wrapped shall be individually wrapped and fairly tightly packed in standard container number 46, 46A, or 46B and contain one of the following standard pack and counts of the designated size and diameter:

Standard pack and count	Curd size in inches
12	5 and over
14, 15, and 16	under $5\frac{1}{2}$
20	under $4\frac{1}{2}$

Curds too large to pack as a 12 count in one of the standard containers which are specified for wrapped and packed cauliflower may be wrapped and packed with a lesser count.

46103. Curds shall be measured across the center face of the curd at the widest dimension, not including wrapper leaves.

46104. Containers of wrapped cauliflower, except individually wrapped heads or consumer packages, shall be marked, in letters one-half of an inch in height, with the exact number of heads or curds in the container.

46105. One container, in any lot of containers of cauliflower which are packed with 12 heads or less in each container may have not more than three heads which have a smaller minimum diameter than the minimum diameter which is specified in Section 46102. Any of the remaining containers in the lot may have not more than two heads which have a smaller than the minimum diameter which is specified in Section 46102.

46106. One container, in any lot of containers of cauliflower which are packed with 14 heads or more in each container, may have not more than three heads which have a greater diameter than the maximum diameter which is specified in Section 46102 for the count of heads in the container. Any of the remaining containers in the lot may have not more

than two heads which have a greater diameter than the maximum diameter which is specified in Section 46102 for the count of heads in the container.

46107. Cauliflower which is packed in any container shall be properly trimmed.

As used in this section, "properly trimmed" means that the number of jacket leaves is limited to those which are necessary to protect the head of the cauliflower.

CHAPTER 16. CELERY

Article 1. Definitions

46251. As used in this chapter, "stalks" means the individual celery plant.

Article 2. Standards

46271 As used in this article, "pithy condition" means that the branches of the celery have a distinctly open texture with air spaces in the central portion.

46272. Celery shall be free from pink rot or any other decay and free from serious damage caused by blackheart, insects, seed stem, and pithy condition from any cause.

46273. Serious damage in celery means injury which is due to any of the following:

(a) Blackheart, which is decayed or wet, and which affects one or more branches which compose the heart of the stalk.

(b) Insects, if more than four branches are each affected by more than an aggregate area of one square inch.

(c) Seed stem, the length of which is more than four times the diameter of the stalk measured at a point two inches above the point of attachment of the outer branches to the root.

(d) A pithy condition from freezing or any cause if more than four branches are each affected by a pithy condition, which affects more than two-thirds of the distance between the base of the branch and the point where the leaf branches are attached.

46274. Except as otherwise provided in Section 46275, not more than 10 percent, by count, of the stalks of celery in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

46275 An additional tolerance of 10 percent by count of the celery in any one container or bulk lot shall be permitted for stalks of celery which are damaged by a pithy condition from freezing or any cause.

46276. Celery, which fails to comply with the requirements of this article only because of serious damage which is due to seed stems, shall be considered as complying with this standard if the containers in which the celery is packed or

placed is plainly marked on the outside end or side of the container which bears other markings that are required by this chapter, in letters which are not less than one-half of an inch in height, with the words "seed stems."

Article 3. Standard Containers and Packs

46301. The standard containers and packs for celery, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in this article.

46302. The standard containers for celery are standard containers numbers 45E, 45F, 45G, 45H, 45I, 45J, and 45K.

Article 4. Packing Requirements

46321. As used in this article, "closed" or "lidded," as applied to containers of celery, means:

(a) In the case of any fiberboard container, that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container.

(b) In the case of any nailed wooden, wirebound, or other container, that 40 percent or more of the opening is covered with material that is similar to that used in the construction of the sides and bottom of such container, which is securely attached to the top.

46322. As used in this article, "consumer" means a person that buys celery for use as food and not for resale.

46323. The container requirements of this article do not apply to any of the following:

(a) Celery which is in a retail establishment in the possession of a retailer for the purpose of resale directly to consumers, or celery which is sold by a producer that is regularly engaged in the production of celery directly to consumers on the premises where it is produced or at a retail stand which is operated by such producer near the point of production, which in no case shall be outside of the county in which the celery was produced.

(b) Celery which is prepared or packed for shipment to another packing plant which is located in this state for the purpose of further grading and packing into consumer packages, subject to the provisions of Sections 42881, 42882, 42883, 42884, and 42885 of this code which relate to the control of such shipments.

(c) Celery which is being transported out of the state for prepackaging if a permit has first been obtained from an enforcing officer.

An enforcing officer may issue a permit if he determines that the celery complies with the requirements of this chapter, ex-

cept as to containers, and is to be delivered pursuant to a bona fide contract of sale direct to a purchaser for further grading and packing into consumer packages.

46324. Except as otherwise provided in Section 46325, all celery shall be placed in standard containers numbers 45E, 45F, 45G, 45H, 45I, 45J, or 45K and such containers shall be closed and lidded. Standard container number 45E shall be closed with a lid which is not over 22 inches in length.

46325. Containers of celery which are conspicuously marked on the outside of the end which bears any marks which are intended to describe the contents of such containers, in letters not less than one inch in height, with the designation "Irregular container," need not comply with the provisions of this article which relate to containers.

46326. Celery which is packed in any container shall be so tightly packed that it is not possible, without damaging or injuring the celery, to place additional stalks in the container and shall be uniform in size, which means that the stalks of celery:

(a) If packed three and one-half dozen or less to the crate, do not vary in size more than would tightly pack a one-half dozen size larger or smaller than the size count as marked.

(b) If packed with more than three and one-half dozen to the crate, do not vary in size more than would tightly pack a one dozen size larger or smaller than the size count as marked.

46327. Not more than a total of 10 percent, by count, of the stalks of celery in any one container may vary from the uniform in size requirements of Section 46326.

46328. Celery which fails to meet the uniform in size requirement which is prescribed by Section 46326 shall be considered as complying with such requirement, if the container in which it is packed is plainly and conspicuously marked, on the outside of the end or side which bears any other markings required by this section, in letters not less than one-half of an inch in height, with the words "irregular sizes."

Article 5. Markings on Containers

46351. Every container of celery shall bear upon it in plain sight and in plain letters on one outside end or side all of the following information:

(a) The name of the person that first packed or authorized the packing of the celery, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer

(b) The number of stalks in the container in figures not less than three-fourths of an inch in height.

46352. The number of stalks in the container may be expressed in numerical count, or in dozens and one-half dozens. If it is expressed in dozens and one-half dozens, the number shall be followed by the term "doz." or "dozen," in like size letters or type

46353. If containers of celery are marked as containing less than 36 stalks, the actual number of stalks in 95 percent of the containers in any lot, shall not vary more than two under or two over the count as marked. If containers are marked as containing 36 or more stalks the actual number of stalks in 95 percent of the containers in any lot, shall not vary more than three under or three over the count as marked.

46354. Every container of celery with hearts removed from more than 10 percent of the stalks shall bear upon it in plain sight and in plain letters, which are at least one-half of an inch in height, on the outside end or side of the container which bears other markings which are required by this article, the designation "hearts removed."

CHAPTER 17. CHERRIES

Article 1. General Provisions

46501. Compliance with the requirements of this chapter may be determined by the examination of a representative sample of the cherries in any container or bulk lot.

Article 2. Exceptions

46521. This division does not prohibit any person, under a permit issued pursuant to this article, from transporting out of the state cherries which fail to comply with the packing, container, or marking requirements of this division, if both of the following requirements are satisfied:

(a) The permit is issued for and is attached to each load or lot which is transported.

(b) The cherries are loose in containers which are not closed, or in bins each holding 200 pounds or more of the cherries.

46522. The permit may be issued by the commissioner of the county from which the cherries are to be transported if such commissioner has satisfactory verification by a like officer of the state of destination that the cherries are to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving, or manufacturing use to which the cherries so transported under the permit were actually put by the purchaser of the cherries.

Article 3. Standards

46551. Cherries shall be mature but not overripe and free from any of the following defects:

(a) Insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, and decay.

(b) Growth cracks or cracks or splits over three-eighths of an inch in length even though well healed. Well healed shoulder cracks shall, however, be allowed regardless of length.

(c) Serious damage due to sunburn, shriveling, sponginess, abnormal softening, or other causes.

46552. No red or black variety of cherries shall be considered mature unless at the time of picking the entire surface of the cherries has attained at least a solid light red color.

46553. Not more than 10 percent, by count, of the cherries in any one container or bulk lot, may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause. In addition, 5 percent of the cherries in any one container or bulk lot may be slightly below the maturity requirements which are prescribed by this article. In no case, however, may such cherries show any green areas, except cherries of the Bing variety which test not less than 16 percent, or cherries of the Tartarian variety, which test not less than 14 percent, soluble solids in a composite sample of the juice from not less than 10 representative cherries as shown by a standard refractometer instrument.

Article 4. Packing Requirements

46571. Cherries shall be in standard container number 4, 12A, 22B, or 22C.

46572. The depth dimensions of containers which are designated for cherries shall include in the measurement of the specified depth any cleats used, if any are used.

46573. If cherries are packed in containers by the "face and fill" method, the average size of the cherries which are used in the fill shall not be smaller than would pack one "row size" more than the cherries in the packed face. None of the cherries in the fill shall, however, be of a size that would pack more than two sizes smaller, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement.

46574. Cherries which meet all other requirements of this chapter shall in addition be free from doubles except as follows:

(a) A tolerance of 10 percent, by count, shall be allowed for doubles with both halves well developed uniform in size and mature.

(b) A tolerance of 2½ percent, by count, shall be allowed for doubles which have one portion that is not well developed. Any amount of such doubles shall, however, be allowed if the container in which they are placed or packed is plainly and

conspicuously marked on the outside end of the container, which bears other markings required by this chapter, with the designation "Exceeds tolerance for doubles" in letters which are at least three-eighths of an inch in height.

46575. If any container of loose cherries is marked with a row size designation, all of the following requirements shall be satisfied:

(a) The words "and larger" or similar words shall not be used unless at least 90 percent of the cherries in the container are of a size no smaller than the row size number which is marked on the container.

(b) At least 50 percent of the cherries in the container shall be of a size no smaller than the row size number which is marked on the container. None of the cherries in such container shall, however, be more than two row sizes smaller than the row size which is marked on the container, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement.

The row size number is that number of cherries of uniform size whose aggregate width will equal 11½ inches.

46576. If any container of loose cherries is marked with the minimum diameter of the cherries in the container, none of the cherries in such container shall be smaller in diameter than the size which is marked on the container, except that 10 percent by count, of the cherries in any one container may be below the size which is marked In addition, the cherries in any container which is so marked with the minimum diameter, shall not vary in diameter between the fruits in the container more than one-fourth of an inch. The "diameter" means the diameter measured through the widest portion of the cross section of the cherry at a right angle to a straight line drawn from the stem end to the distal end of it.

Article 5. Markings on Containers

46601. Every container of cherries shall bear upon it in plain sight, and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the cherries or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) The name of the variety, if known, or if it is not known the words "unknown variety."

46602 If two or more varieties are placed in the same container, it shall be marked "mixed varieties."

46603. Every container of row-packed cherries shall be marked with the number of rows of cherries which are packed laterally across the end of the container, directly followed by the word "row" or "rows" or the letter "R" in like size letters. No row size marking is, however, permitted for containers of 16-row size and smaller in the Tartarian variety of

cherries and 15-row size and smaller in the Bing variety of cherries.

46604. Except as otherwise provided in this section, every closed container of loose cherries shall be marked in numbers and letters at least three-eighths of an inch in height with one of the following:

(a) The row size of the cherries in the container followed by the term "row size." No row size marking is, however, permitted for containers of 16-row size and smaller in the Tartarian variety of cherries and 15-row size and smaller in the Bing variety of cherries.

(b) The "minimum diameter" of the cherries in the container expressed in inches or fractions of an inch, followed by the term "inch minimum diameter," "inches minimum diameter," or a proper abbreviation or variation of such designation. No inch minimum diameter marking is, however, permitted for containers of 46/64 inch minimum diameter cherries and smaller in the Tartarian variety of cherries and 49/64 inch minimum diameter cherries and smaller in the Bing variety of cherries.

Chapter 18. Citrus Fruit

Article 1. Definitions

46801. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

46802. "Closed," as applied to standard container number 58, 59, or 63, means that the container is completely closed by material of a similar quality to the adjoining portion of the box. "Closed," as applied to standard container number 62, means that the container has top flaps so constructed that any opening on the top of the container does not exceed 5¾ inches in width nor 13 inches in length and such flaps are material of a similar quality to the adjoining portion of the container.

This does not prevent the use of ventilation openings and handhold openings in standard containers numbers 58, 59, 62, and 63 which are so constructed that they are not large enough for the removal of any part of the contents of such containers.

46803. "Diameter," as applied to oranges, lemons, and grapefruit, means the diameter measurement taken at the widest portion of cross section, at a right angle to a straight line drawn from the stem end to the distal end of such citrus fruit.

46804. "Uniform in size," as applied to oranges, lemons, and grapefruit, means that none of the fruit in any one container may be more than 15 percent larger or smaller in diameter than the average diameter of the fruit in the container.

46805. "Packed," as applied to oranges, lemons, grapefruit, and tangerines, means a compact arrangement in the container either with or without straight rows or layers.

Article 2. General Provisions

46831. Any citrus fruit which has been in storage or after being shipped which fails to meet the requirements of the standards for citrus fruits that are established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after it was packed, or placed loose in a container, shall not be held for violation of any provision of this division on account of such deterioration.

46832. It is unlawful for any person to mix or blend citrus fruits which do not conform to the requirements of this division with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which does not conform to the requirements of this division.

Article 3. Grapefruit

46861. As used in this article, "desert areas" mean Imperial County, the portions of Riverside and San Diego Counties which are located east of a line extending north and south through White Water, and that portion of San Bernardino County which is located east of the 115 meridian.

46862. Owing to climatic and other conditions, grapefruit which is produced in this state south and east of San Gorgonio Pass varies in quality and other particulars from grapefruit produced elsewhere in the state.

46863. The area south and east from San Gorgonio Pass to the north end of the Salton Sea and known as Coachella Valley is the Coachella Valley Citrus District. The area comprising Imperial County is the Imperial Citrus District.

Grapefruit produced in any citrus district may be labeled with the name of the citrus district in which produced. It is unlawful for any person to label any grapefruit with the name of any citrus district unless the grapefruit was produced in such citrus district.

46864. Grapefruit shall meet the requirements which are prescribed by this article.

46865. The standards which are prescribed by Sections 46866 to 46882, inclusive, shall be applied in determining whether or not grapefruit meet the requirements of this article.

46866. Grapefruit shall be mature. Grapefruit, except grapefruit which are produced in the desert areas or in other states under climatic conditions similar to those prevailing in the desert areas, are not mature unless they meet both of the following requirements:

(a) At the time of picking and at all times thereafter the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization.

(b) 90 percent or more of the grapefruit, by count, at the time of picking and at all times thereafter have attained, on at least two-thirds of the fruit surface, at least a minimum characteristic yellow or grapefruit color, as indicated by Color Plate No. 19 L3 in "Dictionary of Color," Maerz and Paul, first edition, 1930.

46867. Grapefruit which are produced in the desert areas are not mature unless they meet both of the following requirements:

(a) In view of differences in climatic conditions that prevail in the desert areas, which result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit which are grown in other areas of the state, grapefruit which are produced in the desert areas are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of six parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization.

(b) 90 percent or more of the grapefruit, by count, at the time of picking and at all times thereafter have attained, on at least two-thirds of the fruit surface, at least a minimum characteristic yellow or grapefruit color, as indicated by Color Plate No 19 L3 in "Dictionary of Color," Maerz and Paul, first edition, 1930.

46868. Grapefruit that are produced outside of this state under climatic conditions which are similar to those prevailing in the desert areas and offered for sale in this state shall meet the same maturity standard as that which is prescribed for grapefruit which are produced in the desert areas.

46869. Grapefruit shall be free from serious decay. Decay is serious if any part of the grapefruit is affected with decay.

46870. Grapefruit shall be free from serious damage which is caused by freezing or drying that is due to any cause. Damage which is caused by freezing or drying that is due to any cause is serious if 20 percent or more of the pulp or edible portion of the grapefruit shows evidence of drying or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual grapefruit as are necessary.

46871. Grapefruit shall be free from serious injury due to any cause. Injury which is due to any cause is serious if the skin (rind) is broken and the injury is not healed.

46872. Grapefruit shall be free from serious scars, including scars which are caused by insects. Scars, including those which are caused by insects, are serious if they are dark, rough, or deep and if they aggregate 25 percent or more of the fruit surface.

46873. Grapefruit shall be free from serious scale. Scale is serious if 50 percent or more of the fruit surface shows scale infestation in excess of 50 scales per square inch.

46874. Grapefruit shall be free from serious dirt, smudge stain, sooty mold, rot residues, or other foreign material. Dirt, smudge stain, sooty mold, rot residues, or other foreign material are serious if an aggregate area of 25 percent or more of the fruit surface is affected.

46875. Grapefruit shall be free from serious staining. Staining of the skin (rind) is serious if 50 percent or more of the fruit surface is affected with a pronounced discoloration.

46876. Grapefruit shall be free from serious greenish or brownish rind oil spots Greenish or brownish rind oil spots are serious if they cover an aggregate area of 25 percent or more of the fruit surface.

46877. Grapefruit shall be free from serious spotting or pitting. Spotting or pitting is serious if the spots or pits are sunken and cover an aggregate area of 10 percent or more of the fruit surface.

46878. Grapefruit shall be free from serious roughness. Roughness is serious if 90 percent or more of the fruit surface is rough and coarse, or lumpy

46879. Grapefruit shall be free from serious aging. Aging is serious if one-third or more of the surface of the grapefruit is dried and hard.

46880. Grapefruit shall be free from serious softness. Softness is serious if the grapefruit is flabby.

46881. Grapefruit shall be free from serious sunburn. Sunburn is serious if it causes decided flattening of the fruit and drying and discoloration of the skin (rind) which affects more than one-third of the fruit surface.

46882. Grapefruit shall be free from serious sheepnose. Sheepnose is serious if the stem end of the grapefruit protrudes decidedly.

46883. The compliance or noncompliance with the standards for grapefruit which are prescribed in this article, except as to maturity, may be determined from a representative sample which is taken as follows.

(a) If in containers, the sample shall consist of not less than 10 percent, by count, of the grapefruit in each of the containers which are selected as the sample.

(b) If in bulk, the sample shall consist of not less than 100 grapefruit, except that if the total number of grapefruit in the bulk lot is less than 1,000 grapefruit a representative sample shall consist of 10 percent of the grapefruit.

46884. Each individual grapefruit may be examined for one or all of the defects, except as to maturity, but only one defect shall be counted or scored against any individual grapefruit.

46885. The official sample for testing for maturity of grapefruit shall consist of not less than 30 grapefruit.

46886. Any such sample which is taken as prescribed in this article shall constitute prima facie evidence of the character of the entire lot from which such sample was taken, as provided in Section 42851 of this code.

46887. The following tolerances which are to be applied to certain of the standards that are prescribed by this article are established by this section:

(a) The grapefruit in any one container or bulk lot, as a whole, meet the requirements which are prescribed by Section 46869 and Sections 46871 to 46882, inclusive, if not over 10 percent, by count, of the individual grapefruit in such container or bulk lot are below such standards, and if not over 5 percent, by count, of such grapefruit are below any one of such standards.

(b) The grapefruit in any one container or bulk lot, as a whole, meet the requirements which are prescribed by Section 46870 if not more than 15 percent, by count, of the individual grapefruit in such container or bulk lot are seriously damaged by freezing or drying due to any cause, but not to exceed one-third of this tolerance shall be allowed for very serious damage which is by freezing or drying due to any cause. Damage by freezing or drying due to any cause is very serious if 40 percent or more of the pulp or edible portion of the grapefruit shows evidence of drying or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual grapefruit as are necessary.

Article 4. Lemons

46911. Lemons shall meet the requirements which are prescribed by this article.

46912. The standards which are prescribed by Sections 46913 to 46928, inclusive, shall be applied in determining whether or not lemons meet the requirements of this article.

46913. Lemons shall be mature. Lemons are mature if they have a juice content of 30 percent or more by volume, except that lemons which are packed for export to markets other than Canada are not required to meet this standard.

46914. Determination of maturity shall be made as follows:

(a) The volume of a representative sample of at least 25 lemons from the containers or bulk lot shall be measured by water displacement in a graduate.

(b) The juice is then extracted from the sample by reaming, screened by pressing through cheesecloth, and its volume measured in a graduate.

(c) The percent of juice by volume is found by dividing the juice volume by the fruit volume and multiplying by 100.

46915. Lemons shall be free from serious decay. Decay is serious if any part of the lemon is affected with decay.

46916. Lemons shall be free from serious damage which is caused by freezing, internal decline, sunburn, or drying that is due to any cause. Damage which is caused by freezing, or internal decline, or sunburn, or drying that is due to any cause is serious if 20 percent or more of the pulp or edible portion of the lemon shows evidence of drying, or staining (ex-

cept membranous stain), or a mushy condition. Damage by internal decline is also serious if the core shows gumming for its entire length. Evidence of damage shall be determined by as many cuts of each individual lemon as are necessary.

46917. Lemons shall be free from serious injury which is due to any cause. Injury which is due to any cause is serious if the skin (rind) is broken and the injury is not healed.

46918. Lemons shall be free from serious scars, including scars which are caused by insects. Scars, including those which are caused by insects, are serious if they are dark, rough, or deep and if they aggregate 25 percent or more of the fruit surface.

46919. Lemons shall be free from serious scale. Scale is serious on the individual lemon if each of three circular areas one inch in diameter, selected as the worst infested areas, each has 15 or more scales.

46920. Lemons shall be free from serious dirt, sooty mold, rot residues, or other foreign material. Dirt, sooty mold, rot residues, or other foreign material are serious if an aggregate area of 10 percent or more of the fruit surface is affected by one or more of the defects which are mentioned in this section.

46921. Lemons shall be free from serious staining, including smudge stain. Staining of the skin (rind), including smudge stain, is serious if one-third or more of the fruit surface is affected with a pronounced discoloration.

46922. Lemons shall be free from serious red blotch. Red blotch is serious if the affected area or areas aggregate 10 percent or more of the fruit surface.

46923. Lemons shall be free from serious greenish or brownish rind oil spots. Greenish or brownish rind oil spots are serious if they cover an aggregate area of 25 percent or more of the fruit surface.

46924. Lemons shall be free from serious peteca. Peteca is serious if the spots or pits cover an aggregate area of 10 percent or more of the fruit surface.

46925. Lemons shall be free from serious spotting and pitting, other than peteca, including black pit, septoria, anthracnose, and cold storage injury. Spotting and pitting, other than peteca, are serious if the spots or pits are sunken and cover in the aggregate an area more than one-half an inch in diameter.

46926. Lemons shall be free from serious deformities. Deformities, except from bud mite damage, are serious if one-third or more of the individual fruit surface is malformed, ridgy, or lumpy.

46927 Lemons shall be free from serious bud mite damage Bud mite damage is serious if 20 percent or more of the individual fruit surface is malformed, or the stylar end shows a definite division, or is open.

46928 Lemons shall be free from serious aging. Aging is serious if 25 percent or more of the surface of the lemon is shriveled or hard.

46929. The compliance or noncompliance with the standards for lemons which are prescribed in this article, except as to maturity, may be determined from a representative sample which is taken as follows:

(a) If in containers, the sample shall consist of not less than 5 percent, by count, of the lemons in each of the containers which are selected as the sample.

(b) If in bulk, the sample shall consist of not less than 100 lemons, except that if the total number of lemons in the bulk lot is less than 1,000 lemons a representative sample shall consist of 10 percent of the lemons.

46930. Each individual lemon may be examined for one or all of the defects, except as to maturity, but only one defect shall be counted or scored against any individual lemon.

46931. The following tolerances which are to be applied to the standards that are prescribed by this article are established by this section:

(a) There is no tolerance for failure to meet the maturity requirements which are prescribed for lemons.

(b) Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements which are prescribed by Section 46916 because of damage by internal decline, sunburn, or drying for any cause except freezing. Not more than 10 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements which are prescribed by Section 46916 because of damage by freezing, but not to exceed one-half of this tolerance, or 5 percent, shall be allowed for lemons which show damage by freezing in 40 percent or more of the pulp or edible portion of the lemon. In no case, however, may the total tolerance for such serious defects exceed 10 percent.

(c) Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements of any one or a combination of the standards which are prescribed by Section 46915 and Sections 46917 to 46928, inclusive.

(d) In no case, however, may the total tolerance for the serious defects which are prescribed by Sections 46915 to 46928, inclusive, exceed 15 percent.

Article 5. Oranges and Limes Generally

46951. As used in this article, "damage on the segment walls" means a water-soaked appearance, evidence of previous water-soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments as shown on the separation of two or more segments of a section. The section shall not be less than one inch or more than one and one-half inches in thickness, and shall be obtained from the central portion of the fruit by cutting off a portion of each end. Such evidence of freezing injury shall

show for the entire length but not necessarily the entire area of the surface membranes.

46952. Oranges and limes shall meet the requirements which are prescribed by this article.

46953. Oranges and limes shall be mature. Oranges, except bloods, tangerines, and mandarins, shall not be considered mature unless they comply with one of the following requirements:

(a) The juice contains soluble solids which are equal to or in excess of eight parts to every part of acid which is contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and 90 percent or more of the oranges in any lot, by count, before picking have attained, on at least one-fourth of the fruit surface, at least a minimum characteristic orange color, as indicated by Color Plate No. 13-L-2 in "Dictionary of Color," Maerz and Paul, first edition, 1930.

(b) The juice contains soluble solids which are equal to or in excess of 10 parts to every part of acid which is contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and the average hue of the surface of 95 percent or more of the oranges before picking have attained a minimum characteristic orange color, as indicated by Color Plate No. 21-L-6 in "Dictionary of Color," Maerz and Paul, first edition, 1930.

No oranges may be accelerated in color unless the juice contains soluble solids equal to, or in excess of, eight parts to every part of acid which is contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization).

The tolerances which are allowed by Section 46961 do not apply to the provisions of this section when determining whether any lot of oranges complies with the maturity standard

46954. Oranges and limes shall be free from decay.

46955. Oranges and limes shall be free from serious damage due to freezing. Damage from freezing to any one fruit is serious if it causes any of the following conditions:

(a) Damage on the segment walls, as defined in Section 46951.

(b) Drying or desiccation in 20 percent or more of the exposed pulp as shown on a transverse cut through the center.

46956. Oranges and limes shall be free from serious damage which is due to drying at the stem or stylar end which results from causes other than freezing. Damage by drying at the stem or stylar end of all oranges and limes which results from causes other than freezing, is not serious unless 20 percent or more of the pulp shows staining, drying, or desiccation.

46957. Oranges and limes shall be free from damage which is caused by splits, bruises, or punctures. Damage which is

caused by splits, bruises, or punctures in oranges and limes is not serious if the injury is well healed and free from mold or decay.

46958. In any season in which freezing damage to oranges which are produced in this state has occurred, the extent of damage by freezing to such oranges shall be determined as follows:

(a) By examination for damage on the segment walls from and after the time when the oranges were first exposed to freezing temperatures to the date, herein designated as date A, when the director, after survey, shall make a determination in writing that the drying process has developed to such extent as to furnish additional evidence of the extent of actual damage to the fruit.

(b) By examination of the exposed pulp on a transverse cut through the center, from and after the date, herein designated as date B, when the director, after survey, shall make a determination in writing that the drying process has developed to such extent as to permit reasonably accurate determination of the full extent of freezing damage by such examination, without regard to damage on the segment walls.

(c) Either by examination for damage on the segment walls or by examination of the exposed pulp on a transverse cut through the center, or by both such examinations, during the period from date A to date B. In no event shall the interval from date A to date B exceed three weeks.

46959. The extent of damage by freezing of oranges which were produced outside of this state that are offered for distribution and sale in this state shall be determined by the same methods and procedures as required for oranges produced in this state unless it is not practicable to obtain sufficient accurate information upon which to establish dates A and B as required by this article for such oranges. In such case the extent of damage by freezing in any lot of such oranges shall be determined as follows:

(a) By examination of the exposed pulp on a transverse cut through the center if examination of a representative sample of the oranges in the lot shows that the drying process has developed to such an extent as to permit reasonably accurate determination of the full extent of freezing damage.

(b) In any other case, by damage on the segment walls.

46960. The percentage of serious damage to oranges and limes in containers, or in bulk, may be established by inspection of a representative sample which shall consist of not less than 100 fruits.

46961. The following tolerances which are to be applied to the standards that are prescribed by this article are established by this section:

(a) With the exception of serious damage which is caused by freezing, not more than 10 percent, by count, of the oranges and limes in any one container or bulk lot may be below the requirements, but with the exception of serious damage by

drying at the stem or stylar end of oranges and limes which results from causes other than freezing. Not to exceed one-half of this tolerance shall be allowed for any one cause.

(b) In the case of serious damage by freezing injury, not more than 15 percent, by count, of the oranges and limes in any one container or bulk lot may be below the requirements, but not to exceed one-third of this tolerance shall be allowed for oranges and limes which show a drying or desiccation in 40 percent or more of the exposed pulp, as shown on a transverse cut through the center.

(c) The total tolerance for a combination of defects shall not exceed the tolerance permitted for any one cause by more than 5 percent, by count.

Article 6. Tangerines or Mandarins

46981. As used in this article, "tangerines or mandarins" means all varieties and hybrids of the mandarin group (Citrus reticulata) and all varieties of tangelos.

46982. Tangerines or mandarins shall meet the requirements which are prescribed by this article.

46983. The standards which are prescribed by Sections 46984 to 46988, inclusive, shall be applied in determining whether or not tangerines or mandarins meet the requirements of this article.

46984. Tangerines or mandarins shall be well colored. Tangerines or mandarins are not well colored unless 90 percent, by count, of the fruits in any lot show a yellow, orange, or red color on 75 percent or more of the surface of the fruit.

46985. Tangerines or mandarins shall be free from serious damage which is caused by freezing or drying that is due to any cause. Damage by freezing or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual fruit as are necessary.

46986. Tangerines or mandarins shall be free from serious decay. Decay is serious if any part of the fruit is affected with decay.

46987. Not more than 10 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet the requirements because of damage by freezing or drying which is due to any cause.

46988. Not more than 5 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet the requirements because of serious decay.

Article 7. Count and Size Requirements

47031. The compliance or noncompliance with the provisions of Sections 47032 to 47035, inclusive, may be determined by a representative sample which shall consist of not less than

10 percent, by count, of the grapefruit, lemons, or oranges in the container.

47032. The count of grapefruit which are packed in standard container number 59 and the number which is marked on the container as required in Section 47091 shall be one of the numbers tabulated in Column A, below, and the average diameter which is marked on the containers shall be the corresponding measurement tabulated in Column B, below.

The average diameter in inches of the grapefruit in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for such fruit.

Grapefruit

Column A Count	Column B Av. dia.
9	6.200
12	5.640
14	5.350
16	5.120
18	4.920
23	4.540
27	4.270
32	4.030
36	3.880
40	3.740
48	3.530
56	3.350
64	3.170
80	2.900
88	2.840

47033. The count of lemons which are packed in standard container number 58 and the number which is marked on the container as required in Section 47091 shall be one of the numbers tabulated in Column A, below, and the average diameter which is marked on the containers shall be the corresponding measurement tabulated in Column B, below.

The average diameter in inches of the lemons in the container, as determined by inspection of a representative sample, shall not be less than the corresponding measurement tabulated in Column B for such fruit.

Lemons

Column A Count	Column B Av. dia.
63	2.925
75	2.775
95	2.570
115	2.410

Lemons

Column A Count	Column B Av. dia.
140	2.240
165	2.130
200	2.010
235	1.880
285	1.770
319	1.685
343	1.640

47034. The count of oranges which are packed in standard container number 58 and the number which is marked on the container as required in Section 47091 shall be one of the numbers tabulated in Column A, below, and the average diameter which is marked on the containers shall be the corresponding measurement tabulated in Column B, below.

The average diameter in inches of the oranges in the container, as determined by inspection of a representative sample, shall not be less than the corresponding measurement tabulated in Column B for such fruit.

Oranges

Column A Count	Column B Av. dia.
24	4.370
32	3.970
36	3.820
40	3.680
48	3.470
56	3.300
72	3.040
88	2.840
113	2.600
138	2.420
163	2.290
180	2.220
210	2.070
245	1.980
270	1.920

47035. Oranges, grapefruit, and lemons which are in standard container number 58 or 59 shall comply with all of the following requirements:

(a) Be packed in the container so compactly that they will not readily move in the container.

(b) The container shall be level full of fruit.

(c) The count of fruit in each container shall be not less than the count which is marked with a permissible count in excess not exceeding 8 percent.

47036. The diameter in inches of tangerines or mandarins which are in containers that are marked with one of the size designations tabulated in Column A, below, shall be between the measurements tabulated in corresponding lines of Column B and Column C. The diameter in inches of not more than 10 percent, by count, of the fruit in the container may, however, measure less than the corresponding measurement in Column B. Not more than 10 percent, by count, of the fruit in the container may measure more than the corresponding measurement in Column C.

Tangerines and Mandarins

Column A	Column B	Column C
Super colossal	3.25	4.00
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

47037. Any container of tangerines or mandarins which fails to meet the size requirements which are prescribed by Section 47036 shall be considered as complying with that section if the container is marked with the words "irregular sizes."

47038. Not more than one of the size designations which are prescribed by Section 47036 shall appear on any container of tangerines or mandarins.

Article 8. Packing Requirements

47061. As used in this article, "consumer" means a person that buys oranges, grapefruit, lemons, or tangerines or mandarins for use as a food and not for resale.

47062. This article does not apply to the sale, marketing, or transportation for sale or marketing of any of the following:

(a) Oranges, grapefruit, lemons, or tangerines or mandarins for charitable purposes, unemployment relief, or for use by the United States government or its agencies for relief distribution.

(b) Tangerines or mandarins which are in closed containers that are intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 12 pounds.

(c) Oranges, grapefruit, or lemons, except as otherwise provided in Section 47064, which are in closed containers that are intended for sale to the consumer in their un-

broken form and the net contents of which do not exceed 25 pounds.

(d) Oranges, grapefruit, lemons, or tangerines or mandarins, which are not in standard containers, that are transported directly from this state to the State of Baja California, Republic of Mexico.

47063. This article also does not apply to any of the following:

(a) Oranges, grapefruit, lemons, or tangerines or mandarins which are in a retail establishment in possession of a retailer for the purpose of resale directly to consumers.

(b) Oranges, grapefruit, lemons, or tangerines or mandarins which are sold by a grower or packer that is regularly engaged in the growing or packing of these fruits directly to consumers on the premises where such fruits are produced or packed or at a retail stand which is operated by such grower or packer near the point of production, which in no case shall be outside of the county in which the fruit was produced.

(c) Citrus fruit which is exempted from the packing requirements of this article by Section 47122.

47064. Except as otherwise provided in Section 47065 or Section 47068, all grapefruit which is offered for distribution or sale, before being so offered, shall be packed in closed standard container number 59 and shall be uniform in size.

47065. Grapefruit which is in bags, if the net contents of each bag does not exceed 25 pounds, shall be placed in closed standard container number 62. A bag of grapefruit is, however, exempt from the requirements of this section if it is the only bag of grapefruit which is mailed, delivered, or sold directly to a consumer.

47066. Except as otherwise provided in Section 47068, all oranges or lemons which are offered for distribution or sale, before being so offered, shall be packed in closed standard container number 58 and shall be uniform in size.

47067. Except as otherwise provided in Section 47068, all tangerines or mandarins which are offered for distribution or sale, before being so offered, shall be packed in closed standard container number 63.

47068. Citrus fruit which is imported into this state from another state need not be in standard containers as specified in this code for such fruit if it is packed in containers which conform to the applicable laws or regulations of the state of origin or of the United States.

47069. The compliance or noncompliance with the provisions of this article, may be determined from a representative sample which shall consist of not less than 10 percent, by count, of the grapefruit, lemons, or oranges in a container.

Article 9. Markings on Containers

47091. Every container of oranges, lemons and grapefruit which holds more than 25 pounds and every container of tangerines or mandarins which holds more than 12 pounds, except a container of any such citrus fruit which is intended for shipment directly from this state to the State of Baja, California, Republic of Mexico, or a container which is exempted from the requirements of this section pursuant to Section 47122, shall bear upon it in plain sight and in plainly legible letters on one outside end the following information:

(a) The name of the packer of the citrus fruit together with a sufficiently explicit address to permit ready location of such packer.

(b) In the case of oranges, grapefruit, and lemons, the number and average diameter of the citrus fruit in the container. In the case of tangerines and mandarins, the size of the tangerines or mandarins which are contained in the container in accordance with size specifications in Column A of Section 47036. The average diameter and size designation of citrus fruit which is imported from another state need not, however, be shown.

(c) In the case of oranges, grapefruit, and tangerines or mandarins, the name of the variety, if known, and not known, the words "unknown variety" or "seedlings." With respect to all varieties of navel oranges, the varietal designation shall be "Navel"; for all varieties of valencia oranges, "Valencia"; for all varieties of white grapefruit, "Marsh White"; and for all varieties of pink grapefruit, "Marsh Ruby."

Article 10. Exceptions to Marking and Packing Requirements

47121. As used in this article:

(a) "Consumer-size packages" means those which when full contain 25 pounds or less of fruit.

(b) "Repackaging plant" means any location that has commercial equipment which is normally used for packaging citrus fruits in consumer-size packages.

47122. The packing requirements of Article 8 (commencing with Section 47061) of this chapter and the marking requirements of Section 47091 do not apply to any citrus fruit which is being transported within the state if all of the following requirements are complied with:

(a) The citrus fruit is being transported in containers which hold more than 500 pounds.

(b) It is being transported to a repackaging plant within the state for further packing.

(c) The packer has made application to, and a permit has been issued by, an enforcing officer.

47123. A permit shall be issued in writing in a form which is provided by the director and shall be valid for one year from the date of issuance, unless revoked or suspended.

47124. The permit shall bear a permit number and show the name of the packer together with a sufficiently explicit address to permit ready location of such packer.

47125. A manifest or other shipping document shall accompany each load which is sold, transported, or received pursuant to this article, shall be plainly and conspicuously marked with the permit number issued to the packer, and shall show the name of the person operating a repackaging plant to whom the load is being transported together with a sufficiently explicit address of the repackaging plant to which the load is destined to permit ready location of such person and such repackaging plant.

47126. It is unlawful for any person to ship, transport, or receive citrus fruits pursuant to this article unless the permit number issued pursuant to this article appears on the manifest or other shipping document.

47127. A permittee shall, upon request of any enforcing officer, furnish such affidavits, receipts, and other evidence as the enforcing officer reasonably may require as proof that the citrus fruits have been disposed of in accordance with the provisions of this division and the terms of the permit.

47128. Any enforcing officer may refuse to issue a permit pursuant to this article, or may revoke or suspend any permit, if the permittee or applicant for permit has previously violated any of the provisions of this article or the terms of any permit which is issued pursuant to this article, or has failed or refused to furnish the evidence which is required by the enforcing officer.

47129. Any order of the enforcing officer refusing to issue a permit, or suspending or revoking a permit, shall be in writing.

47130. Any person may appeal to the director, within 10 days, for a hearing upon a written order of the enforcing officer refusing to issue a permit, or suspending or revoking the same. The proceedings for such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The provisions of Sections 11505 and 11506 shall not, however, apply, and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of such code.

47131. This article does not allow a permittee or applicant to operate pending the disposition of his application or petition.

47132 This article does not prevent the enforcing officer from suspending or revoking a permit forthwith, and without notice or hearing. Such peremptory action shall, however, be supported by previous investigation, the results of which reasonably indicate to the enforcing officer that to allow an

existing permit to remain in use pending a hearing would encourage, allow, or permit any additional or other violation of any provision of this article.

CHAPTER 19. CORN

47251. Ears of green corn shall be free from serious damage which is caused by smut or other diseases, mold, decay, or fermentation, insects, or other causes. Damage from any cause is serious if it affects any of the kernels below a distance from the tip of more than 25 percent of the length of the cob. In addition, the kernels on at least one-half of the length of the cob shall be plump, milky, and well developed and shall not be shriveled.

47252. Not more than 10 percent, by count, of the ears in any one lot of containers or bulk lot may be below the requirements which are prescribed by this chapter, but no container shall have more than 20 percent, by count, of ears which are below such requirements.

CHAPTER 20. DATES

Article 1. Exempt Dates

47401. Unpacked dates, prior to final grading, are exempt from the standards which are prescribed by this chapter at any of the following times:

(a) While being transported or delivered to a licensed cold storage warehouse for storage.

(b) While in a licensed cold storage warehouse for storage.

(c) While being removed from a licensed cold storage warehouse and being transported or delivered to a packing plant for grading or reconditioning and until the completion of the first grading or reconditioning after removal from such warehouse.

Article 2. Standards

47421. Dates, including dates for use in products or byproducts, except alcohol, brandy, and products which are not intended for human consumption, shall be free from any of the following defects:

(a) Live insects, whether larva, pupa, or adult.

(b) Decay.

(c) Mold, except visible colonies of yeast.

(d) Fermentation or souring.

(e) Dead insects, insect parts or excreta.

(f) Dirt or other foreign matter.

(g) Black scald.

(h) Side spots which are more than three-sixteenths of an inch in length or width.

(i) Damage by improper ripening.

47422. In the interpretation of the standards which are prescribed by this article, the director shall take into consideration the quality standards for dates which are prescribed from time to time pursuant to federal law.

47423. Not more than 10 percent, by count, or in the case of dates which are packed in blocks, by weight, of the dates in any one container or lot may be below the requirements which are prescribed by this article, but of this amount not more than one-half, or 5 percent, shall be allowed for defects which are prescribed by subdivision (b), (c), (d), (e), or (f) of Section 47421, or any combination of these defects, and not more than one-fifth, or 2 percent, shall be allowed for the defect which is prescribed by subdivision (b) of Section 47421. No tolerance shall be allowed for the defect which is prescribed by subdivision (a) of Section 47421.

Article 3. Markings on Containers and Signs

47451. Except as otherwise provided in Section 47453, every container or subcontainer of dates shall bear, in plain sight on the outside of it, in letters which are not less than one-half of an inch in height, the name of the state or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type.

47452. Except as otherwise provided in Section 46253, all dates which are displayed for sale in bulk shall bear upon them in plain sight on the outside of them, or upon a placard which is so placed as to have reference to such dates, in letters which are not less than one-half of an inch in height, the name of the state or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type.

47453. In the case of any container or subcontainer which has a contents of not more than three pounds net weight, the markings which are required by this article shall be in letters of not less than one-eighth of an inch in height.

Chapter 21. Grapes and Raisins

Article 1. Definitions

47601. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

47602. "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between the thumb and forefinger.

47603. "Redberry" means a condition which closely resembles waterberry that is generally found in black varieties of grapes. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

47604. "Severe freezing injury" means damage which affects the pulp of the berries.

47605. "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries.

47606. "Waterberry" means a disease which is characterized by a watery, soft, or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins, and are very easily crushed.

Article 2. Exceptions for Grapes for Byproduct Use

47631. This division does not prohibit any person, under permit from an enforcing officer of this division, from transporting out of the state to another state or country grapes which comply with the quality requirements of this chapter in unlidded containers, whether standard or not, or in bulk loads, if both of the following requirements are complied with:

(a) Such grapes are to be used for commercial processing, preserving, or manufacture of byproducts for resale, on the premises of the purchaser.

(b) The permit is issued for and is attached to each load or lot of grapes which is transported.

47632. A permit may be issued by the commissioner of the county from which the grapes are to be transported if all of the following requirements are complied with:

(a) The commissioner determines that the grapes comply with the requirements of this chapter except as to containers.

(b) He determines that the grapes are to be delivered pursuant to a written contract of sale that bears the signature of the purchaser in another state or country which stipulates that the grapes will be used for commercial processing, preserving, or manufacture of byproducts for resale, on the premises of the purchaser.

(c) A copy of the contract is furnished to the commissioner.

(d) The commissioner is satisfied that such grapes will be used only for such byproduct purposes.

47633. Every container of grapes which is to be transported out of this state under a permit which is issued pursuant to this article shall bear upon it in plain sight in letters which are not less than one-half inch in height "For Manufacturing Purposes Only."

Article 3. Standards Generally

47661. There are two standards for grapes. All grapes of the varieties in Group A shall be considered table grapes and all other varieties juice grapes. Except as otherwise provided

in Article 7 (commencing with Section 47781) of this chapter, grapes of all varieties shall at least meet the standard for juice grapes.

47662. The following varieties of white grapes and other similar varieties are in Group A:

Almeria
Aspiran Blanc
Bicane
Chasselas de Fontainebleau
Chasselas Napoleon
Cornichon Blanc
Crystal
Dattier de Beyrouth
Delight
Dizmar
Golden Queen
Italia (Italian Muscat)
Khalili
Khandahar
Ladyfinger
Malaga
Ohanez
Olivette Blanche
Olivette de Vendemain
Perlette
Persian 23
Pizzutello di Roma
Rish Baba
Rosaki
Thompson Seedless

47663. The following varieties of red grapes and other similar varieties are in Group A:

Angelino
Cardinal
Catawba
Flame Tokay
Hunisa
Chasselas Rose
Emperor
Red Malaga
Rose de Falloux
Maraville de Malaga
Molinera Gorda
Pink Thompson Seedless
Piment
Queen
Sultanina Rose
Tokay
Zabalkanski
Zabalkanskoi

47664. The following varieties of black grapes and other similar varieties are in Group A:

Black Corinth
Black Ferrara
Black Hamburg
Blackrose
Black Zante
Bleu Grau
Exotic
Frankenthal
Fresno Beauty
Gros Colman
Gros Guillaume
Isabella
Isabella Regia
Black Monukka
Black Morocco
Muscat Albardient's
Black Prince
Muscat Hamburg
California Concord
Concord
Corinthe Noir
Cornichon
Danugue
Drodelabi
Olivette Noir
Panariti
Pierce
Pierce Isabella
Pizzutello Nero
Prune de Cazouls
Purple Damascus
Rose of Peru
Ribier
Servian Blue
Snow's Muscat Hamburg
Zante Currant

Article 4. Maturity Standards

47691. Except as otherwise provided in Sections 47692 and 47693, "mature" means that a variety of grapes tests not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer or standard hand refractometer.

47692. The following varieties of grapes shall be considered mature if they test not less than that percent of soluble solids which is specified below:

Percent of soluble solids	Variety	
18	All white varieties of Muscat type	
	Malaga grown north and west of San Gorgonio Pass	
17½	Thompson Seedless grown north and west of San Gorgonio Pass	
16	Beauty Seedless grown south and east of San Gorgonio Pass	
	Cardinal grown north and west of San Gorgonio Pass	
	Burger	Concord
	Emperor	Dattier de Beyrouth
	Gros Colman	Red Malaga
	Bleu Grau	Khalili
	Drodelabi	Persian 23
	Fresno Beauty	Dizmar
	Servian Blue	Ribier
	Pierce	Delight
	Pierce Isabella	Perlette
	Isabella Regia	Queen
	California Concord	Blackrose
15	Cardinal grown south and east of San Gorgonio Pass	
	Ladyfinger	Olivette Blanche
	Rish Baba	Exotic
	Khandahar	

It is hereby declared that the differences in climatic condition that exist north and west of San Gorgonio Pass cause Malaga, Thompson Seedless, Beauty Seedless, and Cardinal varieties of grapes which are grown there to have, at maturity, a higher percentage of soluble solids than mature grapes of these varieties which are grown south and east of San Gorgonio Pass.

47693. Any variety of grapes which are in Group A, as defined in Article 3 (commencing with Section 47661) of this chapter, shall also be considered mature if the juice contains soluble solids equal to or in excess of 20 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

47694. Any variety of grapes which is included in Group A may be placed in the standard for juice grapes and any

other variety may be placed in the standard which is established for table grapes, but regardless of standard, the maturity of varieties included in Group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and which constitute not less than 10 percent, by weight, of the contents of the container.

47695. The maturity of every variety which is not included in Group A shall be determined by testing the juice from a composite sample which is representative of the average of the grapes in any container or bulk lot.

47696. The standards which are provided by this article are minimum standards, and the tolerances allowed by Sections 47723 and 47752 shall not be applied to any test which is made in accordance with this article for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety.

Article 5. Standards for Table Grapes

47721. Table grapes shall consist of bunches of grapes which are mature and free from serious damage which is caused by any of the following defects:

(a) Mildew and insect injury which has penetrated or damaged the flesh of the berry.

(b) Mold, decay, severe freezing injury, raisined berries, sunburned or dried berries.

(c) Waterberry or redberry.

47722. Damage to any one bunch is not serious unless more than 5 percent, by count, of the berries on any one bunch are affected by one or more of the defects.

47723. Not more than 10 percent by weight, of the bunches of grapes in any one container or bulk lot may be below the requirements which are prescribed by this article.

Article 6. Standards for Juice Grapes

47751. Juice grapes shall be mature and free from mold, decay, waterberry, redberry, and severe freezing injury.

47752. Not more than 15 percent, by weight, of the berries in any one container or bulk lot may be below requirements which are prescribed by this article.

Article 7. Grapes Which Fail to Meet Juice Grape Standards

47781. Any grapes which fail to meet the standard for juice grapes may be disposed of only as provided in Article 1 (commencing with Section 43251) of Chapter 3 of this division, but a grower of grapes may sell part or all of his crop, which fails to meet the standard for juice grapes, to a purchaser for the sole and express purpose of being used by

such purchaser for the manufacture of a byproduct in the state.

Each such sale shall be made only under written permit of an enforcing officer of this division, who may require from the grower or purchaser of such grapes such proof as he deems necessary that they will be used only as provided in this section.

Article 8. Packing Requirements

47821 Subject to the restrictions and additions which are specified in this division, all grapes shall be placed in standard container number 5, 28, 30A, 38I, 38J, 38K, 38L, 38M, 38N, 38P, or 38Q.

47822. Except as otherwise designated, all containers which are specified in Section 47821 shall be considered as standard for grapes whether such containers are packed with or without pads, inner liners, or any other device which does not reduce the inside volume of the container by more than 10 percent. The vacant spaces, if any, which result from the use of such device shall, however, be readily visible.

47823. The depth dimension of containers which are designated for grapes in this article shall include in the measurement of the specified depth any cleats used, if any are used.

47824. Container number 28 is standard for grapes only if both of the following requirements are satisfied·

(a) It contains grapes which are packed in sawdust, cork, or similar packing material in sufficient amount to completely surround and cover the grapes.

(b) It is used without cleats.

47825. Container number 30A is standard for grapes only if it contains bunches which are individually wrapped in paper or other protective wrapping material and which are packed in excelsior or other similar packing material.

47826. Except as otherwise provided in Section 47827, the container number 38K is standard for grapes if the depth is $4\frac{1}{2}$ to $5\frac{3}{4}$ inches, the width is $14\frac{1}{2}$ to $14\frac{3}{4}$ inches, and the length is $16\frac{1}{2}$ inches.

This container shall be considered standard with or without a taper (up and in—down and in) at each corner.

47827. Container numbers 38K and 38L, when $5\frac{3}{4}$ inches deep, shall be standard for grapes only when containing bunches which are not wrapped, and one outside end of the container is plainly marked, with not less than $\frac{1}{4}$ inch letters, with the words "Net Weight 26 lbs." or "Net Wt. 26 lbs." Such marking is not, however, required if the bunches of grapes are completely surrounded by sawdust, paper wraps or other similar packing material.

47828. Container number 38M, 38N, or 38P is standard for grapes only if transported or sold within this state, and

then only if plainly marked with letters not less than one-half of an inch in height "California Sale Only," or "Calif. Sale Only."

47829. Container number 38Q is standard for grapes only if it is lined, all inside surfaces covered, with excelsior or other similar packing material.

Article 9. Markings on Containers

47851. Every container of grapes, shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized packing of the grapes or the name under which such person is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of grapes, if known, or if not known, the words "unknown variety". If two or more varieties are placed in the same container, the words "mixed varieties." In lieu of the term "mixed varieties," a mixture of white grapes may be marked "mixed white varieties" and a mixture of black grapes may be marked "mixed black varieties."

This section does not apply to containers numbers 38M, 38N, or 38P which are not closed.

47852. If the grapes meet the requirements of the standard for table grapes the containers of such grapes may be marked with the term "table grade" or "table grapes."

47853. The term "girdled" or any designation which implies that grapes have come from vines or members thereof which have been girdled shall not appear on any container of grapes unless it is a correct and true statement.

"Girdled" or "girdling" means the removal of a ring of bark from entirely around the trunk or some member of the vine, during the early development of the grapes.

Article 10. Raisin Containers

47881. It is unlawful for any person to sell any box, package, or carton that contains seeded raisins, which has indicated upon it the fact that it contains raisins, unless it shall in addition to such indication have plainly and conspicuously marked upon it the variety of grape from which the raisins which are contained in such box, package, or carton were manufactured or produced.

47882. Any violation of this article is a misdemeanor, punishable by a fine of not more than two hundred dollars ($200), or by imprisonment in the county jail for not more than 60 days, or by both.

CHAPTER 22. LETTUCE

Article 1. Standards

48001. Head lettuce shall not be leafy without head formation, shall be fairly well trimmed, and shall be free from any of the following defects:

(a) Insect injury, slime, decay, or rot which affects leaves within the head.

(b) Seed stems which have so developed that they are apparent upon external examination.

(c) Serious damage which is caused by broken midribs, bursting, tip burn, or freezing. Damage which is caused by freezing or tip burn is not serious unless it affects any portion of the head inside of the six outer head leaves.

48002. Not more than 15 percent, by count, of the heads of lettuce in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed 5 percent, shall be allowed for decay or slime. Individual containers in any lot may, however, contain not more than 1½ times the tolerance which is specified, if the percentage of defects in the entire lot averages within the tolerance specified, as determined by inspection of a representative sample.

Article 2. Standard Containers and Packs

48031. The standard containers and packs for lettuce, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported or sold in any container, are as prescribed in this article.

48032. The standard containers for lettuce are standard containers numbers 45 and 45A.

Article 3. Packing Requirements

48051. As used in this article, "closed" or "lidded" means the following:

(a) In the case of fiberboard containers, that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container and as required in Section 48053.

(b) In the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material which is similar to that used in the construction of the sides of such container, which is securely attached to the top.

48052. As used in this article:

(a) "Consumer" means a person that buys lettuce for use as food, and not for commercial distribution, or for resale.

(b) "Inner and outer flaps" means the parts of the container that are attached to the top of the sides and ends which are used to form the cover or lid of the container.

(c) "Retail establishment" includes a retailer's warehouse from which the lettuce is distributed by such retailer to his individual retail outlets or stores.

48053. Standard containers for lettuce which are made of fiberboard shall be constructed with inner and outer side flaps which are attached to each end and side. The total width of the two side flaps shall not exceed the inside width of the container and, if closed after packing, shall be closed by folding the inner and outer flaps inward at the manufacturer's score lines which shall be above the inside bottom surface of the container at a point equal to the inside depth of the container. If they are fastened in a closed position, the opening between the outer side flaps shall not average more than two inches for the entire length of the container, allowing a 10 percent tolerance for the containers in any one lot.

48054. All head lettuce which is packed, except head lettuce which is sold to the armed forces of the United States government or for export markets other than Canada, shall be in standard container number 45, 45A, or 45B.

48055. Head lettuce which is prepared for transportation or sale in this state shall be packed in standard containers which are lidded.

This section, however, does not apply to any of the following:

(a) Lettuce which is in a retail establishment in the possession of a retailer for the purpose of resale directly to consumers.

(b) Lettuce which is sold by a producer that is regularly engaged in the production of lettuce, directly to consumers on the premises where the lettuce is produced or lettuce at a retail stand which is operated by such producer near the point of production.

(c) The transportation by a producer or jobber of lettuce in containers which contain less than 18 heads for sales to retail stores of not more than one such container per sale.

48056. Head lettuce, which is packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size which is marked. It shall be fairly tightly packed with the same numerical count of regularly arranged heads in each layer. None of the heads shall be placed outside of the regular arrangement of three uniform flat layers in standard container number 45 and two uniform flat layers in standard container number 45A. If, however, 2½ dozen heads of lettuce of the 2½ dozen size when fairly tightly packed in standard container number 45A are packed in such container, six heads of the same size or dimensions as the heads which are contained in the upper and lower layers may be placed between such layers if the upper and lower layers con-

sist of 12 heads each and the total count in the container is 30 heads.

48057. Head lettuce for shipment out of this state shall be packed in standard containers which are lidded.

48058. In addition to other packing requirements in this division, head lettuce which is packed or placed in layers shall contain either 1½ dozen, two dozen, 2½ dozen, three dozen, 3½ dozen, four dozen, five dozen, 75, or 90 heads of lettuce per standard container.

Article 4. Markings on Containers

48081. Every container of packed lettuce shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first packed or authorized the packing of the lettuce, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) In figures which are not less than one-half of an inch in height the exact number of heads contained therein. In the case of lettuce which is packed in lidded or closed containers without ice, the exact number of heads may, however, be marked on the lid of the container.

In the case of 10 percent of the crates in any lots, the contents may vary not more than three heads over the count as marked.

Chapter 23. Melons, Other Than Cantaloupes

Article 1. Standards

48201. As used in this article, "full slip" means that the fruit has separated from the stem leaving a clean, natural scar, with no portion of the stem remaining attached, and no torn or broken skin on the fruit.

48202. Persian melons, casabas, honeydew and honeyball melons, and watermelons shall be mature but not overripe and shall be free from any of the following defects:

(a) Mold, decay, and insect injury which has penetrated or damaged the edible portion of the melon.

(b) Serious damage, due to growth cracks, cuts, bruises, sunburn, softness, or other causes. Damage to any melon which is mentioned in this section is not serious unless it affects the edible portion of the melon.

48203. "Mature," in the case of casabas, honeydew and honeyball melons, and watermelons, means that the appearance from the outside of the melon indicates maturity and that the arils which surround the seeds have been absorbed and also the following:

(a) In the case of watermelons, that the flesh of the watermelons has not less than 75 percent red color.

(b) In the case of honeyball and honeydew melons, that the juice of the edible portion contains not less than 10 percent soluble solids as determined by the standard hand refractometer, or that the fruit has been separated from the vine by a full slip which indicates actual maturity.

48204. The soluble solids content of the edible portion of honeyball and honeydew melons shall be determined by extracting the juice from two plugs of the flesh, one from each of opposite sides of the melons, and taken at approximately one-half the distance between the stem and blossom ends. The plugs shall be approximately one-half of an inch in diameter. That portion of the plug three-eighths of an inch from the outside edge of the rind shall not be included as the edible portion of the plug of flesh.

48205. Not more than 10 percent, by count, of the melons in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

Article 2. Packing Requirements

48211. As used in this article, "closed" or "lidded" means the following:

(a) In the case of fiberboard containers, that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container.

(b) In the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material similar to that used in the construction of the sides and bottom of such containers, which is securely attached to the top.

48212. As used in this article, "consumer" means a person that buys melons for use as food and not for resale.

48213. Except as otherwise provided in this section, all melons shall be packed in standard container number 44H, 44I, 44J, or 44K and the container shall be closed or lidded.

This section does not apply to any of the following:

(a) Cantaloupes.

(b) Casabas which are shipped intrastate.

(c) Watermelons.

(d) Melons which are in a retail establishment in possession of a retailer for the purpose of resale directly to consumers.

(e) Melons which are sold by a producer regularly engaged in the production of melons directly to consumers on the premises where the melons are produced or at a retail stand which is operated by such producer near the point of production. Such retail stand shall not be outside of the county in which the melons were produced.

Article 3. Markings on Containers

48231. Every closed container of packed melons shall bear upon it in plain sight and in plain letters on one outside end, the name of the person that first packed or authorized the packing of the melons, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

Chapter 24. Nectarines

Article 1. Standards

48351. Nectarines shall be mature, but not overripe, and free from any of the following defects:

(a) Insect injury which has penetrated or damaged the flesh.

(b) Split pits which are open at the stem end.

(c) Mold, brown rot, and decay which has affected the edible portion.

(d) Serious damage which is due to skin breaks or cuts, growth cracks, bruises, or other causes.

Damage to any one nectarine is not serious unless it causes a waste of 10 percent, by weight, of the individual nectarine.

48352. Nectarines shall not be considered mature unless at the time of picking they comply with one of the following:

(a) An aggregate area of at least one inch in diameter of the surface of the individual fruit has broken from green or dark green to a distinct flecking of light green or a light green which indicates equivalent maturity.

(b) The shoulders and suture are well developed and filled out.

48353. Except in the case of nectarines which are affected by split pits that are visible, not more than 10 percent, by count, of the nectarines in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

In the case of nectarines which are affected by split pits that are visible, an additional tolerance of not more than 10 percent, by count, of the nectarines in any one container or bulk lot shall be allowed.

Article 2. Packing Requirements

48411. Except as otherwise provided in Section 48412, nectarines shall be in standard container number 5, 9B, 10A, 12B, 22B, or 22D.

48412. Nectarines which are placed in molded forms may be packed in standard container number 31 if the container is marked with the exact number of nectarines in it.

48413 The depth dimensions of containers which are designated for nectarines shall include in the measurement of the specified depth any cleats used, if any are used.

48414. Packed nectarines shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, if measured through the widest portion of the cross section of the fruit.

Article 3. Markings on Containers

48441. Every container of fresh nectarines shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the nectarines or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) The name of the variety, if known, or if not known the words "unknown variety."

(c) The size description, if the nectarines are packed in the four-basket crate, or the count, if wrapped and packed throughout, in straight-side containers in uniform layers and rows

48442. In the case of the four-basket crate, the numerical description of the pack in the top layer of the basket shall be used to designate size.

48443. If the count is used to designate the contents of the container, a variation of four nectarines more or less than the number stated shall be allowed.

Chapter 25. Onions

Article 1. Standards

48551. Onions shall be free from any of the following defects:

(a) Insect injury which has penetrated or damaged the edible portion of the onion.

(b) Mold and decay.

(c) Serious damage which is due to sunscald, heat, freezing, sprouting, or other causes.

48552. Except for sprouting, damage to any one onion is not serious unless it causes a waste of 20 percent, by weight, of the individual onion.

48553. Damage to any one onion which is affected by sprouting is not serious unless a sprout is more than one inch in length, measured from the neck of the onion where the sprout emerges to the tip of such sprout, or the onion has become soft or spongy.

48554. Not more than 5 percent, by weight, of the onions in any one container or bulk lot may be below the requirements which are prescribed by this article.

Article 2. Markings on Containers

48581. Every container of onions which contains more than 15 pounds shall be clearly and distinctly labeled with name of the packer or person that authorized the packing, and the correct address of such person.

CHAPTER 26. PEACHES

Article 1. Exceptions for Peaches for Manufacturing Use

48701. This chapter does not prohibit any person, under a permit which is issued pursuant to this article, from transporting out of the state, peaches which fail to comply with the packing, container, or marking requirements of this chapter, if both of the following requirements are complied with:

(a) Such permit is issued for, and is attached to, each load or lot transported.

(b) The peaches are loose in containers which are not closed.

48702. A permit may be issued by the commissioner of the county from which the peaches are to be transported if such commissioner has satisfactory verification by a like officer of the state of destination that the peaches are to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser.

48703. The verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving, or manufacturing use to which the peaches transported under the permit were actually put by the purchaser of the peaches.

Article 2. Standards

48731. Fresh peaches shall be mature, but not overripe, and free from any of the following defects:

(a) Insect injury which has penetrated or damaged the flesh.

(b) Split pits which are open at the stem end.

(c) Mold, brown rot, and decay.

(d) Serious damage, due to cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes.

Damage to any one peach is not serious unless it causes a waste of 10 percent, by weight, of the individual peach.

48732. Peaches of the freestone variety shall not be considered mature unless, at the time of picking, the flesh breaks free from the pit. In addition, the flesh of peaches of the Elberta variety shall be a yellowish color.

48733. Not more than 10 percent, by count, of the peaches in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Individual containers in any lot may, however, contain not more than 1½ times the tolerances specified if the percentage of defects of the entire lot averages within the tolerances.

Article 3. Packing Requirements

48791. Except as otherwise provided in Section 48792, peaches shall be in standard container number 5, 9B, 10A, 12B, or 22D.

48792. Peaches which are placed in molded forms may be packed in standard container number 31 if the container is marked with the exact number of peaches placed in it.

48793. The depth dimensions of containers which are designated for peaches shall include in the measurement of the specified depth any cleats used, if any are used.

48794. Packed peaches shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, if measured through the widest portion of the cross section of the fruit.

Article 4. Markings on Containers

48821. Every container of fresh peaches shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the peaches or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) The name of the variety, if known, or if not known the words "unknown variety".

(c) The size description, if the peaches are packed in the four-basket crate, or the count if wrapped and packed throughout, in straight side containers in uniform layers and rows.

48822. In the case of the four-basket crate, the numerical description of the pack in the top layer of the baskets shall be used to designate size.

48823. If the count is used to designate the contents of the container, a variation of four peaches more or less than the number stated shall be allowed.

Chapter 27. Pears

Article 1. Exceptions for Pears for Manufacturing Use

48951. This chapter does not prohibit any person from transporting out of the state pears which fail to comply with the packing, container, marking, or quality requirements of this chapter which are applicable to pears that are shipped for consumption as fresh pears. All such noncomplying pears which are so transported outside the state shall be used only

for the processing, preserving, or manufacturing purposes for which such pears could be used within the state.

48952. The director may adopt such regulations as may be necessary to insure that all such pears which are transported out of the state for the processing, preserving, or manufacturing purposes will be used only for such purposes.

48953. If there are no grade, quality, size, maturity, or utilization regulations or requirements for pears for processing established pursuant to a marketing program or marketing order in this state, the director may adopt such regulations or requirements for such pears to be transported outside the state. Such standards shall not be lower than any official standards for pears for such purposes which are established in the state of destination.

Article 2. Standards Generally

48981. Fresh pears shall be mature, but not overripe, and free from any of the following defects:

(a) Codlin moth larvae, mold, decay, black end, unsealed cuts, and skin breaks.

(b) Serious damage which is due to hail, scab or other diseases, hard end, bruises, limb rubs, frost, codlin moth larvae, or other insects.

48982. Damage to any one pear is not serious if it is caused by:

(a) Scab, unless the spots cover an aggregate area of more than one-half of an inch in diameter.

(b) Hail, unless the damage affects an aggregate area of more than one-half of an inch in diameter or is more than one-fourth of an inch in depth.

(c) Codlin moth larvae, unless it causes unhealed stings or holes in any part of the pear. Superficial, well-healed codlin moth stings are not serious.

(d) Thrip mark, blister mite, or other superficial blemishes caused by insects, unless more than 10 percent of the surface of the fruit is affected or they cause a depression of more than one-fourth of an inch in depth in the pear.

(e) Limb rub, unless it affects an aggregate area of more than three-fourths of an inch in diameter.

(f) Frost, unless the constriction which results from frost damage affects the shape of the pear and extends around the fruit more than one-half of the circumference.

(g) Other diseases, bruises, or hard end, unless such defects cause a waste of more than 10 percent, by weight, of the individual pear.

48983. Not more than 10 percent, by count, of the pears in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

48984. Pears which fail to meet the requirements of this article only because of the presence of codlin moth larvae, or because of serious damage caused by codlin moth larvae, which cannot be detected by external examination of the pears, shall be considered as complying with such standard, if the pears have been treated at point of origin during preparation and loading and before actual shipment to any market or storage plant, under the supervision of an enforcing officer, according to formulae and under conditions approved by the director and which is known to completely destroy codlin moth in any stage of development in such pears. The continued identity of the lot shall, however, be maintained.

48985. Pears which fail to meet the requirements of this article only because of serious damage caused by hail, shall be considered as complying with such standard, if the container in which they are packed or placed is plainly marked, on the outside of one end of the container, in letters which are not less than one-half of an inch in height, with the words "hail marked."

Article 3. Maturity Standards for Bartlett Pears

49001. Bartlett pears shall be considered mature if they comply with one of the following:

(a) The average pressure test of not less than 10 representative pears of each commercial size of pears in any lot does not exceed 23 pounds.

(b) The soluble solids in a sample of juice from not less than 10 representative pears of each commercial size of pears in any lot is not less than 13 percent.

(c) The pears show a yellowish-green color, as indicated by the color chart prepared by the department.

49002. The pressure test of Bartlett pears shall be determined by means of a fruit pressure tester which measures in pounds the force that is required to push a rounded plunger five-sixteenths of an inch in diameter into the flesh of the fruit to a depth of five-sixteenths of an inch, after the skin from the areas tested, but little of the underlying flesh, has been removed. Two such determinations shall be made on each specimen which is selected as a sample and the average of all individual readings from the sample shall be considered as the pressure test of the lot. Pressure test readings shall be made on opposite sides, and approximately at the widest portion of the cross section of the fruit at right angles to the core. Sunburned or very highly colored areas shall be avoided in making pressure tests.

49003. The soluble solids of a sample of juice from Bartlett pears shall be the percentage reading as shown by a standard refractometer instrument on a composite sample of a small amount of juice which is obtained from each of the pears in

the representative sample that is selected if such pears are subjected to the method for determining maturity which is described in Section 49002.

Article 4. Packing Requirements

49041. Except as otherwise provided in Section 49091 pears shall be in standard container number 12B, 19, 20, 24, 29A, or 29B.

Container number 29B, if made of fiberboard or corrugated paper, shall be standard for pears with a tolerance of $\frac{1}{8}$ inch in each of the three dimensions.

49042. The depth dimensions of containers which are designated for pears shall include in the measurement of the specified depth any cleats used, if any are used.

49043. Packed pears in any container shall be uniform in size, which means:

(a) In the case of pears which are $2\frac{3}{4}$ inches in diameter or larger, a variation of not more than one-half of one inch in diameter, if measured through the widest portion of the cross section, between the fruits in any one container.

(b) In the case of pears which are smaller than $2\frac{3}{4}$ inches in diameter, a variation of not more than three-eighths of one inch if measured through the widest portion of the cross-section, between the fruits in any one container.

Article 5. Markings on Containers

49061. Except as otherwise provided in Section 49091, every container of pears shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the pears, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) The name of the variety, if known, or if not known the words "unknown variety".

(c) The count if wrapped and packed throughout, in straight side containers in uniform layers and rows.

49062. If the count is used to designate the contents of the container, a variation of four pears more or less than the number stated shall be allowed.

Article 6. Exceptions to the Marking and Packing Requirements

49091. Notwithstanding any provisions of Articles 4 (commencing with Section 49041) and 5 (commencing with Section 49061) of this chapter, (a) when pears are wrapped and packed throughout in uniform layers and rows in straight side containers, other than standard containers number 19 and

number 20, the containers need not be marked with the count of the pears in the containers and (b) nonstandard containers of packed pears need not be marked with the designation "irregular container" or with name, address, or variety designations when being transported out of the state for further packing; provided, a permit has first been obtained from an enforcing officer.

49092. An enforcing officer may issue the permit if he determines that the pears comply with the requirements of this chapter except as to containers and markings and are to be delivered pursuant to a bona fide contract of sale direct to a purchaser for further packing on the premises of the purchaser.

CHAPTER 28. PEAS

49201. As used in this chapter, "overmature" means that more than one-third of the surface of the pea pod is wrinkled, shriveled, or yellow.

49202. Pods of peas shall not be poorly filled or overmature and shall be free from insect larvae and from serious damage which is due to insects, freezing, mildew, decay, or other causes.

49203. Pods of peas are not poorly filled if one-half or more of the pod is filled with fairly well developed peas.

49204. Damage to any one pod is not serious unless 20 percent or more of the peas in the pod are affected.

49205 Not more than 10 percent, by weight, of the pods in any one container or bulk lot, as established by inspection of a representative sample, may be below the requirements which are prescribed by this chapter, but not to exceed one-half of this tolerance shall be allowed for any one cause.

CHAPTER 29. PERSIMMONS

Article 1. Standards

49401. Oriental persimmons shall be mature, but not overripe, and shall be free from any of the following defects:

(a) Mold and decay.

(b) Serious damage, due to cuts, bruises, breaking of the skin, growth cracks, hail, or other causes. Damage to any one persimmon is not serious unless it causes a waste of 10 percent, by weight, of the individual persimmon.

49402. No oriental persimmon of the Hachiya variety shall be considered mature unless at the time of picking 90 percent of the surface has attained an orange or reddish color. No oriental persimmon of other varieties shall be considered mature unless at the time of picking at least 75 percent of the surface has attained an orange or reddish color and the remaining percent of the surface has attained a yellowish green color.

49403 Not more than 10 percent, by count, of the oriental persimmons in any one container or bulk lot, may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

Article 2. Packing Requirements

49451. Packed oriental persimmons shall not vary in any one container more than one-half of one inch in diameter, if measured through the widest portion of the cross-section of the oriental persimmons.

Chapter 30. Plums and Fresh Prunes

Article 1. Exceptions

49551. This division does not prohibit any person, under a permit issued pursuant to this article, from transporting out of the state plums and fresh prunes which fail to comply with the packing, container, or marking requirements of this division, if both of the following requirements are satisfied.

(a) The permit is issued for and is attached to each load or lot transported

(b) The plums and fresh prunes are loose in containers which are not closed, or in bins each holding 200 pounds or more of the plums and fresh prunes.

49552. The permit may be issued by the commissioner of the county from which the plums and fresh prunes are to be transported if such commissioner has satisfactory verification by a like officer of the state of destination that the plums and fresh prunes are to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving, or manufacturing use to which the plums and fresh prunes so transported under the permit were actually put by the purchaser of the plums and fresh prunes.

Article 2. Standards

49571. Plums and fresh prunes shall be mature, but not overripe, and shall be free from any of the following defects:

(a) Insect injury which has penetrated or damaged the flesh.

(b) Unsealed skin breaks or cuts, mold, brown rot, or decay.

(c) Serious damage which is due to bruises, growth cracks, sunburn, hail, doubles, insects, internal growth cracks, cavities, gum spots, or other causes.

49572. Damage to any one plum or fresh prune is serious if it is caused by any of the following:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn which affects the flesh.

(d) Hail which results in one or more depressions over three-sixteenths of an inch in depth or which affects more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, if one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury if 15 percent or more of the surface of the plum or fresh prune is affected or which causes one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.

(g) Internal growth cracks, cavities, or gum spots if they cause the plum to be seriously malformed.

49573. Not more than 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause. Individual containers in any lot may, however, contain not more than $1\frac{1}{2}$ times the tolerances which are specified if the percentage of defects of the entire lot averages within the tolerances.

49574. An additional tolerance of 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot shall be permitted for plums or fresh prunes damaged by hail, if:

(a) In the case of plums or fresh prunes which have a minimum diameter of $1\frac{7}{16}$ inches or larger, the hail damage on each individual plum or fresh prune, permitted in such additional tolerance, does not exceed a depth which is three-sixteenths of the minimum diameter of the plum or fresh prune, or an aggregate surface area with a diameter equal to one-half of the minimum diameter of the plum or fresh prune.

(b) In the case of plums or fresh prunes which have a minimum diameter of less than $1\frac{7}{16}$ inches, the hail damage on each individual plum or fresh prune, permitted in such additional tolerance, does not exceed a depth of one-quarter of an inch or an aggregate surface area of eleven-sixteenths of an inch in diameter.

(c) The containers in which such plums or fresh prunes are placed or packed are plainly and conspicuously marked, on the outside end of each container on which appears the other required markings, in letters not less than one-half of an inch in height, with the words "Hail Marked" or, if in bulk lots, they are conspicuously placarded "Hail Marked."

Article 3. Packing Requirements

49601. Plums and fresh prunes shall be in standard container number 5, 9C, 10A, 12A, 12B, 22B, or 22D.

49602. The depth dimension of containers which are designated for plums and fresh prunes shall include the measurement of the specified depth of any cleats used, if any are used.

49603. Plums and fresh prunes shall not vary in size between the fruits. in any one container, more than one-fourth of an inch in diameter if measured through the widest portion of cross section of the fruit.

49604. If plums or fresh prunes are packed in standard container number 9C, the bottom layer or layers may contain a fewer number of plums or fresh prunes than in the top layer if both of the following requirements are complied with:

(a) The plums or fresh prunes in each such bottom layer are placed so that they are not compact within the layer.

(b) All of the plums or fresh prunes in the container are uniform in size as required in Section 49603.

49605. If the numerical description is used to designate the contents of a container, the plums or fresh prunes in the container shall conform to the minimum diameter requirements for the numerical description marked on the container.

49606. If the actual count is used to designate the contents of the container, a variation of four plums or fresh prunes more or less than the number which is stated shall be allowed.

Article 4. Markings on Containers

49641. As used in this article:

(a) "Minimum diameter" means the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line that is drawn from the stem end to the distal end of the fruit.

(b) "Numerical description" means the numerical arrangement which the plums and fresh prunes would pack in the top layer of a basket if packed in the standard four-basket crate.

(c) "Row count" means the number of rows of plums or fresh prunes which are packed laterally across the end of the container.

(d) "Row size" means that number of plums or fresh prunes, representative of the variations in size of the plums in the container, which would tightly pack laterally across the side of a tray which is used to hold the top layer, which distance shall not be less than 12 inches or the number of plums or fresh prunes whose aggregate width will equal 12 inches. The row size measurements of plums or fresh prunes shall be established with the stem end downward and utilizing the widest portion of cross section at a right angle to a straight line drawn from stem end to the distal end of the fruit.

49642. Every container of plums or fresh prunes, shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that authorized the packing of the plums or fresh prunes or the name under which such person is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of plums or fresh prunes, if known, or if not known, the words "unknown variety."

(d) Except as otherwise provided in Section 49645, a designation which indicates the size of the plums or fresh prunes in the container.

49643. The following designations shall be used to indicate the size of the plums or fresh prunes in a container:

(a) If they are packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets.

(b) If they are wrapped and packed throughout in a straight side container, the count; or if they are packed without wrappers, in molded forms, cups, or similar packing devices, the count.

(c) If they are packed without wrappers throughout the container, or by the "face and fill" method, in any container, except the four-basket crate or the "round stave" basket, the "row count" directly followed by the word "row," "rows," or the letter "R" all in like size type, or the numerical description.

(d) If they are loose in any closed container except the "round stave" basket, the numerical description.

49644. The designations of the numerical descriptions of the plums or fresh prunes in a container shall indicate the minimum diameters of the fruit as follows:

(a) "4 x 4 size" means $1\frac{11}{16}$ inches minimum diameter.

(b) "4 x 5 size" means $1\frac{9}{16}$ inches minimum diameter.

(c) "5 x 5 size" means $1\frac{7}{16}$ inches minimum diameter.

(d) "5 x 6 size" means $1\frac{5}{16}$ inches minimum diameter.

(e) "6 x 6 size" means $1\frac{3}{16}$ inches minimum diameter.

(f) Other sizes, larger or smaller than the numerical descriptions which are defined in this section, shall have proportionate minimum diameter requirements.

49645. In lieu of the size designations which are required by Section 49642 to be marked on containers of plums or fresh prunes, standard container number 9C may be marked with the row size of the plums or fresh prunes in the container followed by the term "row size," all in like-size type.

CHAPTER 31. POMEGRANATES

Article 1. Standards

49751. Pomegranates shall be mature and free from any of the following defects:

(a) Rot and decay.

(b) Serious damage which is due to sunburn, growth cracks, cuts or bruises, or other causes.

49752. Damage to any one pomegranate, except damage caused by sunburn, is not serious unless it causes a waste of 10 percent, by weight, of the fruit. Damage caused by sunburn is not serious unless 20 percent of the seed arils of the fruit fail to show the characteristic reddish color of normal matured fruit.

49753. Not more than 10 percent, by count, of the pomegranates in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

49754. Pomegranates shall not be considered mature unless both of the following requirements are satisfied:

(a) The juice from a composite sample of at least 10 percent of the fruit in any container contains not to exceed 1.85 percent of acid.

(b) The juice is at least as dark in color as the shade of red shown by the Lovibond tintometer scale, red 20 plus yellow 1, which is measured in a $\frac{1}{4}$-inch cell

No lot of pomegranates shall, however, be considered as failing to meet the maturity requirements of this section because the sample from one container fails to meet the required test.

Article 2. Packing Requirements

49801. Packed pomegranates shall not vary in any one container more than one-half of an inch in diameter, when measured through the widest portion of the cross section.

49802. Every container of pomegranates shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the pomegranates, or the name under which such packer is engaged in business, together with sufficiently explicit address to permit ready location of such packer.

(b) The name of the variety, if known, or if not known, the words "Unknown Variety".

(c) The count when packed.

CHAPTER 32. POTATOES

Article 1. Standards Generally

50001. As used in this article, "cuts" means that a portion of the potato has been removed by cutting, breaking, or mechanical injury or any other cause.

50002. Potatoes shall be free from any of the following defects:

(a) Mold, decay, soft and wet rots, black heart, and live insect larvae which have penetrated the flesh.

(b) Serious damage which is due to hollow heart, insect injury, freezing, sunscald, dry rots, scab, growth cracks, sunburn, greening, second growth, cuts, bruises, grass roots, nematodes, net necrosis, or other internal discoloration, or other causes.

50003. Damage to any one potato is not serious if it is caused by:

(a) Hollow heart, unless the cracks or cavities, singly or in combination, are greater in length or width than one-third of the diameter of the tuber which is measured at the widest portion of cross section, at a right angle to a straight line that is drawn from the stem end to the distal end of the tuber.

(b) Greening, unless the affected portion has at least a greenish tinge of color and causes a waste of 10 percent, by weight, of the individual potato. Light tan or cream colored flesh shall not be considered as damage.

(c) Net necrosis or other internal discoloration, unless the affected portion has dark brown or black areas in the flesh and causes a waste of 10 percent, by weight, of the individual potato.

(d) Insect injury, freezing, sunscald, dry rots, scab, growth cracks, sunburn, second growth, bruises, grass roots, nematodes, or other causes unless such defects cause a waste of 10 percent, by weight, of the individual potato.

50004. Damage to any one potato is not serious if it is caused by cuts unless the potato is within any of the following classes:

(a) In the case of long varieties, both ends of the potato have been removed.

(b) More than one-fourth of any portion of the potato has been removed, as indicated by the contour of the remaining portion of the potato.

(c) In the case of long varieties, one end is removed and the remaining portion of the potato weighs less than six ounces.

(d) In the case of long varieties, the cuts are on the sides and the total length of any one such cut is more than one-half the length of the potato.

50005. Not more than 5 percent, by weight, of the potatoes in any one container or bulk lot may contain internal defects, including those which are caused by hollow heart, net necrosis, or any other type of necrosis, stem end browning, internal brown spots, or other similar types of discoloration not visible externally, but excluding black heart.

50006. Not more than 6 percent, by weight, of the potatoes in any one container or bulk lot may be below the other requirements which are prescribed by this article, including freedom from black heart, but not to exceed one-sixth of this tolerance shall be allowed for soft or wet rots.

50007. The tolerances which are prescribed by Sections 50005 and 50006 are on a container basis. Individual containers in any lot may, however, with respect to the 6 percent tolerance and the 5 percent tolerance, separately, contain not more than double the tolerance which is specified if the averages for the entire lot based on sample inspection are within the tolerances specified, except that:

(a) In case of potatoes which are affected by soft rot or wet breakdown, not more than one-tenth of the containers may contain not more than four times the tolerance specified.

(b) At least one defective specimen shall be permitted in a container.

Article 2. Potatoes for Seed Purposes

50031. Potatoes for seed purposes, unless certified pursuant to Chapter 3 (commencing with Section 52651), Division 18 of this code, shall comply with all of the requirements of this division which relate to potatoes.

50032. Potatoes for use within this state for seed purposes, that fail to conform to the standards which are prescribed by Article 1 (commencing with Section 50001) of this chapter only by reason of serious damage which is due to greening and green ends, are as to such damage exempt from such standard if they are conspicuously marked and identified for seed purposes, or if they bear a notice which is accompanied by an order which directs the disposition of the potatoes for seed purposes only.

50033. The notice and order shall have the same force and effect as the warning notice and disposal order provided in Section 42881, and shall be subject to all the provisions of this division which relate to the warning notice and disposal order.

Article 3. California Standard Grade Potatoes

50061. A "California Standard" grade of potatoes is hereby established. A container of potatoes may not be so labeled unless the potatoes which are contained in the container meet the requirements which are prescribed by this article. Such potatoes shall meet the requirements for U.S. No. 1 grade

which is established for potatoes by the United States Department of Agriculture, except that they need only be free from serious damage by dirt, as defined in the U.S. grades for potatoes, but the tolerances for defects which are specified in Sections 50064 and 50065 shall be allowed.

50062. The diameter of each potato shall be not less than 1⅞ inches unless the container in which the potato is packed is clearly and conspicuously marked near the term "California Standard," or other terms for such grade which are permitted by this article, with one of the size classifications or methods of indicating size which are designated in the U.S. grades for potatoes and the potatoes in the container conform with such size as marked.

50063. Containers of potatoes which are not marked as to size and required to be 1⅞ inches in diameter, and those which are marked with one of the size classifications or methods of indicating size which are designated in the U.S. grades for potatoes, shall be subject to the tolerances as to size as set forth in the U.S. grades for potatoes.

50064. Except as to tolerances for size and sprouting, 15 percent of the potatoes in any lot may be below the requirements which are prescribed by this article, but not more than 5 percent may be seriously damaged by hollow heart and internal discoloration as defined in the U.S. grades for "serious damage" due to these two causes. Not more than 6 percent may fail to meet the remaining requirements of the U.S. No. 2 grade, but not more than one-half of this amount (3 percent) may be affected by southern bacterial wilt, ring rot, or late blight, including not more than 1 percent for frost, soft rot, or wet breakdown.

The tolerances for the standards are on a container basis. Individual packages in any lot may, however, vary from the specified tolerances in the amounts indicated in the U.S. standards for potatoes relating to lot tolerances if the averages for the entire lot, based on sample inspection, are within the tolerances which are specified in this section.

50065. In addition, not more than 10 percent of such potatoes may have sprouts over three-fourths of an inch long if the potatoes are free from serious damage by shriveling as defined in the U.S. grades for potatoes, except that if the 15 percent tolerance which is specified in Section 50064 is not used entirely for other defects, the unused portion of the tolerance may be used for potatoes which have sprouts over three-fourths of an inch long but which are not damaged seriously by shriveling.

50066. "California Standard" potatoes may also be labeled or designated as "Standard" or "Calif. Standard" and if so labeled shall meet the requirements of this article.

Article 4. Markings on Containers

50091. Containers of potatoes shall not bear any marking, brand, or designation of quality such as "extra selected," "selected," "select," "extra fancy," "fancy," "choice," "No. 1," or other similar superlative designations which imply a reasonably high quality, unless the contents of the container conform at least to the requirements of the U.S. No. 1 grade which is established for potatoes by the United States Department of Agriculture.

Chapter 33. Quinces

Article 1. Standards

50201. Quinces shall be mature, but not overripe, and shall be free from any of the following defects:

(a) Insect injury which has penetrated or damaged the flesh.

(b) Mold and decay.

(c) Serious damage which is due to cuts or skin breaks, bruises, cracks, scab, disease, hail, or other causes. Damage to any one quince is not serious unless it causes a waste of 10 percent, by weight, of the individual quince.

50202. Not more than 10 percent, by count, of the quinces in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Article 2. Packing Requirements

50231. Packed quinces shall not vary in size in any one container more than one-half of an inch in diameter if they are measured through the widest portion of the cross section of the quinces.

Chapter 34. Sweet Potatoes

Article 1. General Provisions

50351. The director may adopt such regulations as are reasonably necessary to implement the provisions of Article 2 (commencing with Section 50381) of this chapter and to establish grades and grade marking requirements for sweet potatoes.

50352. In adopting regulations which establish grades for sweet potatoes, the director shall take into consideration the quality, size, and other specifications of the grades for sweet potatoes which are promulgated by the United States Department of Agriculture.

Article 2. Standards

50381. Sweet potatoes shall be free from any of the following defects:

(a) Mold, decay, and soft and wet rots.

(b) Serious damage which is due to a corky condition in the flesh, insect injury, bruises, growth cracks, or other disease, freezing, grass roots, or other causes. Damage to any one sweet potato is not serious unless it causes a waste of 10 percent, by weight, of the individual potato.

50382. Not more than 10 percent, by weight, of the sweet potatoes in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause and not to exceed 2 percent shall be allowed for sweet potatoes affected by soft and wet rots.

Article 3. Standard Containers and Packs

50411. The standard containers and packs for sweet potatoes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in this article.

50412. The standard containers for sweet potatoes are standard containers numbers 27, 47, 48, 48A, 48B, and 50A.

Article 4. Packing Requirements

50431. All sweet potatoes which are in containers that are closed shall be in standard container number 27, 47, 48, 48A, 48B, or 50A. The container requirements of this section do not apply to sweet potatoes that are in containers which are not closed or in sacks.

Article 5. Markings on Containers

50451. Every container of sweet potatoes, except a consumer size unit which holds 10 pounds or less, shall bear upon it in plain sight and in plain letters on one outside end if it is a box, lug, or carton, or either on one side or the top cover if it is a basket or other similar container, the name of the person that first packed or authorized the packing of the sweet potatoes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

50452. It is unlawful for any person to label any containers of sweet potatoes with any one of the designations of grade which is established by the director unless the sweet potatoes which are contained in such container meet all of the requirements of the grade as marked.

CHAPTER 35. TOMATOES

Article 1. Standards

50601. Tomatoes shall be mature, but not overripe, and shall be free from any of the following defects:

(a) Pinworm damage which has penetrated beyond the tissue making up the base of the core of the tomato, other insect injury which has penetrated or damaged the flesh, and mold, decay, and wet or soft rots.

(b) Serious damage due to freezing, blossom end rot, mosaic, alkali spot, sunscald, bruises, catfaces, growth cracks, or other causes. Damage to any one tomato is not serious unless it causes a waste of 10 percent, by weight, of the individual tomato.

50602. Not more than 10 percent, by weight, of the tomatoes in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Article 2. Standard Container and Pack

50631. The standard container and pack for tomatoes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in this article.

50632. The standard container for tomatoes is standard container number 27.

Article 3. Packing Requirements

50651. All tomatoes, except tomatoes which are green and wrapped or tomatoes which are vine-ripened, shall be in standard container number 22C, 53, 54, 55, 56, or 57. Tomatoes which are green and wrapped or tomatoes which are vine-ripened may be in other size containers.

50652. Packed tomatoes shall not vary in size, in any one container, more than one-half of an inch in diameter if they are measured through the widest portion of cross section of the tomatoes.

50653. Except as otherwise provided in Section 50654 or 50655, if tomatoes are packed in containers which have straight sides, each layer shall consist of the same number of tomatoes except as follows:

(a) If the tomatoes in any layer, except the top layer, are placed on edge and the tomatoes in the top layer are placed flat, the top layer may consist of one row less in width than such other layer.

(b) If the tomatoes are packed in standard container number 27 with wide cleats on each end which extend one-half of an inch or more over the inside edge of the end piece, and such cleats interfere with the packing of the top layer, the top layer may consist of one row less in length than any other layer.

In no case, however, may the count of any other layer be less than the top layer.

50654. Tomatoes which are packed by the double-wrap method, which means that all of the tomatoes in a container, except in the top layer, are packed with two tomatoes in each individual wrapper, need not conform with the requirements of this article as to the arrangement of the individual tomatoes in the container or the count of tomatoes in layers or in the containers if all of the following requirements are satisfied:

(a) The tomatoes are fairly tightly packed and do not vary in size in any one container or layer, more than three-eighths of an inch in diameter if they are measured through the widest portion of cross section of the tomatoes.

(b) Each container is marked in plain sight and in plain letters on the outside end of the container which bears other markings which are required by this chapter with the numerical description of the pack in the top layer followed by the term "double-wrapped" or "double-wrap," all in figures and letters which are at least three-eighths of an inch in height.

50655. Tomatoes which are packed in any container that has straight sides need not conform with the requirements of this article which relate to the count of tomatoes in the various layers if each of the layers, except the top layer, is packed by the "offset" or diagonal arrangement method. There shall, however, be approximately the same numerical count in each layer.

50656. In the case of wrapped and packed tomatoes, a "bridge" of a number of tomatoes which consists of less than a complete layer packed between any two layers in any container shall be permitted if the container is marked as provided in Section 50682.

Article 4. Markings on Containers

50681. Every container of tomatoes shall bear upon it in plain sight and in plain letters, all of the following information:

(a) On one outside end, side, or top, the name of the person that authorized the packing of the tomatoes together with a sufficiently explicit address to permit ready location of such person.

(b) On one outside end, if wrapped and packed, a numerical description of the pack in the top layer.

50682. If a bridge pack is used, the designation "bridge pack" shall be imprinted in plain letters one inch in height and in plain sight on the lid of the container, unless the tomatoes are packed by the double-wrap method.

CHAPTER 36. WALNUTS

Article 1. Exceptions

50801. Notwithstanding any provision of this chapter, walnuts which fail to comply with the size, quality, or marking requirements of this chapter may be transported to an adjoining state from the orchard or field where they were produced, or from a packing plant which does not have proper or adequate facilities for processing, grading, packing, or reconditioning such walnuts, if both of the following requirements are complied with:

(a) They are transported under a permit which is issued pursuant to this chapter.

(b) The permit is attached to each load or lot so transported.

50802. A permit may be issued by the commissioner of the county from which the walnuts are to be transported if such commissioner has satisfactory verification by a like officer of the state of destination that the walnuts are to be transported to a purchaser for processing, grading, packing, or reconditioning on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the processing, grading, packing, or reconditioning use to which the walnuts transported under the permit were actually put by the purchaser of the walnuts.

Article 2. Standards

50831. Unshelled walnuts shall be well dried to the extent that the kernels in not less than 90 percent, by count, of the walnuts, based on the examination of a representative sample of any one lot, are firm and crisp.

50832. Walnuts shall contain not less than 90 percent, by count, based on examination of a representative sample of any one lot, of walnuts free from the following defects:

(a) Blanks (walnuts without kernels).

(b) Walnuts which contain insects, insect excreta, or webbing or which show damage to kernel by insects.

(c) Rancid kernels.

(d) Kernels which are affected by green or yellow mold.

(e) Kernels which are affected by white or gray mold which covers 25 percent or more of the entire surface of the kernel.

(f) Kernels which are affected by shriveling to the extent that 50 percent or more of the entire kernel is unpalatable or inedible.

50833. Walnuts shall contain not less than 90 percent, by count, based on a representative sample of any one lot of walnuts free from the following external defects:

(a) Shells with adhering hull.

(b) Shells which show perforations which affect more than one-eighth of the surface.

Article 3. Packing Requirements

50861. Walnuts which are in containers that are marked "mammoth" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening which is $^{9}/_{64}$ inches in diameter.

50862. Walnuts which are in containers that are marked "jumbo" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening which is $^{8}/_{64}$ inches in diameter.

50863. Walnuts which are in containers that are marked "large" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, except a lot of walnuts of the Eureka variety and type, pass through a round opening which is $^{7}/_{64}$ inches in diameter. In the case of walnuts of the Eureka variety and type, the round opening shall be $^{7}/_{64}$ inches in diameter.

50864. Walnuts which are in containers that are marked "medium" size or "standard size" shall be of such size that not over 12 percent by count, of a representative sample of any one lot, pass through a round opening which is $^{7}/_{64}$ inches in diameter.

50865. Walnuts which are in containers that are marked "baby" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, shall pass through a round opening which is $^{6}/_{64}$ of an inch in diameter.

Article 4. Markings on Containers

50891. Every container and subcontainer of walnuts shall bear upon it in plain sight and in plain letters the name of the state or foreign country where the walnuts were produced and the size of the walnuts which are contained in it, in accordance with the size specifications defined in Article 3 (commencing with Section 50861) of this chapter. In the case of any container or subcontainer which has a content of more than one pound net weight, such markings shall be in letters which are not less than one-twentieth the height of the filled container or subcontainer. In the case of any container or subcontainer which has a content of one pound or less net weight, such

markings shall be in letters which are not less than one-fourth of an inch in height.

DIVISION 18. FIELD CROPS, SEEDS, SEED POTATOES, ONE-VARIETY COTTON DISTRICTS, AND NURSERY STOCK GRADES AND STANDARDS

CHAPTER 1. FIELD CROPS

Article 1. Definitions and General Provisions

52001. As used in this chapter, "field crop products" includes grain crops, dry bean crops, seeds, forage crops, fiber crops, and other field crops and the manufactured products and byproducts of such field crops.

52002. The director shall do all of the following:

(a) Establish, by regulation, uniform standards for field crop products which shall conform as closely as possible to those which are established by the Secretary of the United States Department of Agriculture.

(b) Establish inspection districts within the state. If such a district is established, inspection service may be rendered in it in accordance with regulations which are adopted by the director.

(c) Establish, upon request, inspection stations at warehouses, docks, or industrial plants, which are within or without an established inspection district. The director may make special regulations which are applicable to each specific inspection station and the conditions under which it shall be established and maintained.

(d) Provide through the regularly established inspection district and stations, sampling, grading, inspection, and certification service for field crop products within the state or which are shipped into or through the state.

(e) Issue certificates as to quality and condition of field crop or other agricultural products in accordance with standards which are established pursuant to this chapter, or any other standards which may be fixed by trade or contract and which do not conflict with official standards.

(f) Adopt regulations for sampling, grading, inspection, and certification for the purposes of carrying out this chapter.

(g) Fix fees for sampling, grading, inspection, and certification of field crop products, which fees in the aggregate shall pay the cost of services necessary to perform such sampling, grading, inspection, and certification. The director may collect such fees in advance of performing the services, but is not required to do so if in his opinion the benefits of such services would be lessened by such advance payments

52003. The director may enter any place where field crop products are stored, shipped, or sold, for the purpose of carrying out the provisions of this chapter.

52004. The director may, for the purpose of inspection and examination, break the seals of cars and after such inspection has been made shall securely close and reseal such doors as were broken open using a special seal which is provided by the department for the purpose. A record of all original seals broken, the date when broken, a record of all seals which were substituted thereafter, and the date and number of such seals shall be made.

52005. Any railroad which delivers field crop products in cars at any place which is provided with inspection service pursuant to this chapter shall provide convenient and suitable sidetracks at such place as the director may designate, on which every car of field crop products which is delivered by them shall, upon arrival, be set and conveniently arranged for inspection, if such car of field crop products is to be inspected.

Article 2. Employees

52031. The director shall issue to each employee who is authorized to grade and inspect the products which are included under this chapter a certificate which shows such authority. The certificate shall be posted in a permanent and conspicuous place at the official station of such employee.

52032. The director shall require from each employee who is responsible for the sampling, grading, inspection, and certification of any product which is covered by this chapter a bond in an amount to be determined by the director. The costs of such bond shall be borne by the department.

Article 3. Inspection, Grading, and Certification

52061. The director shall inspect and grade upon request and certify to any interested party the quality and condition of any field crop or other agricultural product under such regulations as he may prescribe. Certificates which are issued by authorized agents of the director shall be received in the courts in the state as prima facie evidence of the truth of the statements which are contained in them.

Such inspection shall not be made or such certificates issued by any person not specifically authorized by the director in reference to any field crop product for which state standards have been established. Any person so authorized shall comply with the regulations adopted by the director relative to the certification of field crop products.

52062. The director may investigate and certify to shippers or other financially interested parties the grade, quality, and condition of barley. Such certificates shall be based upon the United States standards for barley and shall be prima facie evidence of the truth of the statements which are contained in them.

52063. Any person that is aggrieved by the grading by any authorized inspector of any of the products for which standards have been established pursuant to this chapter may appeal to the director in accordance with such regulations as he may establish. If the appeal pertains to a commodity which is moving in intrastate commerce but for which standards have been established under the provisions of a compulsory United States act, the appellant may, with the approval of the Secretary of the United States Department of Agriculture, appeal to the federal grain supervisor of the supervision district in which the product was located when it was inspected and certified.

Article 4. Disposition of Funds

52091. Any money which is received under this chapter shall be paid monthly into the State Treasury and placed to the credit of the Department of Agriculture Fund.

Chapter 2. California Seed Law

Article 1. Short Title and Definitions

52251. This chapter shall be known as the "California Seed Law."

52252. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

52253. "Advertisement" means representations, except those on the label, which are disseminated in any manner or by any means, that relate to seed which is subject to this chapter.

52254. "Agricultural seed" means the seed of any domesticated grass or cereal, and of any legume or other plant which is grown as turf, cover crop, forage crop, fiber crop, or field crop, and mixtures of such seeds. It does not, however, include any variety which is generally known and sold as flower seed or vegetable seed.

52255. "Labeling" means all labels, and other written, printed, or graphic representations, in any form whatsoever, which accompany and pertain to any seed whether the seed is in bulk or in containers, and it includes invoices.

52256. "Noxious weed" means any species of plant which is, or is liable to be, detrimental or destructive and difficult to control or eradicate. Noxious weeds are of two classes, primary noxious weeds and secondary noxious weeds, which are defined in Sections 52257 and 52258, respectively.

52257. "Primary noxious weeds" means perennial noxious weeds such as not only reproduce by seed, but also spread by underground roots or stems, and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practice. Exception is made for certain of such species which because of wide distribution in the state are classified in Section 52258 as secondary noxious weeds.

Primary noxious weeds include all of the following:

(a) Austrian fieldcrest (Rorippa austriaca).

(b) Blueweed (Helianthus ciliaris).

(c) Camelthorn (Alhagi camelorum).

(d) Canada thistle (Cirsium arvense).

(e) Horsenettle, meaning Carolina horsenettle (Solanum carolinense), and white horsenettle (Solanum elaeagnifolium).

(f) Leafy spurge (Euphorbia esula).

(g) Perennial gaura, meaning hairy gaura (Gaura villosa), scarlet gaura (Gaura coccinea), scented gaura (Gaura odorata), and wavy-leaf gaura (Gaura sinuata).

(h) Perennial peppercress (Lepidium latifolium).

(i) Perennial sowthistle (Sonchus arvensis).

(j) Quackgrass (Agropyron repens).

(k) Russian knapweed (Centaurea repens).

(*l*) Whitetop or hoary cress (Cardaria spp.), including heart-podded hoary cress (Cardaria draba), lens-podded hoary cress (Cardaria chalepensis), and globe-podded hoary cress (Cardaria pubescens).

(m) Any other species which the director, as provided in Section 52332, finds and declares to be a primary noxious weed.

52258. "Secondary noxious weeds" means all species of noxious weeds not classified as primary noxious weeds.

Secondary noxious weeds include all of the following:

(a) Alkali mallow (Sida hederacea).

(b) Dodder (Cuscuta spp.).

(c) Field bindweed (Convolvulus arvensis).

(d) Halogeton (Halogeton glomeratus).

(e) Italian thistle (Carduus pycnocephalus).

(f) Italian thistle (Carduus tenuiflorus).

(g) Johnson grass (Sorghum halepense) and other perennial Sorghum spp., including but not limited to Sorghum almum and perennial sweet Sudan grass.

(h) Klamath weed (Hypericum perforatum).

(i) Mediterranean sage (Salvia aethiopis).

(j) Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus).

(k) Poverty weed (Iva axillaris).

(*l*) Puncture vine (Tribulus terrestris).

(m) Sandbur grass (Cenchrus spp.).

(n) Yellow star thistle (Centaurea solstitialis)

(o) Any other species which the director, as provided in Section 52332, finds and declares to be a secondary noxious weed.

52259. "Vegetable seed" means the seed of any crop which is or may be grown in gardens or on truck farms and which is generally known and sold under the name of vegetable seed.

52260. "Weed seed" means any noxious weed seed, and any seed which is not included in the definitions of agricultural or vegetable seeds, if it occurs incidentally in agricultural or vegetable seed.

Article 2. General Provisions

52281. This chapter and the terms which are used in it shall be construed so as to conform insofar as possible with the construction which is placed upon the Federal Seed Act (7 U.S.C., Sec. 1551, et seq.) and regulations which are issued pursuant to that act, and to effectuate its purpose to make uniform the laws of the states adopting it.

52282. The director and, under the supervision and direction of the director, the commissioner of each county and such of the commissioner's deputies and inspectors as the director has found to be duly qualified as seed inspectors, shall enforce this chapter and carry out its provisions and requirements.

52283. The director may cooperate with the United States Department of Agriculture and other agencies in the enforcement of this chapter.

52284. The director may issue such orders, circulars, and announcements as he may deem necessary to further the purposes of this chapter.

52285. If the director or the commissioner finds that any person has violated any provision of this chapter, he may institute proceedings in the court of competent jurisdiction in the area in which the violation occurred, to have such person convicted of the violation, or he may file with the district attorney with the view of prosecution such evidence as may be deemed necessary.

52286. The director shall maintain a properly equipped laboratory for examining and testing seeds.

52287. All primary and secondary noxious weeds which are enumerated in this chapter or in any regulation which is adopted by the director pursuant to this chapter are hereby recognized as noxious within the meaning of the Federal Seed Act (7 U.S.C., Sec. 1551, et seq.).

Article 3. Exceptions

52311. A person is not subject to the penalties which are prescribed by this chapter in any of the following cases:

(a) For selling in this state any agricultural or vegetable seed which is incorrectly labeled or represented as to kind, variety, or type, which seed cannot be identified by examination of it, unless he has failed to obtain an invoice or grower's declaration which gives the commonly accepted name of the kind, kind and variety, or kind and type, and to take such other precautions as may be necessary to insure the identity to be that which is stated.

(b) As to any matter which is required by Article 8 (commencing with Section 52451) of this chapter, for selling such seed in original unopened sealed packages which are fully labeled by another dealer, unless he has failed to have such seed retested and relabeled as to the percentage of germination

within the period which is prescribed by Section 52481, or unless he has failed to correct the label after notice that such label has been found to be incorrect.

(c) For shipping, delivering, transporting, or selling within this state any agricultural or vegetable seed which has a false labeling as to percentage of germination or hard seeds, unless he has first been given an opportunity by the director to appear at a hearing to introduce evidence, either in person or by agent or attorney, and unless the director, after such hearing, or upon failure or refusal of such person to appear, finds that such person has failed to show that, at the time which is stated on the label, a sample representative of the lot of seed was tested by a competent seed analyst in accordance with the methods prescribed pursuant to this chapter and found to germinate as represented on the label This exemption does not, however, relieve any person from the obligation, upon order of an enforcement official, to stop further sale of any seed which is found to be incorrectly labeled as to germination, nor does it exempt such seed from seizure pur suant to this chapter.

Article 4. Regulations

52331. The director, by regulations, shall do all of the following:

(a) Adopt germination standards for vegetable seed.

(b) Adopt tolerances to be applied in all enforcement procedure required by this chapter.

(c) Prescribe methods of procedure in the examination of lots of any agricultural or vegetable seed, and in securing samples of such lots.

(d) Establish a reasonable schedule of fees for tests, examinations, and services except those which are required for enforcement or for quarantine purposes, which schedule shall be based upon the approximate cost of the service rendered. The director may, however, provide for the examination of seeds for identification purposes without charge.

(e) Adopt such other regulations as will assist in carrying out the purposes of this chapter.

Every standard or tolerance which is adopted pursuant to this chapter shall be as nearly as practicable like that which is established under the Federal Seed Act (7 U.S.C., Sec. 1551, et seq).

52332. The director may, by regulation, adopt all of the following:

(a) A list of the plants and crops which he finds are or may be grown in this state from agricultural or vegetable seed.

(b) A list of the plants and crops which he finds are detrimental to agriculture if they occur incidentally in other crops, and which, therefore, are classed as weed seed except if sold alone or as a specific constituent of a definite seed mixture

(c) A list of noxious weeds which he finds are primary noxious weeds, as defined in this chapter.

(d) A list of those noxious weeds which are not classified as primary noxious weeds, and which, therefore, are classed by this chapter as secondary noxious weeds.

(e) A list of seed-certifying agencies which he finds qualified to certify as to the variety, purity, quality, or other matter of agricultural or vegetable seed. The director shall consult with the director of the University of California Agricultural Experiment Station before approving the qualifications of any agency to certify as to variety, type, strain, or other genetic character of agricultural or vegetable seed.

(f) A list of substances, which are likely to be used for treating grain or other crop seed, that he finds and determines are toxic to human beings or animals if so used, together with an appropriate warning or caution statement for each such substance.

Article 5. Powers of Enforcing Officers

52361. The director, each commissioner, and each of the commissioner's deputies and inspectors as the director has found to be duly qualified as a seed inspector, shall sample and inspect any agricultural or vegetable seed which is subject to this chapter at such time and place and to such extent as he may deem necessary to determine whether such agricultural or vegetable seed is in compliance with the provisions of this chapter, and notify promptly the person that is in possession or control of the seed of any violation.

52362. For the purpose of carrying out the provisions of this chapter, any officer who is required to enforce this chapter may enter upon any public or private premises during regular business hours in order to have access to any seed which is subject to this chapter and the regulations which are adopted pursuant to it.

52363. Any sample which is taken by an enforcement officer in accordance with the regulations which are adopted pursuant to this chapter for the taking of official samples is prima facie evidence, in any court in this state, of the true condition of the entire lot from which the sample was taken. A written report which is issued by the State Seed Laboratory that shows the analysis of any such sample is prima facie evidence, in any court in this state, of the true analysis of the entire lot from which the sample was taken.

Article 6. Stop-Sale Orders

52391. The director or the commissioner and such of his deputies and inspectors as are found by the director to be duly qualified as seed inspectors, as enforcing officers of this chapter, may issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural or

vegetable seed which he finds is in violation of any provision of this chapter, which shall prohibit further sale of such seed until the officer has evidence that the law has been complied with. Upon compliance, such order shall be removed.

52392. It is unlawful for any person to move or otherwise dispose of any lot of seed which is held under a "stop-sale" order except under written permission of an enforcing officer or under his specific direction and for the purposes which are specified.

52393. The owner or custodian of seed which is held under a "stop-sale" order shall, upon demand, have the right to a hearing before the director or the commissioner as to the justification of any such order, and may appeal to the director from any order of the commissioner made under the provisions of this article.

52394. This article does not limit the right of the enforcement officer to proceed as authorized by other sections of this chapter.

52395. Any decision of the director pursuant to this article is subject to review by any court of competent jurisdiction.

Article 7. Services

52421. The director and the commissioner of each county acting under the supervision of the director may do all of the following:

(a) Cooperate with seed-certifying agencies which are officially recognized under the provisions of this chapter.

(b) Supervise the harvesting, cleaning, and packaging of any seed which is eligible for certification, and the affixing of legal certificates to it.

(c) Examine, sample and test such seeds.

(d) Perform such other services as may be necessary to maintain the identity and quality of certified seed.

52422. The director shall, or any commissioner with the approval of the director may, establish a reasonable schedule of fees for the services which they are authorized to perform, based upon the approximate cost of the services. Upon the request of a recognized seed certifying agency, the director, through his agents or through the commissioners, may perform the services authorized by this article. The fees for services performed by a commissioner shall be transmitted to the commissioner for such disposition as may be directed by the board of supervisors. Fees for services which are performed by the director shall be paid into the Department of Agriculture Fund.

Article 8. Labeling of Seeds

52451. This article does not apply to any of the following:

(a) Seed or grain which is not intended for sowing purposes.

(b) Seed which is in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing.

(c) Seed or grain which is transported without transfer of title for sowing on land which is owned by the person by whom the seed or grain was produced.

(d) Seed which is weighed and packaged in the presence of the purchaser from a bulk container, if such container is properly and conspicuously labeled as provided by this chapter.

(e) Seed or grain which is transported from one warehouse to another without transfer of title or in storage in a warehouse, if each container is plainly marked or identified with a lot number or other lot identification and the label information which is required by this article is available at the request of an enforcing officer.

52452. Except as otherwise provided in Section 52454, each container of agricultural seed which is for sale or sold within this state for sowing purposes, unless the sale is an occasional sale of seed grain by the producer of the seed grain to his neighbor for use by the purchaser within the county of production, shall bear upon it or have attached to it in a conspicuous place a plainly written or printed label or tag in the English language, which gives all of the following information:

(a) Commonly accepted name of the kind, kind and variety, or kind and type of each agricultural seed component in excess of 5 percent of the whole, and the percentage by weight of each. If the aggregate of agricultural seed components, each present in an amount not exceeding 5 percent of the whole, exceeds 10 percent of the whole, each component in excess of 1 percent of the whole shall be named together with the percentage by weight of each. If more than one component is required to be named, the names of all components shall be shown in letters of the same type and size.

(b) Lot number or other lot identification.

(c) Percentage by weight of all weed seeds.

(d) The name and approximate number of each kind of secondary noxious weed seed per pound.

(e) Percentage by weight of any agricultural seed except that which is required to be named on the label.

(f) Percentage by weight of inert matter. If a percentage by weight is required to be shown by any provision of this section such percentage shall be exclusive of any substance which is added to the seed as a coating and shown on the label as such.

(g) For each agricultural seed, in excess of 5 percent of the whole, stated in accordance with subdivision (a) of this section, the percentage of germination, exclusive of hard seed; the percentage of hard seed, if present; and the calendar month and year the test was completed to determine such percentages. Following the statement of such percentages, the ad-

ditional statement "total germination and hard seed" may be stated as such, if desired.

(h) Name and address of the person that labeled the seed, or of the person that sells the seed within this state.

All determinations of noxious weed seeds are subject to tolerances and methods of determination which are prescribed in the regulations which are adopted pursuant to this chapter.

52453. Except as otherwise provided in Section 52454, each container of vegetable seed which is for sale or sold within this state for sowing purposes shall bear upon it, or have attached to it, in a conspicuous place a plainly written or printed label or tag in the English language, which gives all of the following information:

(a) Name of kind and variety of seed.

(b) For any seed which germinates less than the standard last established by the director under this chapter, the percentage of germination, exclusive of hard seed; the percentage of hard seed, if present; the calendar month and year the test was completed to determine such percentages; and the words "Below Standard" in not less than eight-point type.

(c) Name and address of the person that labeled the seed, or of the person that sells the seed within this state.

(d) In addition to the information required above, on each container of more than one-half pound the label shall include both the lot number or other lot identification and the calendar month and year the germination test was completed.

52454. Any lot of more than one container of seed which is transported to a dealer for resale, or any lot of more than five containers of seed which is sold to a consumer, is exempt from the requirements which are prescribed by Section 52452 or 52453 if both of the following requirements are complied with:

(a) Each container is plainly marked or identified with a lot number or other lot identification.

(b) The invoice and one or more of the containers bears the tag or label which is required by such sections.

Article 9. Violations

52481. Except as otherwise provided in Section 52486, it is unlawful for any person to ship, deliver, transport, or sell any agricultural or vegetable seed within this state, other than the seed which is described in Section 52451, unless the test to determine the percentage of germination which is required by Article 8 (commencing with Section 52451) of this chapter has been completed within the following period, exclusive of the calendar month in which the test is completed, immediately prior to shipment, delivery, transportation, or sale:

(a) In the case of any agricultural or vegetable seed which is shipped, delivered, transported, or sold to a dealer for resale, eight months.

(b) In the case of any agricultural or vegetable seed which is sold at retail, 15 months.

(c) In the case of any agricultural or vegetable seed which is packaged under conditions which the director finds and determines will prolong the viability of such seed, the director may designate, in regulations which are adopted pursuant to this chapter, a longer period than otherwise specified in this section, and may require such additional labeling as may be necessary to maintain identification of such seed which is packaged under such conditions

52482. Except as otherwise provided in Section 52486, it is unlawful for any person to ship, deliver, transport, or sell any agricultural or vegetable seed within this state which is within any of the following classes

(a) Is not labeled in accordance with the provisions of this chapter. This subdivision does not, however, apply to any seed which is described in Section 52451.

(b) Contains primary noxious weed seed, subject to tolerances and methods of determination prescribed in the regulations which are adopted pursuant to this chapter. This subdivision does not, however, apply to any of the seed which is described in subdivisions (a) or (b) of Section 52451.

(c) Has a false or misleading labeling, or pertaining to which there has been a false or misleading advertisement

(d) Is represented to be certified seed or registered seed, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency which is officially recognized under the provisions of this chapter, if produced in this state, or under the provisions of the Federal Seed Act (7 U.S.C., Sec 1551, et seq) and rules and regulations which are adopted pursuant to such act, if produced outside of this state

(e) Contains more than 1½ percent by weight of all weed seeds. This subdivision does not, however, apply to any seed which is described in subdivision (a), (b), or (c) of Section 52451.

52483 It is unlawful for any person to do any of the following:

(a) Detach, alter, deface, or destroy any label, warning tag, or notice which is provided for in this chapter or in the regulations which are adopted pursuant to it, or alter or substitute seed, in a manner that may defeat the purposes of this chapter

(b) Disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means

(c) Hinder or obstruct in any way any authorized person in the performance of his duties under this chapter.

(d) Fail to comply with a "stop-sale" order

52484. Except as otherwise provided in Section 52486, it is unlawful for any person to ship, deliver, transport, or sell

grain or other crop seed which is treated after harvest with any substance that is likely to be poisonous or toxic to human beings or animals unless there is conspicuously shown on the analysis tag or label, or on a separate tag or label attached to each container, or plainly stenciled upon each container, the words "treated seed" or other appropriate warning, together with the common name of the substance. In addition, if the substance is highly toxic as determined by the regulations of the director, the word "poison" and any other warning or caution statement which is required by such regulations shall also be shown in the manner and place which is prescribed by such regulations.

52485. Except as otherwise provided in Section 52486, it is unlawful for any person to sell or divert for use or for processing, either for human or animal consumption, any grain or other crop seed which is treated after harvest with any substance that is likely to be poisonous or toxic to human beings or animals, unless there is an established state or federal pesticide residue tolerance for such poisonous or toxic substance on the specific grain or crop seed, and such pesticide residue tolerance is not exceeded.

52486. Sections 52481, 52482, 52484, and 52485 of this article do not apply to any common carrier in respect to any seed which is transported or delivered for transportation in the ordinary course of its business as a carrier if such carrier is not engaged in processing or merchandising seed which is subject to the provisions of this chapter.

52487. A violation of this chapter for having shipped, delivered, transported, or sold agricultural or vegetable seed which has a false or misleading labeling shall be construed to have been committed at the time of discovery of such violation, and a complaint charging such violation shall be filed within one year from the time of such discovery. No complaint which charges such a violation shall, however, be filed after two years from the date of sale.

Article 10. Abatement

52511. Any lot of agricultural or vegetable seed which does not comply with this chapter is a public nuisance and is subject to seizure on complaint of the director or the commissioner or any enforcing officer of this chapter to a court of competent jurisdiction in the area in which the seed is located.

52512. The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner or any enforcing officer of this chapter, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance. Upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, denatured, or otherwise processed, or released

upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

52513. If the owner fails to comply with the order of the court within the time which is specified in the order, the court may order disposal of the seed and containers, or their sale, under such terms and conditions as the court may prescribe, by the director or the commissioner or any enforcing officer of this chapter, or by the sheriff, marshal, or constable. If the court orders the sale of any of the seed and containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

52514. In actions arising pursuant to this article, the following courts shall have original jurisdiction:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

CHAPTER 3. SEED POTATO CERTIFICATION

Article 1. General Provisions

52651. The director may maintain potato seed test plats, under such climatic conditions as he may deem necessary, where samples of potato seed which are produced within or outside of the state may be grown to determine the amount of virus or other diseases in such seed sources. In order to effectuate the purposes of this section, the director may enter into agreements with any person or agency interested in the production, improvement, or certification of seed potatoes, may acquire land by lease or purchase, and may accept contributions and collect fees for services performed under authority of this section.

52652. Out of any money in the Department of Agriculture Fund there is hereby appropriated twenty thousand dollars ($20,000) which shall be used as a revolving fund to carry out the provisions of this chapter. All money which is collected pursuant to this chapter shall be paid into the Department of Agriculture Fund for use in carrying out the provisions of this chapter.

Article 2. Examination and Certification of Potatoes

52681. The director shall promote and protect the potato industry of this state. The director shall establish and enforce such regulations as he deems necessary for the examination and certification of potatoes which are grown within the state, to produce improved varieties or a higher quality of seed potatoes.

52682. The director shall issue to each grower a certificate which shows the variety, quality, and freedom from insect pests and diseases of the seed crop which is examined. Each certificate shall also show the number of acres of seed potatoes which are so certified.

52683. All such certified seed potatoes shall be labeled with a tag that is attached to each container which indicates compliance with the requirements of this article.

52684. The director shall establish a reasonable schedule of fees for the services which are provided pursuant to this article, which schedule shall be based upon the approximate cost of the service rendered.

52685. The director shall compile a list of all growers of certified seed potatoes and shall furnish copies of the list upon request.

Article 3. Requirements for Prospective Growers

52711. Any person that desires to engage in the growing of certified seed potatoes within this state shall make application to the director and shall establish to the satisfaction of the director the fact that the initial planting of such seed potatoes will be made from fields where masking of the mosaic diseases has not occurred and that such intended planting will be located where masking of mosaic or other disease is not likely to occur.

52712. If the director approves the application of such prospective grower of certified potatoes, he shall notify the applicant and also advise the commissioner of the county where the planting is to occur, and he may instruct the commissioner to make the necessary inspections and certification.

Article 4. Violations

52741. It is unlawful for any person to sell potatoes which are grown in this state as certified seed potatoes unless such potatoes have been inspected and certified by the director as provided in this chapter.

52742. Any person that willfully misbrands, adulterates, or otherwise misrepresents or interferes with the grade or quality of certified seed, or that in any way changes the certificates which are issued by the director is guilty of a misdemeanor.

Chapter 4. One-Variety Cotton Districts

Article 1. General Provisions

52851. The Legislature hereby declares that the purposes of this chapter are to promote, encourage, aid, and protect the planting and growing of cotton in the State of California; that it believes that these purposes can best be accomplished

by restricting within certain areas the planting and growing of but one variety or species of cotton, which is "Acala", that by this means alone it is possible to bring the cotton growing industry in the state to its highest possible development and to insure the growing of the most superior and economically most profitable variety or species of cotton, that the planting of pure seed is essential to the production of a more merchantable and better grade of cotton and cottonseed and for the production of a grade of fiber best suited for manufacturing purposes; and that the planting of impure seed or plants other than that permitted in these areas is an economical harm and loss to the planter thereof and an irreparable injury to the adjoining or neighboring growers

52852. The Legislature also declares that the restriction of the use to which cotton lands may be used, as provided in this chapter, is essential to the highest development of the cotton-growing industry and of benefit even to one who would violate this chapter; that it is essential that but one variety of cotton should be ginned in the districts which are established in this chapter, otherwise the gin will mix the different kinds of seed, crossing takes place in the fields, the varieties are mongrelized, and cease to be uniform, the fibre deteriorates in quality, and the seed rendered unfit for planting; that solely by restricting the growing of one variety or species of cotton in certain areas can the fibre be grown of uniform length and quality, and the highest price paid for the cotton thus obtained, and the production of fibre of different lengths or grades be prevented, and that fibres of different lengths and grades are commercially inferior and when assembled in one lot or grade are classed and given the value of the lowest grade in the lot or sample

52853. The Legislature further declares that Acala cotton is now the variety or species of cotton that has been most highly developed and improved and most suited commercially for growing in the districts which are established in this chapter; that if future experiments should develop an improved variety or species of cotton, this chapter can be amended to designate it; and that the districts which are established in this chapter can be altered, restricted, or extended.

52854. The Legislature further declares the improvement of planting cottonseed and cotton has been developed successfully through a coordinated program by federal, state, and county cooperation in breeding and in research in cooperation with the cotton industry in the San Joaquin Valley at the United States Cotton Research Station near Shafter, in Kern County, California, where Acala cottonseed and cotton has been under development for use and has been used in that valley.

Article 2. Exceptions

52881. This chapter does not apply to the planting, possessing for planting, growing, picking, harvesting, or ginning of

cotton by the United States Department of Agriculture or by the department, nor to the transportation of cottonseed through any district which is established by this chapter from a point outside of the district to a destination outside of the district.

52882. The department may plant, grow, harvest, or gin cotton within any district which is established by this chapter and designate any other person or agency to do so for experimental purposes under the direct supervision of the department.

Article 3. Enforcement

52901. The director, and the commissioner of each county acting under the supervision and direction of the director, shall enforce this chapter and carry out its provisions and requirements.

Article 4. Districts

52921. The following one-variety cotton districts are hereby established:

(a) District No. 2 consists of the County of Kern.
(b) District No. 3 consists of the County of Madera.
(c) District No. 4 consists of the County of Fresno.
(d) District No. 5 consists of the County of Kings.
(e) District No. 6 consists of the County of Tulare.
(f) District No. 7 consists of the County of Merced.
(g) District No. 8 consists of the County of Stanislaus.
(h) District No. 9 consists of the County of San Joaquin.

Article 5. Violations

52941. Except as otherwise provided in Article 2 (commencing with Section 52881), of this chapter, in the districts which are established in this chapter, it is unlawful for any person to plant, possess for planting, pick, harvest, or gin any variety or species of cotton except the variety or species which is known as "Acala," which consists of the seeds or plants that are derived from the common seed stocks under the one-variety breeding program at the United States Cotton Research Station, Shafter, California.

Article 6. Penalties

52961. Any person who violates any provision of this chapter is guilty of a misdemeanor, and, in addition thereto, is liable in a civil action for all damages that may be occasioned or caused by a violation of this chapter.

Article 7. Abatement

52981. Any seed cotton, cotton plant, or cottonseed which does not comply with the provisions of this chapter is a public

nuisance and is subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction in the area in which the seed cotton, cotton plant, or cottonseed is located.

52982. The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance Upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated

52983. If the owner fails to comply with the order of the court within the time which is specified in the order, the court shall order disposal of the seed cotton, cotton plant, or cottonseed and containers, or the sale of them, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal, or constable.

If the court orders the sale of any of the seed cotton, cotton plants, or cottonseed and containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Chapter 5. Nursery Stock Grades and Standards

Article 1. Definitions

53301. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

53302. "Advertisement" means any representation which relates to nursery stock, that is disseminated in any manner or by any means, except a representation which is on the label.

53303. "Decorative plants" means indoor plants which are commonly grown and sold in movable containers, and which are not adapted for cultivation out of doors because of climatic conditions and natural peculiarities of habit or growth and because of the purpose of their cultivation.

53304. "Grade size" means the designation relating to nursery stock which denotes the height, spread, caliper, dimension, condition, quality, age, methods of propagation, or means of growth.

53305. "Labeling" means all labels, and other written, printed, or graphic representations, in any form whatsoever, which accompanies and pertains to any nursery stock.

53306. "Nursery stock" means all kinds of nursery stock except decorative plants and seeds.

53307. "Ornamental" means any plant which is grown for ornamental purposes, except decorative plants, dormant bulbs, tubers, roots, corms, rhizomes, and pips.

Article 2. General Provisions

53331. The Legislature hereby declares that by making any additions to or amendments of this chapter it intends to formulate a system of grades and standards and minimum requirements for nursery stock to the end that purchasers of nursery stock may have adequate knowledge concerning the name and the grade size of nursery stock with relation to established standards. If, however, any provisions of, or amendment or addition to, this chapter, either as originally enacted or as amended or added to, should be held to be unconstitutional, the unconstitutionality of such provision shall not affect any other provision of this chapter.

53332. The Legislature hereby declares that it would have enacted each section, subdivision, sentence, clause, or phrase of this chapter irrespective of the fact that one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Article 3. Enforcement

53361. The director and the commissioners of each county of the state, their deputies and inspectors, under the supervision and control of the director, shall enforce this chapter.

53362. For the purpose of carrying out the provisions of this chapter, all enforcing officers may enter upon any public or private premises in order to have access to nursery stock subject to this chapter and the regulations which are adopted pursuant to it.

53363. If the director or the commissioner shall find that any person has violated any provision of this chapter, he may institute proceedings in a court of competent jurisdiction in the area in which the violation occurred, to have such person convicted of the violation, or he may file with the district attorney such evidence that may be deemed necessary.

Article 4. Regulations

53391. The director may adopt regulations which may be necessary to carry into effect the purposes of this chapter and each section of it, and may issue in relation to this chapter explanatory data and charts.

53392. The director by regulations may provide for grade sizes of the different kinds of nursery stock, and may provide that nursery stock shall be labeled with grade sizes which are established by such regulations The director may make such other regulations as are necessary to carry out the provisions of this chapter.

Article 5. Warning Tags or Notices

53421. The director or the commissioner may issue and enforce a written or printed warning tag or notice to the owner

or custodian of any lot of nursery stock which he finds is in violation of any provision of this chapter, which shall prohibit movement of such nursery stock until such officer has evidence that the law has been complied with. Upon compliance such order shall be removed.

53422. It is unlawful for any person to move or otherwise dispose of any lot of nursery stock which is held under a warning tag or notice except with the permission of the director or the commissioner and for the purpose specified.

53423. The owner or custodian of nursery stock which is held under a warning tag or notice shall, upon demand, have the right of a hearing before the director or the commissioner as to the justification of any such order, and may appeal to the director from any order of the commissioner which is made pursuant to this article.

53424. This article shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of this chapter.

53425. Any decision of the director pursuant to this article is subject to review by any court of competent jurisdiction.

Article 6. Standards

53451. Nursery stock which is sold shall comply with all of the following requirements:

(a) It shall be living stock and shall not be dead, or in a dying condition.

(b) It shall not be seriously broken, frozen, or damaged.

(c) It shall not be abnormally potbound.

53452. Deciduous fruit and nut trees which are sold shall be free from any of the following defects:

(a) Twisted, crossed, frosted, broken, or other defective roots.

(b) Broken grafts.

(c) Other deformations and defects which would interfere with the normal and proper development of such trees after planting.

Article 7. Labeling

53481. When nursery stock is sold, it shall be labeled plainly and legibly as to the correct name, and also as to the grade size if so required by regulations.

53482. Nursery stock on display for sale may be labeled by a sign on any block of stock of the same kind and species.

53483. Ornamentals, except roses and annual or herbaceous perennial ornamental plants, shall be labeled with the botanical name.

Roses, annual or herbaceous perennial ornamental plants, and other kinds of nursery stock shall be labeled with the recognized common name and variety, except that the variety name is not required for dormant bulbs, tubers, roots, corms, rhizomes, and pips.

Article 8. Violations

53511. It is unlawful for any person to sell, ship, deliver, or transport to any purchaser any nursery stock which is within any of the following:

(a) Is not labeled in accordance with the provisions of this chapter or the regulations of the director.

(b) Has false or misleading labeling, or pertaining to which there has been a false or misleading advertisement.

(c) Is represented to be certified or registered nursery stock unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an official agency.

This section does not apply to any common carrier in respect to any nursery stock which is transported or delivered for transportation in the ordinary course of its business as a carrier.

53512. It is unlawful for any person to do any of the following:

(a) Detach, alter, deface, or destroy any label, warning tag, or notice which is provided for in this chapter or in the regulations which are adopted pursuant to it, or alter or substitute nursery stock, in a manner that may defeat the purpose of this chapter.

(b) Disseminate any false or misleading advertisement concerning nursery stock in any manner or by any means.

(c) Hinder or obstruct in any way any authorized person in the performance of his duties under this chapter.

(d) Fail to comply with a warning tag or notice.

Article 9. Penalties

53541. The violation of any provision of this chapter is a misdemeanor and punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.

Article 10. Abatement

53561. Any lot of nursery stock which does not comply with the provisions of this chapter is a public nuisance and shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction in the area in which the nursery stock is located.

53562. The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance. Upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, or reconditioned, or released

upon such conditions as the court in its discretion may impose to insure the nuisance will be abated.

53563. If the owner fails to comply with the order of the court within the time specified in the order, the court may order that such nursery stock be forthwith destroyed or the nuisance otherwise abated as set forth in such order.

53564. In actions arising pursuant to this article, the following courts shall have original jurisdiction.

(a) Municipal courts shall have original jurisdiction where the value of the property is three thousand dollars ($3,000) or less.

(b) Justice court shall have original jurisdiction where the value of the property is five hundred dollars ($500) or less.

DIVISION 20. PROCESSORS, STORERS, DEALERS, AND DISTRIBUTORS OF AGRICULTURAL PRODUCTS

CHAPTER 1. NONPROFIT COOPERATIVE ASSOCIATIONS

Article 1. Definitions

54001. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

54002. "Association" means any corporation which is organized pursuant to this chapter. An association shall be deemed incorporated pursuant to this chapter, or organized pursuant to this chapter and shall be deemed a producer of a product within the meaning of this chapter, if it is functioning under, or is subject to, the provisions of this chapter, irrespective of whether it was originally incorporated pursuant to such provisions or was incorporated under other provisions.

54003. "Member" includes members of associations without capital stock and holders of common stock in associations which are organized with shares of stock.

54004. "Product" includes any horticultural, viticultural, forestry, dairy, livestock, poultry, bee, or farm product.

Article 2. General Provisions

54031. The purpose of this chapter is to do all of the following:

(a) Promote, foster, and encourage the intelligent and orderly marketing of agricultural products through cooperation.

(b) Eliminate speculation and waste.

(c) Make the distribution of agricultural products between producer and consumer as direct as can be efficiently done.

(d) Stabilize the marketing of agricultural products.

54032. The following are all here recognized:

(a) Agriculture is characterized by individual production in contrast to the group or factory system that characterizes other forms of individual production.

(b) The ordinary form of corporate organization permits industrial groups to combine for the purpose of group production and the ensuing group marketing, and the public has an interest in permitting farmers to bring their industry to the high degree of efficiency and merchandising skill evidenced in the manufacturing industries.

(c) The public interest urgently needs to prevent the migration from the farm to the city in order to keep up farm production and to preserve the agricultural supply of the nation.

(d) The public interest demands that the farmer be encouraged to attain a superior and more direct system of marketing in the substitution of merchandising for the blind, unscientific, and speculative selling of crops.

54033. Associations which are organized pursuant to this chapter are "nonprofit," since they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers.

54034. Any provisions of law which are in conflict with this chapter do not apply to any association which is provided for in this chapter.

54035. Any exemption under any existing law which applies to any agricultural product in the possession, or under the control, of the individual producer, shall apply similarly and completely to such product which is delivered by its farmer members that are in the possession, or under the control, of the association.

54036. A person, firm, corporation, or association, that is hereafter organized or doing business in this state, may not use the word "cooperative" as part of its corporate name or other business name or title for producers' cooperative marketing activities, unless it has complied with this chapter.

54037. Any corporation or association which is organized pursuant to previously existing statutes for the purpose of cooperatively marketing products as defined in this chapter or under Title 23 (commencing with Section 653aa), Part 4, Division 1 of the Civil Code shall be deemed to be organized and existing pursuant to, and by virtue of, this chapter, and all of the provisions of this chapter, and any of the restrictions and benefits of such provisions, shall apply to such corporation.

54038. Any association which is organized pursuant to this chapter is not any of the following:

(a) A conspiracy, a combination in restraint of trade, or an illegal monopoly.

(b) An attempt to lessen competition, to fix prices arbitrarily, or to create a combination or pool in violation of any law of this state.

54039. The marketing contracts and agreements between an association which is organized pursuant to this chapter and its members and any agreements authorized in this chapter are not illegal, in restraint of trade, or contrary to any statute which is enacted against pooling or combinations.

54040. The general corporation laws of this state and all powers and rights under such laws, apply to each association which is organized pursuant to this chapter, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter.

Article 3. Purposes

54061. Three or more natural persons, a majority of whom are residents of this state, who are engaged in the production of any product, may form an association pursuant to this chapter for the purpose of engaging in any activity in connection with any of the following:

(a) The production, marketing, or selling of the products of its members.

(b) The harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping, or utilization of any product of its members, or the manufacturing or making of the byproducts of any product of its members.

(c) The manufacturing, selling, or supplying to its members of machinery, equipment or supplies.

(d) The financing of the activities which are specified by this section.

(e) Any one or more of the activities which are specified in this section.

Article 4. Articles of Incorporation

54081. The articles of incorporation of the association shall show that the signers of the articles of incorporation are engaged in the production of products, and that they propose to incorporate an association pursuant to this chapter, and shall state all of the following:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The county where the principal office for the transaction of business of the association is to be located.

(d) The number of directors of the association, which shall not be less than three, and the names and addresses of the persons who are to serve as first directors. If it is desired that the first directors shall serve for terms of different length, the term for which each person so named shall serve shall also be stated.

(e) If organized without shares of stock, whether the voting power and the property rights and interest of each member are equal or unequal. If voting power and property rights and interest of each member are unequal, the general rule or rules which are applicable to all members by which the voting power and the property rights and interests, respectively, of each member may be and are determined and fixed shall also be stated.

(f) If organized with shares of stock, the number of shares which may be issued and if the shares are to have a par value, the par value of each share, and the aggregate par value of all shares. If the shares are to be without par value it shall be so stated.

If the shares of stock are to be classified, a description of the classes of shares and a statement of the number of shares of each kind or class and the nature and extent of the preferences, rights, privileges, and restrictions which are granted to or imposed upon the holders of the respective classes of stock.

Except as to the matters and things so stated, no distinction shall exist between the classes of stock or the holders of them. One class of stock shall always be known as common stock and voting power may be restricted to holders of common stock.

54082. Articles of incorporation shall be signed, acknowledged, and filed in the manner which is prescribed by the general laws of this state for domestic corporations.

54083. The articles of incorporation of any association may be amended in the manner and for the purposes which are authorized by the General Corporation Law, Division 1 (commencing with Section 100), Title 1 of the Corporations Code.

Article 5. Bylaws

54111. Each association shall, within 30 days after its incorporation, adopt for its government and management, a code of bylaws, not inconsistent with this chapter. The vote or written assent of shareholders or members that hold at least a majority of the voting power is necessary to adopt such bylaws and is effectual to repeal or amend any bylaws, or to adopt additional bylaws.

The power to repeal and amend the bylaws, and adopt new bylaws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked.

54112. The bylaws may prescribe the time, place, and manner of calling and conducting its meetings. Meetings of members or stockholders shall be held at the place as provided in the bylaws; and if no provision be made, then in the city where the principal place of business is located at a place designated by the board of directors Meetings of the board of directors may be held at any place within or without the state which is fixed by a quorum of the board of directors unless otherwise provided in the articles of incorporation or bylaws.

54113. The bylaws may prescribe the number of stockholders or members which constitutes a quorum.

54114. The bylaws may prescribe the right of members or stockholders to vote by proxy or by mail or both, and the conditions, manner, form, and effects of such votes; the right of

members or stockholders to cumulate their votes and the prohibition, if desired, of cumulative voting.

54115. The bylaws may prescribe the number of directors which constitutes a quorum.

54116. The bylaws may prescribe the number of directors and the qualifications, compensation, duties, and term of office of directors and officers and the time of their election. Subject to the provisions of the General Corporation Law, Division 1 (commencing with Section 100), Title 1 of the Corporations Code, the number of directors may be changed by a bylaw which is duly adopted by the shareholders or members

54117. The bylaws may prescribe penalties for violations of the bylaws.

54118. The bylaws may prescribe the amount of entrance, organization, and membership fees, if any; the manner and method of collection of such fees; and the purposes for which they may be used.

54119. The bylaws may prescribe the amount which each member or stockholder shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services which are rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

54120. The bylaws may prescribe the amount of any dividends which may be declared on the stock or membership capital, which shall not exceed eight percent per annum, shall be in the nature of interest, and shall not affect the nonprofit character of any association which is organized pursuant to this chapter.

54121. The bylaws may prescribe the number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time, and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which, and time when, membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner, and effect of the expulsion of a member.

54122. The bylaws may prescribe the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by

the association from its stockholders of their stock upon their disqualification as stockholders. In case of the expulsion of a member, and where the bylaws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount of his property interest in money, which shall be paid to him within one year after such expulsion.

Article 6. Directors and Management

54141. The affairs of the association shall be managed by a board of not less than three directors who are elected by the members or stockholders.

54142. The bylaws may provide that the territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the bylaws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association.

54143. The bylaws may provide that primary elections shall be held to nominate directors. If the bylaws provide that the territory in which the association has members shall be divided into districts, the bylaws may also provide that the results of the primary elections in the various districts shall be final and shall be ratified at the annual meeting of the association.

54144. The bylaws may provide that the territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisers, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the bylaws shall specify the number of representatives or advisers to be elected by each district, the manner and method of reapportioning the representatives or advisers and of redistricting the territory which is covered by the association.

54145. The bylaws may provide that one or more directors may be chosen by any public official or commission or by the other directors selected by the members. Such director shall represent primarily the interest of the general public in such associations. The directors so chosen shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

54146. The bylaws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

54147. An association may provide a fair remuneration for the time which is actually spent by its officers and directors in its service and for the service of the members of its executive committee.

54148. If a vacancy on the board of directors occurs except by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy unless the bylaws provide for an election of directors by districts. If the bylaws provide for an election of directors by districts, the vacancy shall be filled by the election of a director from the district in which the vacancy occurs or the board of directors may call a special meeting of the members or stockholders in that district to fill the vacancy.

54149. The directors shall elect from their number a president and one or more vice presidents. If the corporation employs a manager who is not a director, the directors may also elect him vice president. They shall also elect a secretary and a treasurer, who need not be directors or members of the association, or may combine such offices and designate the combined office as secretary-treasurer or unite both functions and titles in one person.

The treasurer may be a bank or any depository and as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, except that the funds shall be deposited only as and where authorized by the board of directors.

54150. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition which is signed by five percent of the members, which requests the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer, against whom such charges have been brought, shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses. The person bringing the charges against him shall have the same opportunity.

If the bylaws provide for election of directors by districts with primary elections in each district, the petition for removal of a director shall be signed by 20 percent of the members that reside in the district from which such director was elected. The board of directors shall call a special meeting of the members that reside in that district to consider the removal of the director; and by a vote of the majority of the members of that district, the director in question shall be removed from office.

Article 7. Powers

54171. An association may engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling, or utilization of any product which is pro-

duced or delivered to it by its members; or the manufacturing or marketing of the byproducts of any such product; or any activity in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment, or in the financing of any such activities, or in any one or more of the activities which are specified in this section

54172. An association may borrow without limitation as to amount of corporate indebtedness or liability and may make advances to members.

54173. An association may act as the agent or representative of any member or members in any of the activities which are mentioned in Section 54171 or 54172.

54174. An association may purchase or otherwise acquire, hold, own, and exercise all rights of ownership in, sell, transfer, pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association which is engaged in any related activity or in the warehousing, handling, marketing, packing, manufacturing, processing, or preparing for market of any product which is handled by the association.

54175. An association may establish reserves and invest the funds of the reserves in bonds or in such other property as may be provided in the bylaws.

54176. An association may buy, hold, and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of, or incidental to, any of the business of the association.

54177. An association may levy assessments in the manner and in the amount as may be provided in its bylaws.

54178. An association may do each and every thing which is necessary, suitable, or proper for the accomplishment of any one of the purposes, or the attainment of any one or more of the objects, which are enumerated in this article; or conducive to or expedient for the interest or benefit of the association; and contract accordingly; exercise and possess all powers, rights, and privileges which are necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers, and privileges which are granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this chapter; and do any such thing anywhere.

54179. An association may use or employ any of its facilities for any purpose, provided the proceeds which arise from such use and employment shall go to reduce the cost of operation for its members. The products which are handled for, or the services, machinery, equipment, or supplies or facilities which are furnished to, nonmembers shall not, however, exceed in value the products which are handled for, or the services, merchandise, or facilities which are supplied to, members during the same period.

54180. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation, with or without capital stock, which is engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing, or selling of any product which is handled by the association, or the byproducts of any such product.

If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities which are delivered by it, or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity which they represent. If such warehouse is licensed or licensed and bonded pursuant to the laws of this state or the United States, its warehouse receipt which is delivered to the association on any commodity of the association or its members, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Any two or more corporations which are organized pursuant to this section may be merged into one such constituent corporation or consolidated into a new corporation, such merger or consolidation to be made in the manner that is prescribed by the general laws of the state which cover domestic corporations.

54181. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative or other corporation, or association, which is formed in this or in any other state, for the cooperative and more economical carrying on of its business or any part of its business.

Any two or more associations may, by agreement between them, unite in employing and using, or may separately employ and use, the same personnel, methods, means, and agencies for carrying on and conducting their respective business.

Article 8. Financial Provisions

54201. An association is not subject in any manner to the terms of the Corporate Securities Law, Division 1 (commencing with Section 25000), Title 4 of the Corporations Code, and any association may and shall issue its membership certificates or stock or other securities as provided in this chapter without the necessity of any permit from the commissioner of corporations.

54202. If an association issues nonpar value stock, the issuance of such stock shall be governed by the terms of all general laws which cover the issuance of nonpar value stock in domestic corporations.

54203. If an association with preferred shares of stock purchases the stock or any property, or any interest in any property of any person, it may discharge the obligations which are so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred stock to an amount which at par value would equal the fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest which is purchased is equivalent to payment in cash for the shares of stock which are issued.

54204. The board of directors of every association shall cause to be sent to the members of the association not later than 120 days after the close of the fiscal or calendar year an annual report of the operations of the association, unless such report is expressly dispensed with in the bylaws.

Such annual report shall include a balance sheet as of such closing date. Such financial statement shall be prepared from, and be in accordance with, the books. It shall be prepared in a form which is sanctioned by sound accounting practice for the association or approved by a duly certified public accountant or a public accountant.

Article 9. Members

54231. Under the terms and conditions which are prescribed in the bylaws adopted by it, an association may admit as members or issue common stock to only such persons as are engaged in the production of any product which is to be handled by or through the association, or that use or employ any service or facility offered by the association on, or in connection with, land which is used for the production of any product, including the lessees and tenants of land which is used for the production of such product and any lessors and landlords that receive as rent all or part of the crop which is raised on the leased premises.

54232. If a member of a nonstock association is other than a natural person, such member may be represented by any individual, associate, officer, or manager or member of it, who is duly authorized in writing.

54233. Any association may become a member or stockholder of any other association.

54234. If a member of an association which is established without shares of stock has paid his membership fee in full, he shall receive a certificate of membership.

54235. An association shall not issue a certificate for stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note, but such retention as security does not affect the member's right to vote.

54236. An association, in its bylaws, may limit the amount of common stock which any member may own.

54237. The bylaws shall prohibit the transfer of the common stock or membership certificates of the associations to any person that is not qualified to be a shareholder or member as specified in this chapter. Such restrictions shall be printed upon every certificate of stock or membership which is subject to them.

54238. The association may, at any time, as specified in the bylaws, except when the debts of the association exceed 50 percent of its assets, buy in or purchase its common stock at the book value of the common stock, as conclusively determined by the board of directors, and pay for it in cash within one year thereafter.

54239. A member or stockholder is not liable for the debts of the association to an amount which exceeds the sum which remains unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory note which is given in payment of the membership fee or the subscription to the capital stock.

Article 10. Marketing Contracts

54261. The association and its members may make and execute marketing contracts which require the members to sell, for any period of time, but not over 15 years, all or any specified part of any product or specified commodity exclusively to or through the association, or any facilities which are created by the association. If they contract a sale to the association, title to the product passes absolutely and unreservedly, except for recorded liens, to the association upon delivery or at any other specified time which is expressly and definitely agreed in the contract.

54262. The contract may provide that the association may sell or resell any product which is delivered by its members, with or without taking title to such product, and pay over to its members, the resale price, after deducting all of the following:

(a) Necessary selling, overhead, and other costs and expenses, including interest on preferred stock, not exceeding 8 percent per annum, and reserves for retiring the stock, if any.

(b) Other proper reserves.

(c) Interest not exceeding 8 percent per annum upon common stock.

54263. Notwithstanding any provisions of the Civil Code, a contract which is entered into by a member or stockholder of an association which provides for the delivery to such association of any product which is produced or acquired by the member or stockholder, may be specifically enforced by the association to secure the delivery to it of such product.

54264. The bylaws or the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of any product and may provide that the member will pay all costs, premiums for bonds, expenses, and fees, if any action is brought upon the contract by the association. Such provisions are valid and enforceable in the courts of this state. The clauses which provide for liquidated damages are enforceable as such and shall not be regarded as penalties.

54265. If there is a breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance of the contract. Pending the adjudication of such an action and upon filing a verified complaint which shows the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

54266. In any action upon such marketing agreements, it shall be conclusively presumed that a landowner or landlord or lessor is able to control the delivery of any product which is produced on his land by tenants or others, whose tenancy or possession or work on such land, or the terms of whose tenancy or possession or labor on such land, were created or changed after execution by the landowner, landlord, or lessor of such a marketing agreement. In such actions, the remedies for nondelivery or breach which are provided by this article shall lie and be enforceable against such landowner, landlord, or lessor.

Article 11. Reorganization of Corporations Organized Pursuant to Other Laws

54291. Any corporation which is organized or existing pursuant to any law, except Title 23 (commencing with Section 653aa), Part 4, Division 1 of the Civil Code, may be brought under the provisions of this chapter by amending its articles of incorporation, in the manner which is prescribed by the general corporation laws, to conform to this chapter. If any corporation amends its articles of incorporation to conform to this chapter, it shall be deemed to be organized and existing pursuant to, and entitled to the benefit of, and subject to this chapter for all purposes and as fully as though it had been originally organized pursuant to this chapter.

54292. Articles of incorporation shall be deemed to conform to this chapter within the meaning of Section 54291 in both of the following cases:

(a) It is provided or declared in the articles of incorporation, in substance, regardless of form, that the corporation is organized and exists as a nonprofit cooperative corporation for the purposes which are provided for in, or permitted by, this chapter, or one or more of such purposes.

(b) It clearly appears from the articles of incorporation that the corporation desires to be subject to, and to be organized, exist, and function pursuant to this chapter.

54293. If the amended articles conform, as provided in Section 54292, provisions in the articles of incorporation that appeared in the original articles or some previous amended articles, are ineffective if, and to the extent that, they are inapplicable to, or inconsistent with, this chapter.

54294. This article applies retrospectively as well as prospectively, and may be availed of by a corporation regardless of the time of incorporation, whether prior or subsequent to the adoption of this article, and shall apply to amendments to articles of incorporation whether made prior or subsequent to the adoption of this article, and all amendments made prior to the adoption of this article shall be effective and valid to the same extent as though made subsequent to the adoption of this article.

CHAPTER 2. COOPERATIVE BARGAINING ASSOCIATIONS

Article 1. Definitions and General Provisions

54401. As used in this chapter, "cooperative bargaining association" means a farmer association which is organized and functioning pursuant to Chapter 1 (commencing with Section 54001) of this division, for the purpose of group bargaining between its producer members and the first handler or processor, with respect to the sale of any agricultural commodity except milk, cotton, or cottonseed.

54402. It is the public policy of the State of California to establish and support the right of any farmer to join voluntarily and belong to cooperative bargaining associations.

54403. The director may exercise any or all of the powers which are conferred by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code upon the head of a department of the state with respect to hearings and investigations pursuant to this chapter.

54404. For the purpose of enforcing this chapter, the director may receive complaints from producers against any processor, handler, distributor, or any agent of such persons, or any other person, with respect to violations of the unfair trade practices which are specified in Section 54431.

Upon verification of the complaint, the director shall, or upon his own motion may, make any and all necessary investigations, examinations or inspections of any transaction

which involves a suspected violation of any provision of this chapter.

54405. The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter in the superior court of the county in which such violation occurred or is about to occur. Actions against different defendants may be consolidated, in the discretion of the court, if the alleged violations are of the same provision, have occurred in the same or an adjoining county, relate to the same agricultural commodity, occurred in the same production season, and such consolidation can be done without prejudice to a substantial right of any defendant. Any proceedings which are brought pursuant to this section shall be governed in all other respects by Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

Article 2. Unfair Trade Practices

54431. It is an unfair trade practice, and unlawful, for any processor, handler, distributor, or agent of any such person, or for any other person to do any of the following:

(a) Interfere with, restrain, coerce, or boycott producers in the exercise of the rights which are guaranteed pursuant to Section 54402.

(b) Discriminate against any producer with respect to price or other terms of purchase of any raw agricultural commodity, by reason of the producer's membership in, or contract with, any cooperative bargaining association.

(c) Pay or loan money, or give any other thing of value, to a producer as an inducement or reward for refusing to, or ceasing to, belong to a cooperative bargaining association.

(d) Maliciously or knowingly give false reports about the finances, management, or activities of a cooperative bargaining association.

Article 3. Penalties

54461. The willful violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each and every such violation.

54462. In addition to the penalty which is provided by Section 54461, any person that violates any provision of this chapter is liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation.

CHAPTER 3. AGRICULTURAL WAREHOUSES GENERALLY

Article 1. Definitions

54601. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

54602. "Fungible product" means grain, rice, beans, or any other product which is handled in bulk. It does not, however, include any such product which is handled in sacks.

54603. "Product" means cotton, wool, hay, fertilizer, grain products, grains, tobacco, rice, beans, and flaxseed, or any by-product of such products, and any other agricultural product which is customarily handled in warehouses.

54604. "Receipt" means a warehouse receipt.

54605. "Warehouse" means every elevator, building, structure, or other protected enclosure within the state, in which any agricultural product is or may be stored.

54606. "Warehouseman" means a person that is lawfully engaged in the business of storing products.

Article 2. General Provisions

54631. The director may investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of any product.

54632. The director may, upon application to him by any person that applies for a license to conduct a warehouse pursuant to this chapter, inspect such warehouse or cause it to be inspected.

54633. The director may at any time, with or without application to him, inspect or cause to be inspected any warehouse which is licensed pursuant to this chapter.

54634. The director may determine whether any warehouse for which a license is applied for, or has been issued, pursuant to this chapter is suitable for the proper storage of any product.

54635. The director may, by regulation, classify warehouses which are licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses which are issued, or that may be issued, for them pursuant to this chapter.

54636. The director may, by regulation, prescribe, within the limitations of this chapter, the duties of the warehousemen that conduct warehouses which are licensed pursuant to this chapter with respect to their care of, and responsibility for, any product which is stored in such warehouses.

54637. The director, from time to time, may publish the results of any investigations which are made pursuant to Sections 54631 to 54635, inclusive, and he shall distribute to interested parties a list of the names and addresses of persons and warehouses which are licensed pursuant to this chapter and lists of all licenses which have been terminated pursuant to this chapter and the causes for the termination of the licenses

54638. The director may examine any product which is stored in any warehouse. If, after an opportunity for hearing is given to the warehouseman, it is determined that he is

not performing fully the duties which are imposed on the warehouseman by this chapter and regulations which are adopted pursuant to it, the director may publish his findings.

54639. The director shall adopt such regulations as he may deem necessary for the efficient execution of this chapter.

54640. The director, by regulation, may adopt standards for any product by which its quality or value may be judged or determined. Federal standards for grain which are established under authority of the United States Grain Standards Act (7 U.S.C., Sec. 71, et seq.) shall be followed as closely as possible by the director.

54641. The director may examine all books, records, papers, and accounts of any licensed warehouse and of the warehouseman that conducts such warehouse which relate to the warehouse.

54642. Each license which is issued pursuant to this chapter shall terminate as provided in such license or in accordance with the terms of this chapter and the regulations which are adopted pursuant to it, and may from time to time be modified or extended by a written instrument.

Article 3. Warehouseman's License

54661. The director may, upon application to him, issue to any warehouseman a license to conduct a warehouse in accordance with this chapter and such regulations as may be adopted pursuant to this chapter.

Each such warehouse shall be suitable for the proper storage of the particular product for which a license is applied for, and each warehouseman shall agree, as a condition to the granting of the license, to comply with and abide by this chapter and the regulations which are adopted pursuant to it.

54662. Each warehouseman that applies for a license to conduct a warehouse in accordance with this chapter shall also, as a condition to the granting of the license, execute and file with the director a bond to the state to secure the faithful performance of his obligations as a warehouseman under the laws of the state and the regulations which are adopted pursuant to this chapter, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of products in such warehouse. The bond shall be in such form and amount, and shall contain such terms and conditions as the director may prescribe.

54663. If the director determines that a bond which has been approved by him is, or for any cause has become, insufficient, he may require an additional bond to be given by the warehouseman that is concerned, which conforms with the requirements of Section 54662. Unless the additional bond is given within the time which is fixed by a written demand

for it, the license of such warehouseman may be suspended or revoked.

54664. Any person that is injured by the breach of any obligation secured by a bond which has been given pursuant to this chapter, may sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

54665. Upon the filing with, and approval by, the director of a bond for the conduct of a warehouse, such warehouse shall be designated as "California bonded" pursuant to this chapter. A warehouse shall not be designated as bonded pursuant to this chapter, and no name or description which conveys the impression that it is so bonded, shall be used unless both:

(a) A bond such as is provided for in this chapter has been filed with and approved by the director.

(b) The license which is issued pursuant to this chapter for the conduct of such warehouse remains unsuspended and unrevoked.

Article 4. Publicly Owned Warehouse, Warehouseman's License

54691. The director may issue a license to any person to accept the custody of any product and to store it in a warehouse which is owned, operated, or leased by the state or any municipality, upon condition that such person agree to comply with and abide by this chapter and the regulations which are adopted pursuant to it.

54692. Each person that is licensed pursuant to this article shall issue receipts for the products which are placed in his custody, and shall give bond, in accordance with this chapter, and the regulations which affect warehousemen that are licensed pursuant to this chapter, and shall otherwise be subject to this chapter and such regulations to the same extent as is provided for warehousemen that are licensed pursuant to this chapter.

Article 5. License to Classify Products

54721. The director may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any product which is stored or to be stored in a warehouse which is licensed pursuant to this chapter, according to grade or otherwise and to certificate the grade or other class of the product, or to weigh it and certificate the weight of the product, or both to classify and weigh it and to certificate the grade or other class and the weight of the product, upon condition that such person agrees to comply with and abide by this chapter and the regulations adopted pursuant to it.

Article 6. Warehouse Receipts

54741. Every receipt that is issued for any product which is stored in a warehouse shall embody within its written or printed terms all of the things which are required by this article.

54742. The receipt shall state the location of the warehouse in which the product is stored.

54743. The receipt shall state the date of issue of the receipt.

54744. The receipt shall state the consecutive number of the receipt.

54745. The receipt shall contain a statement whether the product which is received will be delivered to the bearer, to a specified person, or to a specified person or his order.

54746. The receipt shall state the rate of storage charges.

54747. The receipt shall contain a description of the product which is received, that shows the quantity, or, in case of any product which is customarily put up in bales or packages, the marks, numbers, or other means of identification and the weight of such bales or packages.

54748. The receipt shall state the grade or other class of the product which is received and the standard or description in accordance with which such classification has been made. Such grade or other class shall be stated according to the standard of the state which is applicable to such product as such standard may be fixed and promulgated under authority of law.

Until official standards of the state for any product have been fixed and promulgated, the grade or other class of the product may be stated in accordance with any recognized standard or in accordance with such regulations which are not inconsistent with this subdivision as may be prescribed by the director.

Unless otherwise required by law, if a statement of the grade is not requested by the depositor of other than a fungible product, a receipt which does not comply with this subdivision may be issued, without reference on the receipt as to why the grade of the product has been omitted from the receipt.

54749. The receipt shall contain a statement that the receipt is issued subject to this chapter and the regulations which are adopted pursuant to it.

The receipt shall state the fact of ownership of the product by the warehouseman, solely, jointly, or in common with others, if such is the fact.

54750. The receipt shall contain a statement of the amount of advances which are made and of liabilities which are incurred for which the warehouseman claims a lien. If the precise amount of such advances which are made or of such liabilities which are incurred is at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose of such advances or liabilities is sufficient.

54751. The receipt shall contain such other terms and conditions within the limitations of this chapter as may be required by the director.

54752. The receipt shall contain the signature of the warehouseman, or his authorized agent.

Article 7. Duties of Warehouseman

54771. Every warehouseman that conducts a licensed warehouse shall receive for storage in such warehouse, so far as its capacity permits, any product of the kind which is customarily stored in the warehouse by him which is tendered to him in a suitable condition for warehousing in the usual manner in the ordinary and usual course of business, without making any discrimination between persons that desire to avail themselves of warehouse facilities.

54772. Any person that deposits any product for storage in a licensed warehouse deposits it subject to this chapter and the regulations which are adopted pursuant to it.

54773. Every fungible product which is stored in intrastate commerce in a warehouse which is licensed pursuant to this chapter shall, unless the identity of such product is preserved, be inspected and graded by a person duly licensed to grade it.

54774. Except as otherwise provided in Section 54775, every warehouseman that conducts a licensed warehouse shall keep any product which is in the warehouse of one depositor so far separate from any product of any other depositor, and from any other product of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of each product which is deposited.

54775. If authorized by agreement or by custom, a warehouseman may mingle any fungible product with any other product of the same kind and grade. He is severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the products had been kept separate. He shall not mix fungible products of different grades, except upon written order of the owner or his agent and the surrender of the warehouse receipts.

54776 An original receipt shall be issued by the warehouseman that conducts the warehouse for every product which is stored in a licensed warehouse for intrastate, interstate, or foreign commerce. A receipt shall not, however, be issued for any product which is not actually stored in the warehouse at the time of the issuance of the receipt.

54777. While an original receipt is outstanding and uncanceled by the warehouseman that issued it, no other or further receipt shall be issued for the product which is covered by such receipt or for any part of such product. If, however,

a receipt is lost or destroyed, a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the state.

54778. A warehouseman that conducts a warehouse shall, without unnecessary delay, in the absence of some lawful excuse, deliver any product which is stored in the warehouse upon a demand which is made either by the holder of a receipt for such product or by the depositor of it if such demand is accompanied by offers to do all of the following:

(a) Satisfy the warehouseman's lien.

(b) Surrender the receipt, if negotiable, with indorsements which are necessary for the negotiation of the receipt.

(c) Sign, when the product is delivered, an acknowledgment that it has been delivered.

54779. Each receipt which is returned to a warehouseman shall be plainly canceled on its face by him upon the delivery by him of the product for which the receipt was issued.

54780. Every warehouseman that conducts a warehouse shall safely keep complete and correct records of every product which is stored in the warehouse and withdrawn from the warehouse, every warehouse receipt which is issued by him, and each receipt which is returned to, and canceled by, him.

He shall report to the director concerning such warehouse and the condition, contents, operation, and business of the warehouse in such form and at such times as the director may require.

Article 8. Suspension and Revocation of Licenses

54801. The director may suspend or revoke any license which is issued pursuant to this chapter, for any violation of, or failure to comply with any provision of, this chapter, or the regulations which are adopted pursuant to it, or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the director, if he deems it necessary, may suspend a license temporarily without hearing. Except as provided in this section, the proceedings pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted in such chapter.

54802. Any license which is issued to any person to classify or to weigh any product pursuant to this chapter may be suspended or revoked by the director if he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product correctly.

The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted in such chapter.

Article 9. Fees

54831. The director shall collect a reasonable fee for every examination or inspection of a warehouse if such examination or inspection is made upon the application of a warehouseman and an annual fee based upon the capacity of the warehouse and the character of the commodity or commodities stored in it for each license or renewal of a license which is issued to a warehouseman.

54832. The fee shall be based upon the following schedule:

(a) Grain and hay warehouses, one cent ($0.01) per ton, with a minimum of twenty-five dollars ($25) and a maximum of one hundred dollars ($100).

(b) Cannery warehouses, fifty cents ($0.50) per 1,000 cases, with a minimum of fifty dollars ($50) and a maximum of two hundred dollars ($200).

(c) Dried fruit warehouses, two cents ($0.02) per ton, with a minimum of fifty dollars ($50) and a maximum of two hundred dollars ($200).

(d) Miscellaneous agricultural warehouses other than those listed, twenty-five dollars ($25).

54833. All such fees shall be reported monthly by the director to the State Controller and such fees shall be deposited monthly in the State Treasury to the credit of the Department of Agriculture Fund.

Article 10. Violations

54861. Every person that does any of the following is guilty of a felony:

(a) Forges, alters, counterfeits, simulates, falsely represents, or, without proper authority, uses any license which is issued by the director pursuant to this chapter.

(b) Violates any provision of Section 54665.

(c) Issues or utters a false or fraudulent receipt or certificate.

Chapter 4. Grain Warehouses

Article 1. Definitions

55001. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

55002. "Grain" means any cereal grain which is customarily handled in warehouses, either in bulk or sacks.

55003. "Receipt" means a warehouse receipt.

55004. "Warehouse" means every elevator, building, structure, or other protected enclosure within the state, in which any grain is, or is to be, regularly stored for the public.

55005. "Warehouseman" means a person that is lawfully engaged in the business of storing grain for compensation.

Article 2. General Provisions

55031. The director, and the commissioner of each county of the state, his deputies and inspectors, under the supervision and control of the director, shall enforce this chapter.

55032. For the purpose of controlling insect pests of grain in public warehouses, the director may do all of the following:

(a) Investigate and regulate the storage and warehousing of grain.

(b) At any time, with or without application to him, and in order to determine its condition, examine or cause to be examined any warehouse or any grain which is stored in any warehouse.

(c) If the extent of the infestation is such as to be a menace to other grain, order the treatment of an infested warehouse or the disposal of infested grain which is in such warehouse.

(d) By regulation, prescribe, within the limitations of this chapter, the duties of warehousemen with respect to the care of grain which is stored in their warehouses.

(e) Enforce such regulations pursuant to this chapter as are necessary.

55033. At least once each year, the director shall make or cause to be made an inspection of each warehouse which is registered pursuant to this chapter for the purpose of determining the extent, if any, of insect infestations which exist in each warehouse or in any of the grain which is stored in it. A written record of the results of all such inspections shall be kept in the department and shall be available to all interested parties upon application

55034. The director, at least once each month, shall report to the State Controller the total amount of moneys which are collected pursuant to this chapter for fees, penalties, judgments, or otherwise, and at the same time shall pay into the State Treasury the entire amount of such moneys, which shall be credited to the Department of Agriculture Fund and expended in carrying out this chapter.

55035. If any clause, sentence, paragraph, or part of this chapter shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Article 3. Registration of Warehouses

55061. It is unlawful for any person to operate, conduct, or maintain a public warehouse for grain storage unless such warehouse is registered with the director.

55062. Except as otherwise provided in Section 55063, each warehouseman shall pay a registration fee of ten dollars ($10) for each warehouse for each fiscal year or portion of a fiscal year beginning July 1st, but in no case shall the total of registration fees for one warehouseman exceed one hundred fifty dollars ($150) in any one fiscal year.

55063. If a warehouse is licensed and bonded pursuant to Chapter 3 (commencing with Section 54601) of this division, the registration fee for such warehouse is waived.

55064. Each licensee and warehouseman that registers one or more warehouses shall file with the director the address to which notices under this chapter shall be mailed. Notices which are mailed to such address shall be conclusively presumed to have been received.

Article 4. Duties of Warehouseman

55091. Every warehouseman that registers a warehouse pursuant to this chapter and with whom grain has been stored shall make monthly inspections of the grain which is stored in such warehouse. Upon any finding of insect infestation in any such lot of grain, he shall give a written notice to the person on whose account the goods are held, and to any other person that is known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified.

Article 5. Abatement

55111. Every lot of grain that is stored in any warehouse, and every warehouse, which is infested with any insect pest of stored grain to such a degree as to constitute a menace to any uninfested grain that is, or may be, stored with it or in such warehouse is hereby declared to be a public nuisance. The director may cause the abatement of every such nuisance which is found upon inspection which is made or caused to be made by him. Upon the finding of such infestation in any warehouse, the director, in writing, shall notify the warehouseman that the warehouse or the contents of the warehouse is a public nuisance in accordance with this section. Such notification may be made by mail to his filed address and shall require him to abate or cause to be abated such nuisance within the time which is specified in the notice.

55112. The director, in notifying any warehouseman that any lot of grain which is stored in his warehouse consti-

tutes a public nuisance, shall supply such warehouseman with an additional copy of the notice. Within three days after receipt of the additional copy, the warehouseman shall deliver in the manner and to each person that is specified in Section 55091 such copy accompanied by a statement which requires such owner to abate such nuisance either by removal of the grain or by authorizing its treatment by the warehouseman whereby the nuisance shall be abated within the time which is specified by the director in the notice. If, however, a warehouseman fails to give the notice which is required by Section 55091, such warehouseman is liable for the cost of such treatment as the director may require if such infestation was previously known to the warehouseman or by due diligence would have been known to him.

55113. If any warehouseman fails before the end of the time which is specified in the notice from the director to abate or cause to be abated the nuisance which is specified in the notice, the director shall notify the district attorney of the county in which the nuisance exists. Upon receipt of such notice, such district attorney shall forthwith bring an action in the name of the people of the State of California against the warehouseman and the owner of the infested grain to abate the nuisance.

55114. Any warehouseman that, after receipt of notice to abate such nuisance, fails to abate it within the time which is specified in the notice, and accepts for storage, without notice of such nuisance to the storer or his delivering agent as soon as practical, any grain in the warehouse which, or the contents of which, is a public nuisance under this chapter, is liable to any storer of such grain for any and all damages which are occasioned by subsequent infestation of grain so stored from such nuisance.

55115. In any case in which a lot of grain has been declared to be a nuisance and has been required to be abated, the director shall also require the warehouseman to eliminate or control any infestation of the premises which results from or in the infestation of the grain.

55116. Within the number of days which is specified in the notice, after notification as provided in Section 55112, the owner of any lot of infested grain which is specified in the notice shall either remove the grain from the warehouse which is mentioned in the copy of notice and statement or shall cause it to be treated so as to abate the nuisance. If such owner fails to remove the grain, cause its treatment, or authorize the warehouseman to treat it, the warehouseman may treat the grain or may sell it at public sale without further notice.

If it cannot be sold, the warehouseman may make such other disposition of it as is possible and shall incur no liability by reason of any such disposition. Except in those cases in which the warehouseman is liable for the cost of treatment to abate the nuisance, such cost is a lien against the grain.

55117. From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charge of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered to the person to whom he would have been bound to deliver or justified in delivering the goods.

55118. If the owner authorizes the warehouseman to treat the infested grain, the warehouseman shall proceed with such treatment as is prescribed by the director. The cost of such treatment is a lien against such grain.

CHAPTER 5. GRAIN AND SEED CLEANERS

55251. As used in this chapter:

(a) "Grain and seed" includes any grain, seeds, rice, beans, and any other agricultural product which is customarily cleaned by grain and seed cleaners.

(b) "Grain and seed cleaner" means a person that is lawfully engaged in the business of cleaning grain and seeds for others.

55252. If the owner delivers any grain and seed to a grain and seed cleaner for cleaning, and desires to have the cleanings from the grain and seed kept for him, he shall make written request to the grain and seed cleaner to segregate and hold all cleanings which result from the cleaning of the grain and seed.

55253. If a request is made by the owner, the cleaner shall sack or otherwise segregate the cleanings and give written notice to the owner when the cleaning is completed.

55254. If the cleanings are not removed from the cleaning plant within five days after the mailing of the written notification to the owner, as provided in Section 55253, or five days from the date of receiving authorization to move the cleanings if such authorization is required by Section 7571, the grain and seed cleaner may dispose of the cleanings in such manner as is provided by law.

55255. If no disposition of the cleanings is provided for by law and authorization to move the cleanings if required by Section 7571 is received as provided in Section 55254, the grain and seed cleaner may dispose of the cleanings by sale or otherwise and shall pay the grower the net receipts received from such sale after deducting reasonable expenses of the sale and satisfying any claims which he may have against such cleanings.

CHAPTER 6. PROCESSORS OF FARM PRODUCTS

Article 1. Definitions

55401. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

55402. "Agent" means any person that on behalf of any processor contracts for or solicits any farm product

from a producer of the farm product, or that negotiates the purchase of any farm product on behalf of any processor.

55403. "Farm product" includes every agricultural, horticultural, viticultural, or vegetable product of the soil, honey and beeswax, oilseeds, poultry, and poultry product. It does not include timber or any timber product or milk or any milk product.

55404. "Lender" includes any person that advances new value to a processor.

55405. "New value" includes any new advance or loan, whether in money or other property, which is made by a lender to a processor. It does not, however, include any extension or renewal of any existing obligation of the processor, nor any obligation which is substituted for such existing obligation.

55406. "Packout basis" means that payment for the farm product is based on the grade or quality of the finished product, as determined at the completion of the processing.

55407. "Processor" means any person that is engaged in the business of processing or manufacturing any farm product, that solicits, buys, contracts to buy, or otherwise takes title to, or possession or control of, any farm product from the producer of the farm product for the purpose of processing or manufacturing it and selling, reselling, or redelivering it in any dried, canned, extracted, fermented, distilled, frozen, or other preserved or processed form. It does not, however, include any retail merchant that has a fixed or established place of business in this state and does not sell at wholesale any farm product which is processed or manufactured by him.

55408. "Producer" means any person that is engaged in the business of growing or producing any farm product.

Article 2. General Provisions

55431. The marketing of agricultural commodities within this state is hereby declared to be affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

55432. The director may publish in pamphlet form as often as he thinks necessary a list of processors that are licensed pursuant to this chapter, together with all necessary regulations which concern the enforcement of this chapter.

55433. Any money in the Department of Agriculture Fund which was derived pursuant to this chapter, or Chapter 7 (commencing with Section 56101) of this division, may be expended for the administration and enforcement of any and all of the provisions of such chapters, notwithstanding any other provision of law which limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of such chapters separately.

55434. The director shall, within 30 days prior to the general session of the Legislature submit to the Governor a full and true report of the transactions pursuant to this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period.

55435. No provisions in any bond which is given pursuant to any provision of this chapter which attempts by contract to shorten the period which is prescribed for the commencement of an action on the bond by Section 337 of the Code of Civil Procedure, is valid if such provision attempts to limit the time for commencement of action on the bond to a shorter period than six months from the termination of the 35-day period which is covered by such bond.

55436. Civil suits and criminal prosecutions which arise by virtue of any provision of this chapter may be commenced and tried in any of the following:

(a) The county where the products were received by the processor.

(b) The county in which the principal place of business of such processor is located.

(c) The county in which the violation of this chapter occurred.

55437. The rights, remedies, and penalties which are provided for in this chapter are in addition to any other rights, remedies, or penalties which are provided for by law, and any acts or parts of acts in conflict therewith are hereby repealed.

55438. Except as otherwise provided in this chapter, the provisions of Part 2 (commencing with Section 307) of the Code of Civil Procedure are applicable to, and constitute the rules of practice in, the proceedings which are mentioned in this chapter, and the provisions of Part 2 of the Code of Civil Procedure relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this chapter, apply to the proceedings which are mentioned in this chapter.

55439. If any clause, sentence, paragraph, or part of this chapter is for any reason adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part of this chapter which is directly involved in the controversy in which such judgment is rendered.

Article 3. Exceptions

55461. This chapter does not apply to or include any nonprofit cooperative association which is organized and operating pursuant to Chapter 1 (commencing with Section 54001) of this division or of similar laws of any other states or District of Columbia or the United States or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or

agent, which involves the handling or dealing in any farm product of nonmembers of such organizations.

Article 4. Agent's License

55481. A person shall not act as an agent unless such person has first obtained a license as provided in this chapter.

55482. Every person, before acting as an agent, shall file an application with the director for a license to so act. The application shall be accompanied by the application fee which is prescribed by Article 16 (commencing with Section 55861) of this chapter.

55483. Each application shall include all of the following:

(a) Such information as the director may consider proper or necessary.

(b) The name and address of the applicant.

(c) The name and address of the processor that is represented or sought to be represented by the agent.

(d) The written endorsement or nomination of the processor.

55484. Fraud or misrepresentation in making any application shall ipso facto work a revocation or refusal of any license which is granted or applied for pursuant to this chapter.

55485. The applicant shall satisfy the director of the applicant's character, responsibility, and good faith in seeking to carry on the business which is stated in the application.

55486. If the applicant is a corporation or partnership, it shall likewise satisfy the director of the character, responsibility, and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer, or director of a corporation, or manager, superintendent, or member of a partnership. The failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and is a good and sufficient ground for the denial of an application for license or the renewal of the license.

55487. Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director, or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 7 (commencing with Section 56101) of this division.

55488. The director may refuse to grant any license or the renewal of any license in any of the following cases:

(a) He is satisfied, after hearing as provided in this chapter, that the applicant has violated any provision of this chapter.

(b) There has been any previous violation of record of any provision of this chapter by the applicant or by any person that owns any substantial interest in or that acts in a proprietary capacity in the business of the applicant, or is charged with the management of such business.

55489. Except as otherwise provided in Sections 55484 and 55488, upon the filing of the application and the application fee, the director shall. if he is satisfied as to the character, responsibility, and good faith of the applicant, or the persons in a responsible or managing position of a corporate or partnership applicant, in seeking to carry on the business which is stated in the application, issue to the applicant a license which entitles the applicant to conduct the business which is described in the application.

55490. The license of an agent shall expire upon the date of expiration of the license of the processor for whom the agent acts, or upon revocation in the manner and upon the grounds which are specified in this chapter, whichever first occurs.

55491. The director may issue to each agent a separate license card for each processor represented by the agent.

55492. Any agent that displays a void or expired license card is guilty of a misdemeanor.

55493. Each agent shall show his license upon the request of any interested person.

Article 5. Processor's License

55521. A person shall not act as a processor unless he has first obtained a license as provided in this chapter or in Section 56574.

55522. Every person, before acting as a processor, shall file an application with the director for a license to so act. The application, unless it is an application for a conjunctive processor's license pursuant to Section 56574, shall be accompanied by the application fee which is prescribed by Article 16 (commencing with Section 55861) of this chapter.

55523. Each application shall state all of the following:

(a) The full name of the applicant.

(b) If the applicant is a firm, exchange, association, or corporation the full name of each member of the firm, or the names of the officers of the exchange, association, or corporation.

(c) The principal business address of the applicant in this state.

(d) The name of every person that is authorized to receive and accept service of summons for the applicant.

55524. Fraud or misrepresentation in making any application shall ipso facto work a revocation or refusal of any license which is granted or applied for pursuant to this chapter.

55525. The applicant shall satisfy the director of the applicant's character, responsibility, and good faith in seeking to carry on the business which is stated in the application.

55526. If the applicant is a corporation or partnership, it shall likewise satisfy the director of the character, responsibility, and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer, or director of a corporation, or manager, superintendent, or member of a partnership. The failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and is a good and sufficient ground for the denial of an application for a license or of the renewal of a license.

55527. Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director, or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 7 (commencing with Section 56101) of this division.

55528. The director may refuse to grant any license or the renewal of any license in any of the following cases:

(a) He is satisfied, after hearing as provided in this chapter, that the applicant has violated any provision of this chapter.

(b) He determines, in the manner which is described in this chapter, that an applicant processor has failed to make payment for any farm product within the time which is specified for such payment in a contract of sale and purchase between the producer and the processor and in accordance with the terms of the contract.

(c) There has been any previous violation of record of any provision of this chapter by the applicant or by any person that owns any substantial interest in, or that acts in a proprietary capacity in, the business of the applicant or is charged with the management of such business.

55529. Except as otherwise provided in Section 55524 or 55528, upon the filing of the application and the payment of the application fee, the director, if he is satisfied as to the

character, responsibility, and good faith of the applicant, or the persons in a responsible or managing position of a corporation or partnership applicant, in seeking to carry on the business which is stated in the application, shall issue to the applicant a license which entitles the applicant to conduct the business of processor within this state for a year from the date of the license, or until the license is revoked in the manner and upon the grounds which are specified in this chapter.

55530. Each licensed processor shall post his license, or a copy of it, in his office or salesroom in plain view of the public.

Article 6. Processor's Bond

55551. Before any license is issued to any processor that buys or otherwise takes title to or possession of any farm product from the producer of the farm product, except by payment to the producer at the time of obtaining such possession or control of the full agreed price in lawful money of the United States, the applicant shall execute and deliver to the director a surety bond in the sum of five thousand dollars ($5,000) which is executed by the applicant as principal and by a surety company which is qualified and authorized to do business in this state as surety.

55552. The bond shall be conditioned upon compliance with the provisions of this chapter and upon the faithful and honest handling of farm products in accordance with the terms of this chapter. The bond shall be to the state in favor of every producer-creditor of any farm product which is grown within this state.

55553. Any producer-creditor of any farm product which is grown within this state that claims to be injured by the fraud, deceit, or willful negligence of any processor may bring action upon the bond against both principal and surety in any court of competent jurisdiction to recover the damages which are caused by such fraud, deceit, or willful negligence, or the failure to comply with any provision of this chapter.

55554. If a processor fails to pay any producer-creditor for any farm product which is received from such producer-creditor, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such processor, together with the amounts which are due and owing to them and each of them by such processor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. The request shall be addressed to each known producer-creditor at his last known address.

55555. If such a producer-creditor fails, refuses, or neglects to file in the office of the director his verified claim as requested by the director within 60 days from the date of such request, the director is thereupon relieved of further duty or action pursuant to this article on behalf of such producer-creditor.

55556. If by reason of the absence of records, or other circumstances which make it impossible or unreasonable for the

director to ascertain the names and addresses of all such producer-creditors, the director, after exerting due diligence and making reasonable inquiry to secure such information from all reasonable and available sources, may make demand on the bond on the basis of information then in his possession, and thereafter is not liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

55557. Upon ascertaining all claims and statements in the manner set forth in this article, the director may make demand upon the bond on behalf of those claimants whose statements have been filed, and may settle or compromise the claims with the surety company on the bond. In such cases, he may execute and deliver a release and discharge of the bond which is involved.

55558. Upon the refusal of the surety company to pay the demand, the director shall bring an action on the bond in behalf of the producer-creditors.

55559. Upon any action being commenced on the bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such processor shall file a new bond. If a processor fails to file a new bond within 10 days, in either case, such failure constitutes grounds for the suspension or revocation of his license.

Article 7. Sale of Farm Products by Weight

55581. If any farm product is sold to and purchased by any processor on the basis of weight, such product shall be weighed by a weighmaster licensed under the laws of this state, and a certificate as to such weight issued by him shall be delivered to the seller by the processor or by the weighmaster as agent for the processor. Settlement for such product shall be made on the basis of the weight which is shown on the certificate.

Article 8. Processors

55601. Every processor shall pay for any farm product which is delivered to the processor at the time and in the manner which is specified in the contract with the producer. If no time is set by such contract, or at the time of delivery, then the processor shall pay for the farm product within 30 days of the delivery or taking possession of such farm product.

55602. Every processor except a licensed winegrower, that purchases any farm product from the producer of the farm product on a packout basis shall promptly upon completion of the processing inform the producer of the results which are obtained, and in so doing shall account fully and completely for the entire weight of the farm product which is so received from the producer.

55603. If a specific grade or quality is a condition of a packout basis contract between the producer and the processor, such grade or quality shall be determined at the completion of the processing by a state or federal agency which is duly authorized to determine such grade or quality. The certificate which is issued in connection with such inspection is prima facie evidence of the grade or condition, or both, of the finished product.

55604. Every contract between a processor and a producer which covers the purchase of any farm product on a packout basis shall, in addition to designating the price to be paid for the specific grade, designate the price to be paid for any other grade into which the farm product is processed as determined by inspection of the finished product by a duly authorized state or federal agency.

55605. Every processor, except a licensed winegrower, that receives any farm product from the producer of the farm product for processing on a consigned basis shall promptly make and keep a correct record which shows in detail all of the following with reference to the processing, handling, storage, and sale of such farm product:

(a) The name and address of the consignor.

(b) The date received.

(c) The quantity received.

(d) The size of the containers into which the finished product is packed.

(e) The grade and quality of the finished product.

(f) The price which is obtained from the sale of the finished product.

(g) An itemized statement of costs and charges which the processor paid in connection with the processing, handling, storage, and sale of the farm product.

55606. If the processor has entered into a written contract with two or more owners or consignors, which provides that the returns for any farm product which is handled and sold for the account of such owners or consignors shall be pooled on a definite basis as to grade or quality, or both, during a specific period of time, the processor shall render an account of sale which shows the net average pool return on each grade and quality from the sales that are made, which shows in detail all charges in connection with the handling, processing, and selling of such farm product. The processor shall keep a correct record of such sales and charges.

55607. Every processor shall keep accurate books and records which show the name and address of any producer that is selling and making delivery of any farm product to him, including the dates of deliveries, the quantities of the farm product which is delivered, and the agreed price to be paid for such farm product. If no agreed price has been arrived at, or a method for determining it agreed upon, such agreed price shall be considered the value of such product as of date of

delivery. For the purpose of ascertaining such value and in addition to other evidence, reference may be had to price quotations from the federal-state market news service.

55608. Accurate grading and weight receipts shall be given by all processors to each producer, or his agent, upon each and every delivery. Each receipt shall state all of the following:

(a) The date of the receipt.

(b) The name and address of the producer.

(c) The name of the processor.

55609. Not later than five days after demand, the processor shall give to every such producer so requesting a full and complete statement of such producer's account, which shows all of the following:

(a) The entire quantities of the product which has been delivered by the producer.

(b) The grades of the product which has been delivered by the producer.

(c) The amount which is owing for every lot and for the total amount of the product which has been delivered by the producer.

55610. A processor, in order to prevent loss or economic waste, may resell or redeliver any raw product purchased and received from the producer of the raw product to another processor for the purpose of processing and such act is not an act which requires licensing pursuant to Chapter 7 (commencing with Section 56101) of this division. Any processor acting in this manner, or the surety on his bond, as required by Article 6 (commencing with Section 55551) of this chapter, is, however, liable for the full value of the raw product which is so handled.

Article 9. Producer's Lien

55631. Except as otherwise provided in Article 10 (commencing with Section 55681) of this chapter, every producer of any farm product that sells any product which is grown and harvested by him to any processor under contract, express or implied, in addition to all other rights and remedies which are provided for by law, has a lien upon such product and upon all processed or manufactured forms of such farm product for his labor, care, and expense in growing and harvesting such product. The lien shall be to the extent of the agreed price, if any, for such product so sold. If there is no agreed price or a method for determining it which is agreed upon, the extent of the lien is the value of the farm product as of the date of the delivery.

55632. This producer's lien attaches on all of such delivered product from the date of delivery of such farm product or any portion of it by a producer to any processor.

55633. Except as provided in Article 10 (commencing with Section 55861), the producer's lien is a preferred lien

prior in dignity to all other liens, claims, or encumbrances except the following:

(a) Labor claims for wages and salaries for personal services which are rendered by any person to any processor in connection with such processing business after the delivery of any such product for processing.

(b) The lien of a warehouseman as provided by Division 7 (commencing with Section 7101) of the Uniform Commercial Code.

55634. Every lien which is provided for in this article is on every farm product and any processed form of the farm product which is in the possession of the processor without segregation of such product.

55635. Except as otherwise provided in Section 55636, the lien of a producer, unless sooner released by payment or by security which is given for such payment as provided in this article, is complete from the date of delivery of such product, or if there is a series of deliveries, it is complete from the date of the last delivery. The lien shall remain in effect for 60 days thereafter at which time it shall cease unless proceedings are commenced in a proper court within that time to enforce the lien.

55636. If suit is commenced by any such producer to enforce any lien, as provided in Section 55635, such lien shall remain in effect until one of the following occurs:

(a) The payment of the agreed price or the value of such product.

(b) Deposit of the amount of the lien or claims with the clerk of the court in which any such action is pending.

(c) The final determination of such court proceeding.

55637. Any lien on any product or processed product may, however, be released, to the extent the value of the claim upon such product is secured, by a surety bond or a cash deposit or other security given as provided in this article. Any producer may also release any lien which is possessed by him upon payment being made to him for the agreed or reasonable value of the product which is so sold and delivered, or upon arrangements being made for such payment which are satisfactory to the producer.

55638. It is unlawful for any processor to remove any farm product which is delivered to him, or any processed form of the farm product, from this state or beyond his ownership or control upon which such a lien or any of the liens which are provided for in this chapter, are attached, except any of such product or processed product as may be in excess of a quantity which is on hand of a value that is sufficient to satisfy all existing liens.

55639. Any processor that desires to secure a release of any or all of such liens on any product or processed product may do so in any of the following ways:

(a) By paying the agreed or actual value of any farm product which is purchased by such processor within 20 days

from the date of delivery of the farm product unless the date of payment is otherwise agreed upon in writing or such payment is secured other than by lien.

(b) By depositing with the director a surety bond which is executed by such processor as principal and by a surety company which is qualified and authorized to do business in this state as surety in an amount which equals the current market value of the product or processed product which is intended by such processor to be sold or otherwise disposed of, as such value may appear by the sworn statement of such processor in accordance with quotations from the federal-state market news service or other evidence which is satisfactory to the director. The bond shall be conditioned that if the processor fails to pay up to the amount of such bond the lawful claims of all producers whose liens have been released by the bond, within 35 days after date of the bond, the surety shall be liable to and shall pay to the state on behalf of such claimants all such lawful claims as may be covered by the amount of the bond, together with costs of suit if an action is filed on the bond.

(c) By depositing with the director a cash sum in lawful money of the United States which is expressly set apart by an instrument in writing that is signed by the processor for the purpose of guaranteeing to the extent of such sum, payment of all existing claims of producers whose liens are released by the deposit, within 35 days from the date of such deposit. The director shall be named in such instrument as trustee to carry out the purpose and intent of the instrument.

(d) By designating, setting apart, and depositing in a public warehouse a quantity of any processed farm products and indorsing over to the director and delivering to him the warehouse receipt for such products for the purpose of guaranteeing to the extent of the value of such deposit, payment within 35 days from the date of such deposit, all existing claims of producers and labor claimants whose liens are released by it.

(e) By securing a release from the director after payment in full for such farm product.

55640. If all lawful claims of the producers have been paid in accordance with this article by any processor, any product which is released by such action may be sold, transported, or otherwise disposed of.

55641. If a bond, cash deposit, or security is given to the director by any processor as provided in this article, such processor may sell, transport, or otherwise dispose of the product or processed product to the value which is represented by such security as such value may appear by the sworn statement of such processor in accordance with quotations from the federal-state market news service or other evidence satisfactory to the director.

55642. The director may accept such bond, if approved by him, and such other security. If the claims or any of them are not paid in accordance with the condition of such security, the director may, on proof being made to his satisfaction of the amounts which are due such claimants, pay all such unpaid claims insofar as possible out of the deposit money, or proceeds from any sale made by him of any securities or processed products which are given as security.

55643. If a bond has been given as security, the director shall notify the principal and surety of any default on the part of the principal under the bond, and make demand for payment on behalf of such unpaid claimants. If payment is not made, the director may take any legal action he may deem necessary to enforce payment under such bond.

55644. If the director has received warehouse receipts for any processed product as security, and the processor giving them has failed to pay the claims in accordance with the terms of such security, the director may sell such security with or without notice, and in such manner as he shall determine.

55645. All claims in relation to payment shall have equal standing and payment shall be prorated if necessary among the claimants.

55646. This article does not prevent the director if in his opinion the rights of all of the claimants are fully protected, as provided for in this article, from issuing a certificate in the name of the department and signed by him which releases any specific lot or quantity of any product or processed product from all liens of the claimants. No security which is held by the director shall, however, be released by him to any processor unless and until it is made to appear to his satisfaction that all claims have been fully paid, or that the rights of all of the claimants are fully protected.

A fee of five dollars ($5) shall be paid to the director for issuing any certificate or release which is provided for in this section.

55647. This article does not impair or affect the right of any claimant that possesses a lien to maintain a personal action to recover such debt against a processor, either in an action to foreclose his lien or in a separate action. He is not required to state in his affidavit to procure an attachment that his demand is not secured by a lien.

55648. The judgment, if any, which is obtained by the plaintiff in such personal action, or personal judgment which is obtained in such lien action, does not impair or merge any lien right or claim which is held by such plaintiff. Any money, however, which is collected on the judgment shall be credited on the amount of such lien or claims in any action which is brought to enforce the lien or in any action which is filed pursuant to this article by the director.

55649. In an action that is filed by any such lien claimant, the defendant processor may file with the court in which the action is pending a surety bond which is approved by such

court in an amount that is sufficient to cover the demand of plaintiff's complaint, including the costs, whereupon the court may order the release of a portion or the whole of any product or processed product upon which the lien of plaintiff has attached.

55650. Such processor may also, on motion duly noticed, introduce evidence to the court before whom any such action is pending to the effect that he has sufficient security or money on deposit with the director to protect the lien or other rights of plaintiff. If he does so, the court may order the release of a portion or the whole of such product upon which the lien of plaintiff is attached, and deny to plaintiff any recovery in such action. Such action by the court does not, however, prejudice any other rights or remedies which are possessed by the plaintiff.

55651. The plaintiff in an action which is brought to foreclose any of the liens which are provided for in this article may, in a proper case, and upon proper allegations, secure an injunction against the processor in accordance with the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure to restrain the doing of any acts on the part of such processor which are designed to or which would, in effect, remove any processed product in his possession or under his control and upon which valid liens exist, beyond the process of the court, to plaintiff's injury.

55652. If in a court proceeding to foreclose such lien, it is found and determined by the court that there is no cash, bond, or other deposit placed with the director as security for the payment of any of the lien claims as set out in the complaint, the judgment of foreclosure shall be against a sufficient quantity in value of such farm product or processed product in the possession or under the control of the defendant processor, as may be necessary to satisfy such claim or render judgment and declare forfeited any bond which is deposited in the court by such processor to secure the lawful claims of the plaintiff as determined by the court.

55653. All actions filed by the director or producers against any processor for the foreclosure of the liens or other security which are provided for in this article may be consolidated by the court and all persons that are necessary to a determination of such action may be made parties to such actions. Any judgment which is rendered shall determine the lawfulness of the amount of each claim as represented by the pleadings.

Article 10. Farm Products Which Are Hypothecated or Pledged

55681. As used in this article, "statement of intention to finance" means the statement which is described in Section 55682.

55682. Notwithstanding any other provisions of this code, a producer shall not have a lien on any farm product or any manufactured or processed product which is derived from any farm product that is hypothecated or pledged, within the period of financing which is specified in the statement that is filed with the director as provided in this article, to any lender that, at the time of the hypothecation or pledging, advances new value to the processor, and that, at least 15 days prior to the time of the making of any loan or the advancing of any moneys to secure the repayment of which such processor hypothecates or pledges any farm product or any manufactured or processed product which is derived from the farm product, has filed a statement in writing with the director, which is signed by the lender and the processor and contains all of the following:

(a) A designation of the name of the lender and the processor, and the chief place of business of each within this state.

(b) A statement that the lender is engaged, or expects to be engaged, in financing the processor on the hypothecation or pledging of farm products or the manufactured or processed products which are derived from farm products, and the times within which the financing shall take place.

55683. The fee for filing a statement of intention to finance is one dollar ($1).

55684. The following form of statement (or any other form of statement which contains substantially the same information) shall suffice for the purpose of this chapter:

Statement of Intention to Finance on the
Hypothecation of Farm Products

The lender, _____, whose chief place of business within this state is at _____, is or expects to be engaged in financing through said chief place of business (or its _____ branch) the processor _____, whose chief place of business within this state is at _____ , on the hypothecation or pledging of farm products, or the manufactured or processed products which are derived from farm products, between the _____ day of _____, 19___, and the _____ day of _____, 19___.

_____
Lender.

_____
Processor.

55685. Neither the execution nor the filing of any statement of intention to finance is a commitment by the lender to finance the producer to any extent whatever.

55686. The director shall mark each statement of intention with a consecutive filing number and with the date and hour of the filing. He shall keep the statement of intention to finance in a separate file and note and index the filing in a suitable

index, indexed according to the name of the processor and the lender and containing a notation of the chief place of business of both and the branch office, if any, of the lender as given in the statement.

55687. Any producer may file with the director a request, which contains his name and address and the name of the processor to whom he has delivered or intends to deliver any farm product, that he be notified of the filing of any such statement of intention to finance.

The director shall, within three days after the filing of such request, mail to such producer, advice or notice, in such form as he may adopt, which indicates whether or not such a statement has been filed.

55688. Presentation for filing of the statement of intention to finance, and payment of the filing fee, shall constitute filing pursuant to this chapter in favor of the lender as to any farm product or manufactured or processed product of the farm product which is hypothecated or pledged to the lender within the time which is contemplated in the statement.

55689. Any producer that would, but for Section 55682, be entitled to a lien, may file a written verified statement in duplicate with any such lender, which sets forth the fact that the producer has delivered a farm product to the processor and that the processor has failed to pay for it when due, together with the amount which is due for the farm product.

55690. The verified statement which is provided for in Section 55689 shall be filed with the manager or other officer of the lender at the office or branch of the lender which is designated in the statement of intention to finance as the office or branch through or at which the financing is to be done. The filing of any such verified statement at any other office or branch except that which is so designated in the said statement of intention to finance is not effective for any purpose whatsoever.

55691. The lender shall note on the face of each such verified statement the date and time of day when such verified statement was received by it. Such verified statements shall have priority in accordance with the order in which they are filed with any lender.

55692. If, at any time, prior to the time that the lender has advanced to the processor the amount of any loan, the repayment of which is secured by a pledge or by the hypothecation of any farm product or any manufactured or processed products of the farm product, there has been filed with any lender such verified statement, the lender shall withhold the whole or such portion of the proceeds of such loan as will satisfy in full or to the greatest extent of the amount of such verified statement. He shall not advance such sums to the producer, or processor, except on the order of the producer for whose statement such sums have been withheld, and the processor, or upon final order of a court of competent jurisdiction.

Article 11. Examinations and Audits of the Books and Records of Licensees

55721. If the director finds that any licensee has failed, refused, or neglected to make payment in full for any farm product purchased and received from the producer of the farm product, as required by this chapter, he may, upon his own motion, do all of the following:

(a) Make examinations and audits of the books and records of any licensee which pertain to the purchase of, or to the handling and accounting for, any farm product which is purchased or received from the producer of the farm product.

(b) Examine and audit all pertinent books, records, weight tags, receipts, ledgers, papers, contracts, and other documents of the licensee which show or tend to show facts regarding the status of accounts of growers doing business with such licensee.

55722. If the examination discloses evidence of any violation of this chapter, the director may issue a complaint which is directed against the licensee, either on his own behalf or on behalf of producers that are affected by such violation together with such other process for the enforcement of the provisions of this chapter as is provided in this chapter.

Article 12. Investigations and Hearings

55741. The director upon his own motion may, or upon the verified complaint of any interested party shall, investigate, examine, or inspect any transaction which involves the failure of the processor to make payment for any farm product within the time which is specified for such payment in the contract of sale and purchase between the producer and the processor, in accordance with the terms of such contract or in accordance with the provisions of this chapter.

55742. Except as otherwise provided in Section 55743 or 55744, if the complaint is a bona fide dispute which involves any of the following, the director shall have no jurisdiction to act upon such complaint if the processor within 10 days after the filing of such verified complaint has submitted such dispute to arbitration in accordance with the provisions of a written contract:

(a) The rejection of any farm product.

(b) The failure or refusal to accept and pay for any farm product which is bought or contracted to be bought from a producer by a processor.

(c) The failure or refusal by the processor to furnish or provide boxes or other containers, or hauling, harvesting, or any other service which is contracted to be done by the processor in connection with the acceptance, harvesting, or other handling of the farm product.

55743. The jurisdiction which is otherwise reserved to the director in this chapter is, however, restored for the purposes of this chapter if the arbitrators, without reasonable cause, fail, refuse, or neglect to adjudicate the matter of dispute within 90 days from the date the matter was submitted to arbitration.

55744. The director also has jurisdiction over any such complaint or dispute if the processor has failed to perform in accordance with any arbitration award which is made in accordance with the terms of such written contract.

55745. If the director is unable to effect a settlement satisfactory to him and to both parties to the complaint, he shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon the processor against whom the complaint is filed at least 10 days before the hearing.

55746. The hearing shall be held in one of the following places which is selected by the director:

(a) The city or place which is the principal place of business of the licensee or respondent.

(b) The city or place in which the alleged violation which is complained of is said to have occurred.

(c) The county seat of the county in which the alleged violation which is complained of is said to have occurred.

(d) The nearest office of the department.

55747. At the hearing, the director may do all of the following:

(a) Administer oaths, and take testimony.

(b) Issue subpoenas requiring the attendance of witnesses before him, together with such books, memoranda, papers, and other documents, articles, or instruments as may be pertinent to the controversy as set forth in the complaint.

(c) Compel the disclosure by such witnesses of all facts known to them relative to the controversy.

55748. At the time and place which is appointed for the hearing, the director shall hear the parties to such complaint.

55749. At the conclusion of the hearing, the director shall enter in his office in Sacramento an order which dismisses the complaint unless he is satisfied that the licensee has violated any provision of this chapter. If he is satisfied that the licensee has violated any provision of this chapter, he may issue an order which suspends or revokes the processor's license or places such license under such probationary terms and conditions as may be necessary to obtain compliance with the provisions of this chapter by such licensee.

55750. A copy of such order shall be furnished to the respective parties to the complaint.

Article 13. Procedure Governing Hearings

55781. Before a hearing has commenced, the director shall issue subpoenas and subpoenas duces tecum at the request of

any party in accordance with Section 1985 of the Code of Civil Procedure. After the hearing has commenced, the director may issue subpoenas and subpoenas duces tecum.

55782. The process which is issued pursuant to Section 55781 extends to all parts of the state and shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure.

55783. A witness is not obliged to attend at a place out of the county in which he resides except when the distance is less than 100 miles from his place of residence, or the director, upon affidavit of any party which shows that the testimony of such witness is material and necessary, has endorsed on the subpoena an order that requires the attendance of such a witness.

55784. Every witness who appears pursuant to a subpoena, except a party or an officer or employee of the state or any political subdivision of the state, shall receive fees. Every witness who appears pursuant to a subpoena, except a party, shall receive mileage in the same amount and under the same circumstances as is prescribed by law for witnesses in civil actions in a superior court.

55785. Oral evidence shall be taken only on oath or affirmation.

55786. Each party shall have all of the following rights:

(a) Call and examine witnesses.

(b) Introduce exhibits.

(c) Cross-examine opposing witnesses on any matter which is relevant to the issues even though the matter was not covered in the direct examination.

(d) Impeach any witness regardless of which party first called him to testify.

(e) Rebut the evidence against him.

55787. If the respondent does not testify in his own behalf, he may be called and examined as if under cross-examination

55788. The hearing need not be conducted according to technical rules which relate to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

Article 14. Contempt

55811 If any person in any proceedings before the director disobeys or resists any lawful order or refuses to re-

spond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place of a hearing as to obstruct the proceeding, the director shall certify the facts to the superior court in and for the county where the proceedings are held.

55812. The court shall thereupon issue an order which directs the person to appear before the court and show cause why he should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter.

55813. The same proceedings shall be had, the same penalties may be imposed, and the person charged may purge himself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action before a superior court.

Article 15. Suspension or Revocation of Licenses

55841. The director may suspend or revoke any license, as the case may require, if after a hearing as provided in this chapter he is satisfied that the licensee has violated any provision of this chapter.

55842. The director may suspend or revoke the license of any processor if he determines, in the manner which is described in this chapter, that the processor has failed or refused to make payment for any farm product within the time which is specified for such payment in the contract of sale and purchase between the producer and the processor, and in accordance with the terms of the contract, whether or not such determination of the director is accompanied with an order which directs the payment or reparation as provided in Section 55749.

55843. Either at the time of serving a verified complaint, or after the hearing and decision, the director may issue to and serve upon the licensee, an order which directs such licensee to show cause why his license should not be suspended or revoked for the violation which is charged or specified in the decision.

55844. If the order to show cause is heard separately from the case or hearing which is set forth in the verified complaint, a copy of the order to show cause, together with notice of the time and place of hearing upon the order, shall be served personally or by mail upon the licensee. The order shall refer to an attached copy of a verified complaint, or to such other notice, affidavit, or official document, in such a way as generally to advise and inform the licensee of the charge or violation upon which the order is based and pursuant to which it is issued. Except as otherwise provided in

Section 55848, service of the copy of the order and the notice shall be made at least 10 days before the hearing.

55845. The hearing shall be held in one of the following places which is selected by the director:

(a) The city or place in which is situated the business location of the licensee.

(b) The city or place in which the transaction or violation which is complained of is said or charged to have occurred.

(c) The county seat of the county in which the transaction or violation which is complained of is said or charged to have occurred.

(d) At the nearest office of the department.

55846. At the time and place which is appointed for such hearing, the director shall hear the matter which is set forth in the order, and the showing of the licensee.

55847. At the conclusion of the hearing, the director shall enter in his office at Sacramento an order and decision specifying the facts, dismissing the order to show cause, or directing the suspension or revocation of the license which is held by the licensee, or making such other conditional or probationary orders as may be proper. A copy of the order and decision shall be furnished to the licensee.

55848. If the director is satisfied, either by investigation or after hearing, that a processor is insolvent and unable to pay the producer-creditors or producers with whom the processor has executory or executed contracts for the processing and handling of any farm product, and is further satisfied that to permit the processor to continue to purchase and receive further shipments or deliveries of any farm product would be likely to cause serious and irreparable loss to such producer-creditors, or producers with whom the said processor has the contracts, the director may thereupon and forthwith shorten the time which is provided for hearing upon an order to show cause why the license of the processor should not be forthwith suspended or revoked.

55849. The time of notice of the hearing shall in no event be less than 24 hours. The director shall within that period call a hearing, at which the processor proceeded against shall be ordered to show cause why his or its license should not be suspended, revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors that are involved.

55850. The hearing, in the case of such emergency, may be called upon written notice which is served personally or by mail on the processor that is involved. It may be held at the nearest office of the director or at such place as may be most convenient in the discretion of the director, for the attendance of all parties involved.

55851. Any order which suspends or revokes a license may, within the discretion of the director, be made condi-

tional upon the settlement, adjustment, or satisfaction of the consequences of any violation which is specified, and the operation of such an order may be deferred for such purpose. Any such order may contain provisions for modification or dismissal of the order upon presentation to the director of evidence that the matter of complaint has been settled, adjusted, or withdrawn at any time before such order becomes final.

Article 16. Fees

55861. Except as otherwise provided in this article or in Section 56574, each applicant for filing an application for a license shall pay the following fee which is prescribed for such license:

(a) Processor. Ninety dollars ($90) for each year.

(b) Agent. Ten dollars ($10) for each year.

55862. If any processor does not apply for the renewal of a preexisting license on or before the date of expiration of the license, a penalty of ten dollars ($10) shall be added to the original fee of ninety dollars ($90), and shall be paid by the applicant before the renewal license may be issued.

55863. Any person that is licensed as processor pursuant to this chapter may secure a dealer's, commission merchant's, broker's, or cash buyer's license, pursuant to Chapter 7 (commencing with Section 56101) of this division by filing an application for each desired license which is accompanied by an application fee of twenty-five dollars ($25) for each license for which application is made and upon further complying with those provisions of Chapter 7 of this division which regulate the licensing of each particular classification involved. The license shall be known as a conjunctive dealer's, commission merchant's, broker's, or cash buyer's license, as the case may be.

55864. All fees which are collected pursuant to this chapter shall be paid into the State Treasury monthly and shall be credited to the Department of Agriculture Fund and, except as otherwise provided in Section 55433, shall be expended in carrying out this chapter.

Article 17. Violations

55872. It is a violation of this chapter if the applicant, or licensee, has failed or refused to pay for any farm product at the time and in the manner which is specified in the contract with the producer, or as is otherwise provided in this chapter.

55873. It is a violation of this chapter if the applicant, or licensee, has rejected, without reasonable cause, or has refused to accept, without reasonable cause, any farm product which is bought or contracted to be bought from a producer by such applicant or licensee, or failed or refused, without

reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service which is contracted to be done by the licensee in connection with the acceptance, harvesting, or other handling of such farm product which is bought or handled or contracted to be bought or handled.

55874. It is a violation of this chapter if the licensee has knowingly employed an agent without causing the agent to comply with the licensing requirements of this chapter which are applicable to agents.

55875. It is a violation of this chapter if the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examinations, or audits as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examinations, or audits, or has otherwise obstructed them.

55876. It is a violation of this chapter if the applicant, or licensee, has otherwise violated any provision of this chapter or Chapter 7 (commencing with Section 56101) of this division.

55877. It is a violation of this chapter if the licensee, being licensed as a processor without bond, has bought or otherwise taken title to, or possession of, any farm product from the producer of the farm product, except by payment to the producer, at the time of obtaining such possession or control, of the full agreed price in lawful money of the United States.

55878. The failure or refusal of a processor to make payment for any farm product within the time which is specified for such payment in the contract of sale and purchase between the producer and the processor, and in accordance with the terms of the contract, is a violation of this chapter.

Article 18. Criminal Penalties

55901. Any misdemeanor which is prescribed by this article is punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment.

55902. It is a misdemeanor for any person that is subject to this chapter to assume or attempt to act as a processor or agent without a license, or, if licensed as a processor without a bond, to buy or otherwise take title to, or possession of, any farm product from the producer of such product, except by payment to the producer, at the time of obtaining such possession or control, of the full agreed price in lawful money of the United States.

55903. It is a misdemeanor for any person that is subject to this chapter to willfully refuse to pay for any farm product which such person purchases within 20 days after the date of the delivery of such product by the producer if he has the ability to pay and demand for payment is made, except in

the case of a bona fide dispute, unless the time of payment is otherwise agreed upon in writing, or the payment of the purchase price is secured other than by a lien.

55904. It is a misdemeanor for any person that is subject to this chapter to falsely deny the amount, or the validity, of any producer's claim, or that it is due, with the intent to secure for himself, his employer or other person, any discount upon such indebtedness, or with the intent to annoy, harass, oppress, hinder, delay, or defraud the person to whom such indebtedness is due.

55905. It is a misdemeanor for any person that is subject to this chapter to sell, hypothecate, sequester with intent to defraud any producer, or in any manner place or attempt to place any product upon which liens in favor of any producer have attached, beyond the control, reach, or recovery of any such claimant.

55906. It is a misdemeanor for any person that is subject to this chapter to fail to comply with this chapter.

Article 19. Civil Remedies and Penalties

55921. The director may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any order which is made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur.

There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residences, or places of business may be in several counties and the violations separate and distinct. Any proceeding which is brought pursuant to this section shall be governed in all other respects by the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

55922. Any person that violates any provision of this chapter is liable civilly in the sum of five hundred dollars ($500) for each and every violation, such sum to be recovered in an action by the director in any court of competent jurisdiction. All sums which are recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

CHAPTER 7. PRODUCE DEALERS

Article 1. Definitions

56101. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

56102. "Agent" means any person that, on behalf of any commission merchant, dealer, broker, or cash buyer, receives, contracts for, or solicits any farm product from a producer of

such product or that negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer, broker, or cash buyer.

56103. "Broker" means any person, except a commission merchant, dealer, or cash buyer, that negotiates the purchase or sale of any farm product. A broker may not, however, handle either the farm product which is involved or the proceeds of a sale.

56104. "Cash buyer" means any person, except a commission merchant, dealer, or broker, that obtains from the producer of any farm product, title, possession, or control of the farm product, or that buys or agrees to buy any farm product, by paying to the producer at the time of obtaining possession or control, or at the time of contracting for the title, possession, or control of any farm product, the full agreed price of such farm product in coin or currency, lawful money of the United States.

56105. "Commission merchant" means any person that receives on consignment or solicits from the producer of any farm product such farm product for sale on commission on behalf of such producer, or that accepts any farm product in trust from the producer of such farm product for the purpose of sale, or that sells on commission any farm product, or that handles any farm product in any way for the account of or as an agent of the producer of such farm product. Any person that accepts a farm product from the producer of such farm product for the purpose of sale or resale is a commission merchant, unless he has bought, or agreed to buy, the farm product by contract of purchase and sale, which designates the price to be paid to the producer.

56106. "Consignor" includes any person that ships or delivers to any commission merchant or dealer any farm product for handling, sale, or resale.

56107. "Dealer" means any person, except a cash buyer, that solicits, or obtains from the producer of any farm product, the title, possession, control, or delivery of the farm product for the purpose of resale or that buys or agrees to buy any farm product from the producer of the farm product. A dealer shall not, however, obtain title, possession, control, or delivery of any farm product except by contract of purchase and sale, or by contract of agreement to purchase, wherein the price to be paid by the dealer to the producer is designated in the contract.

56108. "Established place of business" means any permanent warehouse, building, or structure which is owned in fee or leased, at which the owner or lessee carries on a legitimate permanent business in good faith, and at which a stock of any farm product is stored or kept in quantities which are usually carried and reasonably adequate to meet the requirements of the business. It does not mean any tent, temporary stand, or other temporary structure, or permanent structure which is occupied pursuant to a temporary arrangement.

56109. "Farm product" includes every agricultural, horticultural, viticultural, and vegetable product of the soil, poultry and poultry products, livestock and livestock products, bees and apiary products, hay, dried beans, honey, and cut flowers. It does not, however, include any timber or timber product, or any milk product which is subject to the licensing and bonding provisions of Chapter 2 (commencing with Section 61801), Part 3, Division 21 of this code.

56110. "Producer" means any person that is engaged in the business of growing or producing any farm product.

Article 2. General Provisions

56131. The marketing of agricultural commodities within this state is hereby declared to be affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

56132. The director may publish in pamphlet form as often as he thinks necessary a list of all commission merchants, dealers, brokers, cash buyers, and agents that are licensed pursuant to this chapter together with all necessary regulations which concern the enforcement of this chapter.

56133. Any money in the Department of Agriculture Fund which was derived pursuant to this chapter or Chapter 6 (commencing with Section 55401) of this division may be expended for the administration and enforcement of any or all of the provisions of such chapters, notwithstanding any other provision of law which limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of such chapters separately.

56134. Civil suits and criminal prosecutions which arise by virtue of any provision of this chapter may be commenced and tried in any of the following:

(a) The county where the product was received by the commission merchant, dealer, broker, cash buyer, or agent.

(b) The county in which the principal place of business of such commission merchant, dealer, broker, cash buyer, or agent is located.

(c) The county in which the violation of this chapter occurred.

56135. If any clause, sentence, paragraph, or part of this chapter is for any reason, adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part of this chapter which is directly involved in the controversy in which such judgment is rendered.

Article 3. Exceptions

56161. This chapter does not apply to or include any of the following:

(a) Any nonprofit cooperative association which is organized and operating pursuant to Chapter 1 (commencing with Section 54001) of this division or similar law of any other state, the District of Columbia, or the United States, or the agents of such organizations in the performance of their duties as such, except as to that portion of the activities of such organization, or agent, which involves the handling or dealing in any farm product of any nonmember of such organization.

(b) Any person or exchange that buys, receives, or otherwise handles any farm product as a processor, as that term is defined in Section 55407.

(c) Any person or exchange that deals in livestock and operates at a public livestock market if it is subject to and operates under a bond which is required by the United States to secure the performance of its obligations.

(d) Any retail merchant that has a fixed or established place of business in this state. This exemption of retail merchants does not, however, apply to retail merchants that also are engaged in the business of selling at wholesale any farm product which is purchased from a producer or to any transaction wherein possession of any farm product is obtained from a producer and the farm product is sold to another person without being handled in the regular course of a retail business which is conducted at a fixed and established place of business.

(e) Any person that is licensed as a slaughterer pursuant to Article 2 (commencing with Section 22031), of Chapter 10, Division 10 of this code if the livestock which are handled by such slaughterer are slaughtered at the place of business of the slaughterer. Any slaughterer that handles livestock upon a consignment basis is not, however, exempt from the bonding provisions of this chapter.

(f) Any person that buys any farm product for his own use or consumption.

(g) Any person, not otherwise required to be licensed pursuant to this chapter, that buys or otherwise acquires possession of any farm product from a nonprofit cooperative association to which subdivision (a) of this section is applicable.

Article 4. Licenses

56181. Except as otherwise provided in Sections 55610 and 55863, a person shall not act as a commission merchant, dealer, broker, cash buyer, or agent unless such person has obtained a license as provided in this chapter.

56182. Every person, before acting as a commission merchant, dealer, broker, cash buyer, or agent, shall file an application with the director for a license to transact the busi-

ness of commission merchant, dealer, broker, cash buyer, or agent, as the case may be. The application shall be accompanied by the application fee which is provided in Article 17 (commencing with Section 56571) of this chapter for each specified class of business. A separate application shall be filed for each class of business.

56183. The application shall in each case state all of the following:

(a) Every class of farm products which the applicant proposes to handle.

(b) The full name of the person that is applying for such license. If the applicant is a firm, exchange, association, or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association, or corporation shall be given in the application.

(c) The principal business address of the applicant in this state and elsewhere.

(d) The name of each person authorized to receive and accept service of summons and legal notices of all kinds for the applicant.

56184 In addition to the general requirements which are applicable to all classes of applications as set forth in this article, the following requirements shall apply to the class of applications which is designated:

(a) Each application for a commission merchant's license shall include a complete schedule of commissions, together with an itemized listing of all charges for all services. Such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties or by written notice to the director. If they are changed by a written contract, such charges shall be clearly set forth in detail in such written contract. Any services which are rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Each application for an agent's license shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer that is represented or sought to be represented by the agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

56185. Fraud or misrepresentation in making any application for a license pursuant to this chapter shall ipso facto work a revocation of any license which is granted pursuant to this chapter.

56186. The director shall require the applicant to make a showing of character, responsibility, and good faith in seeking to carry on the business which is stated in the application, and may make investigations, hold hearings, and make determinations respecting such matters.

56187. If the applicant is a corporation or partnership, it shall likewise satisfy the director of the character, responsibility, and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer, or director of a corporation, or manager, superintendent, or member of a partnership. The failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and is a good and sufficient grounds for the denial of an application for license or the renewal of a license.

56188. Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter shall be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director, or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of any violation of this chapter or by reason of any violation of Chapter 6 (commencing with Section 55401) of this division.

56189. Any person that has been adjudged a bankrupt, or any person against whose bondsman a claim has been collected by the director pursuant to any provision of this chapter or Chapter 6 (commencing with Section 55401) of this division, and that has not made full settlement with all producer-creditors, shall not be licensed by the director for three years from the date of such adjudication or collection.

56190. The director, after due hearing, may refuse to grant any license which is provided by this chapter, and may upon his own motion, after hearing, or upon a verified complaint which is signed and filed with him by any interested person refuse renewal of any such license if he is satisfied that the applicant or the licensee has violated any provision of this chapter.

56191. The director may also refuse to grant any license or the renewal of any license in any of the following cases:

(a) If he is satisfied, after hearing as provided in this chapter, that the applicant is violating any provision of this chapter.

(b) He determines that the applicant or any person connected with the applicant has violated any provision of this chapter or Chapter 6 (commencing with Section 55401) of this division.

(c) If he is satisfied, after hearing or investigation, that the applicant has become bankrupt or insolvent and is thereby unable to pay producer-creditors of the applicant, or producers with whom the applicant has executory or executed contracts for the purchase of any farm product, or for the handling of any farm product on consignment.

56192. Except as otherwise provided in Section 56189, 56190, 56191, or 56221, upon the filing of the application and the payment of the application fee, the director shall, if he is satisfied as to the character, responsibility, and good faith of the applicant, or the persons in a responsible or managing position of a corporate or a partnership applicant, issue to such applicant a license that entitles the applicant to conduct the business which is described in the application at the place that is named in the application for a year from the date of the license or until it is suspended or revoked for cause. The license of any agent shall, however, expire upon the date of expiration of the license of the principal for whom the agent acts.

56193. Each licensed commission merchant, dealer, broker, cash buyer, or agent shall post his license or a copy of it in his office or salesroom in plain view of the public.

56194. The director shall issue to any dealer or cash buyer that collects or receives any farm product from any producer by truck, a card which bears the signature of the dealer or cash buyer, and certifies that he is licensed as a produce dealer or cash buyer. The dealer or cash buyer shall show such card upon the request of any interested person.

56195. The director may also issue to each agent a separate card for each principal which the agent represents, which shall bear the signature of the agent. Any agent shall show the card upon the request of any interested person. Any agent that displays a void or expired license card is guilty of a misdemeanor, punishable as provided in Section 56631 of this chapter.

56196. All indicia of the possession of a license are at all times the property of this state. Each licensee is entitled to the possession of them only for the duration of the license.

Article 5. Commission Merchant's and Dealer's Bonds

56221. Before any license is issued to any commission merchant or dealer, the applicant shall execute and deliver to the director a surety bond which is executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety in the following sum:

(a) If the application is for a commission merchant's license, the bond shall be in the sum of five thousand dollars ($5,000).

(b) If the application is for a dealer's license, the bond shall be in the sum of two thousand dollars ($2,000).

56222. The bond shall be conditioned upon compliance with the provisions of the chapter and upon the faithful and honest handling of farm products in accordance with this chapter.

56223. The bond shall be to the state in favor of the following:

(a) If the application is for a commission merchant's license, the bond shall be in favor of every producer-consignor of any farm product which is grown within this state.

(b) If the application is for a dealer's license, the bond shall be in favor of every producer-creditor of any farm product which is grown within this state.

56224. (a) Any producer-consignor of any farm product which is grown within this state that claims to be injured by the fraud, deceit, or willful negligence of any commission merchant may bring action upon the bond of such commission merchant against both principal and surety in any court of competent jurisdiction to recover the damages which are caused by such fraud, deceit, or willful negligence, or the failure to comply with the provisions of this chapter.

(b) Any producer-creditor of any farm product which is grown within this state that claims to be injured by the fraud, deceit, or willful negligence of any dealer may bring action upon the bond of such dealer against both principal and surety in any court of competent jurisdiction to recover the damages which are caused by such fraud, deceit, or willful negligence, or the failure to comply with the provisions of this chapter.

56225. If a commission merchant fails to pay the producer-consignor creditors for any farm product which is received from such consignors to be sold, or a dealer fails to pay producer-creditors for any farm product which is received from such producers, the director shall proceed forthwith to ascertain the names and addresses of all consignor creditors of such commission merchant, or producer-creditors of such dealer, together with the amounts due and owing to them and each of them by such commission merchant or dealer, and shall request all such consignor creditors or producer-creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor or producer-creditor at his last known address.

56226. If a consignor creditor or producer-creditor fails, refuses, or neglects to file in the office of the director his verified claim as requested by the director within 60 days from the date of such request, the director is thereupon relieved of further duty or action pursuant to this article on behalf of such consignor creditor or producer-creditor.

56227. If by reason of the absence of records or other circumstances which make it impossible or unreasonable for the director to ascertain the names and addresses of all such consignor creditors or producer-creditors, the director, after exerting due diligence and making reasonable inquiry to secure

such information from all reasonable and available sources, may make demand on the bond on the basis of information which is then in his possession, and thereafter is not liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

56228. Upon ascertaining all claims and statements in the manner which is set forth in this article, the director may make demand upon the bond on behalf of those claimants whose statements have been filed, and may settle or compromise the claims with the surety company on the bond. He may in such cases execute and deliver a release and discharge of the bond which is involved.

56229. Upon the refusal of the surety company to pay the demand, the director shall bring an action on the bond in behalf of the consignor creditors or producer-creditors.

56230. Upon any action being commenced on the bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such commission merchant or dealer shall file a new bond. If a commission merchant or dealer fails to file a new bond within 10 days in either case, such failure constitutes grounds for the suspension or revocation of his license.

Article 6. Financing Charges

56251. A commission merchant, dealer, or broker that finances, lends money, or otherwise makes advances of money or credits to another commission merchant, dealer, or broker may not deduct from the proceeds of any farm product which is marketed, sold, or otherwise handled by him on behalf of or for the account of the commission merchant, dealer, or broker to whom such money, loans, advances or credits are made, an amount which exceeds a reasonable commission or brokerage, together with the usual and customary selling charges or costs of marketing, or both. He may not otherwise divert to his own use or account or in liquidation of such loans, advances, or credits the moneys, returns, or proceeds accruing from the sale, handling, or marketing of any farm product which is handled by him on behalf of or for the account of the commission merchant, dealer, or broker to whom or for whom such loans, advances, or credits are made.

Article 7. Commission Merchants

56271. Every commission merchant, that receives any farm product for sale as a commission merchant, shall promptly make and keep a correct record which shows in detail all of the following with reference to the handling, sale, or storage of such farm product:

(a) The name and address of the consignor.

(b) The date it was received.

(c) The condition and quantity upon arrival.

(d) Date of such sale for the account of the consignor.

(e) The price for which it was sold.

(f) An itemized statement of the charges to be paid by the consignor in connection with the sale.

(g) The names and addresses of all purchasers if the commission merchant has any financial interest in the business of the purchasers, or if the purchasers have any financial interest in the business of the commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in such records following the name of any such purchaser.

(h) A lot number or other identifying mark for each consignment, which number or mark shall appear on every sales tag or other essential record, or both, which is needed to show what the produce was actually sold for.

(i) Any claim which has been or may be filed by the commission merchant against any person for overcharges or for damages which result from the injury or deterioration of such farm product by the act, neglect, or failure of such person. Such records shall be open to the inspection of the director and the consignor of the farm product for whom such claim is made.

56272. If requested by his consignor, a commission merchant shall, before the close of the next business day following the sale of any farm product which is consigned to him, transmit or deliver to the owner or consignor of the farm product a true written report of such sale, which shows the amount sold and the selling price.

56273. Remittance in full of the amount which is realized from such sales, including all collections, overcharges, and damages, less the agreed commission and other charges, together with a complete account of sales, shall be made to the consignor within 10 days after receipt of the moneys by the commission merchant, unless otherwise agreed in writing.

56274. In the account, the names and addresses of purchasers need not be given, except as required in Section 56271. If, however, a commission merchant has entered into a written contract with two or more owners or consignors which contract provides that the returns for any farm product which is sold for the account of such owners or consignors shall be pooled on a definite basis as to size or grade, or both, during a certain period of time, a commission merchant is required to render an account of sales, which shows the net average pool return on each size or grade, or both, from sales which are made and shall keep a correct record of such sales, which shows in detail all information as required in Section 56271.

56275. Every commission merchant shall retain a copy of all records which cover each transaction, for one year from

the date of the transaction, which copy shall at all times be available for, and open to, the confidential inspection of the director, consignor, or the authorized representative of either.

56276. If there is any dispute or disagreement between a consignor and a commission merchant which arises at the time of delivery as to condition, quality, grade, pack, quantity, or weight of any lot, shipment, or consignment of any farm product, the department shall furnish, upon the payment of a reasonable fee for it by the requesting party, a certificate which establishes the condition, quality, grade, pack, quantity, or weight of such lot, shipment, or consignment.

56277. Such certificate is prima facie evidence in all courts of this state as to the recitals in it. The burden of proof is upon the commission merchant to prove the correctness of his accounting as to any transaction which may be questioned.

56278. The sale of any farm product which is made by a commission merchant for less than the current market price to any person with whom he has any financial connection, directly or indirectly as owner of its corporate stock, as copartner, or otherwise, or any sale out of which such commission merchant receives, directly or indirectly, any portion of the purchase price, except the commission which is named in the licensee's application or in a specific contract with the consignor, is prima facie evidence of fraud within the meaning of this chapter.

Article 8. Dealers

56301. Every dealer that purchases any farm product from the producer of the farm product shall promptly make and keep for one year a correct record which shows in detail all of the following:

(a) The name and address of the grower.

(b) The date received.

(c) The price to be paid.

(d) An itemized statement of any charges which are paid by the dealer for the account of the producer.

56302. Every dealer shall pay for any farm product which is delivered to him at the time and in the manner which is specified in the contract with the producer. If no time is set by such contract, or at the time of the delivery, he shall pay for the farm product within 30 days from the delivery or taking possession of such farm product.

Article 9. Brokers

56331. Every broker, upon negotiating the sale of any farm product, shall issue to both buyer and seller a written memorandum of sale, which shows the price, date of delivery, quality, and other details which are concerned in the transaction. A copy of this memorandum shall be retained by the broker for one year.

Article 10. Claims of Dealers or Cash Buyers

56351. A claim may not be made against the seller of any farm product by a dealer or cash buyer pursuant to this chapter, and no credit may be allowed to such dealer or cash buyer against a producer of any farm product by reason of damage to, or loss, dumping, or disposal of any farm product which is sold to such dealer or cash buyer, in any payment, accounting, or settlement which is made by the dealer or cash buyer to the producer, unless the dealer or cash buyer has secured and is in possession of a certificate, which is issued by a commissioner, as defined in Section 26, a county health officer, the director, a duly authorized officer of the State Board of Health, or by some other official now or hereafter authorized by law, to the effect that the farm product which is involved has been damaged, dumped, destroyed, or otherwise disposed of as unfit for human consumption or as in violation of the fruit and vegetable standards which are contained in Division 17 (commencing with Section 42501) of this code.

56352. The certificate is not valid as proof of a proper claim, credit, or offset unless it is issued within 24 hours of the receipt by the dealer or cash buyer of the farm product which is involved.

Article 11. Examinations and Audits

56381. The director on his own motion may make examinations and audits of the books and records of any licensee which pertain to the purchase, or to the handling and accounting for, of any farm product which is purchased or received on consignment from the producer. He may examine and audit all pertinent books, records, weight tags, receipts, ledgers, papers, contracts, and other documents of the licensee which show or tend to show facts regarding the number and status of accounts of growers that are doing business with such licensee.

56382. If the examination discloses evidence of any violation of this chapter, the director may issue a complaint which is directed against the licensee, either on his own behalf or on behalf of producers that are affected by such violation, together with such other process for the enforcement of the provisions of this chapter as is provided in this chapter.

56383. The failure or refusal of any licensee to produce and make available to the director any such books or records, or otherwise to obstruct such examination or audit, is a good and sufficient ground for the suspension or revocation of his license.

Article 12. Complaints by Producers

56411. For the purpose of enforcing the provisions of this chapter, the director may receive verified complaints from producers against any commission merchant, dealer, broker,

cash buyer, or agent or any person, that assumes or attempts to act as such. Upon receipt of any such verified complaint, he may make any and all necessary investigations relative to the complaint.

56412. The director may administer oaths of verification on the complaints

56413. He shall have free and unimpeded access at all times to any building, yard, warehouse, or storage or transportation facility in which any farm product is kept, stored, handled, or transported.

56414. He may do all of the following:

(a) Administer oaths and take testimony under oath.

(b) Issue subpoenas which require the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles, or instruments.

(c) Compel the disclosure by such witnesses of all facts which are known to them relative to the matters under investigation.

56415. All parties disobeying the orders or subpoenas of the director are guilty of contempt and shall be certified to the superior court of the state for punishment for such contempt.

56416. Copies of records, audits and reports of audits, inspection certificates, certified reports, findings, and all papers on file in the office of the director are prima facie evidence of the matters which are contained in them, and may be admitted into evidence in any hearing which is provided in this chapter.

Article 13. Investigations and Hearings

56441. The director on his own motion may, or upon the verified complaint of any interested party shall, investigate, examine, or inspect any of the following:

(a) Any transaction which involves solicitation, receipt, sale, or attempted sale of any farm product by any person that is acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent.

(b) Failure to make proper and true account of sales and settlement of sales as required by this chapter.

(c) The intentional making of false statements as to condition and quantity of any farm product which is received or in storage.

(d) The intentional making of false statements as to market conditions.

(e) The failure to make payment for any farm product within the time which is required by this chapter.

(f) Any and all other injurious transactions.

56442. In furtherance of any such investigation, examination, or inspection, the director may examine that portion of the ledgers, books, accounts, memoranda and other docu-

ments, farm products, scales, measures, and other articles and things which are used in connection with the business of the person which relate to the transactions which are involved.

56443. If a producer-consignor or seller of any farm product fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, or buyer, a verified complaint may be filed with the director who shall undertake to effect a settlement. If he fails to effect such a settlement, he shall call a hearing as provided for in this article.

56444. Upon the filing of such a verified complaint, the director shall cause a copy of it, together with a notice of the time and place of hearing of such complaint to be served personally or by mail upon each person that is named as a respondent in the verified complaint. Such service shall be made at least 10 days before the hearing.

56445. The hearing shall be held in one of the following places which is selected by the director:

(a) The city or place in which is situated the principal place of business of the licensee or respondent.

(b) The city or place in which the transaction or violation which is complained of is said to have occurred.

(c) The county seat of the county in which the transaction or violation complained of is said to have occurred.

(d) The nearest office of the department.

56446. At the time and place which is appointed for the hearing, the director shall hear the parties to the complaint.

56447. At the conclusion of the hearing, the director shall enter in his office at Sacramento a decision which either dismisses such complaint or specifies the facts which are established on such hearing.

56448. The decision may include an order suspending or revoking the license which is held by the respondent, or affixing such other conditional and probationary orders as may be proper for the enforcement of this chapter. A copy of the decision shall be furnished to the licensee and complainant.

56449. If either party to the hearing requests a continuance after due notice, the party that requests the continuance shall make such request 48 hours prior to the time of hearing. The party that requests such continuance is required to pay the costs which are attached to such continuance.

56450. This article does not limit the power of the director, after hearing, to suspend or revoke a license pursuant to Section 56531 if he is satisfied of the existence of any of the facts which Article 18 (commencing with Section 56601) of this chapter makes a violation of this chapter.

Article 14. Procedure Governing Hearings

56471. Before a hearing has commenced, the director shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Section 1985 of the Code of Civil Procedure After the hearing has com-

menced, the director may issue subpoenas and subpoenas duces tecum.

56472. The process which is issued pursuant to Section 56471 extends to all parts of the state and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. A witness is not obliged to attend at a place out of the county in which he resides except when the distance is less than 100 miles from his place of residence, or the director, upon affidavit of any party which shows that the testimony of such witness is material and necessary, has endorsed on the subpoena an order which requires the attendance of such witness.

56473. Every witness who appears pursuant to a subpoena, except a party or an officer or employee of the state or any political subdivision of the state, shall receive fees. Every witness who appears pursuant to subpoena, except a party, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court.

56474. Oral evidence shall be taken only on oath or affirmation.

56475. Each party shall have all of the following rights:

(a) Call and examine witnesses.

(b) Introduce exhibits.

(c) Cross-examine opposing witnesses on any matter which is relevant to the issues even though that matter was not covered in the direct examination.

(d) Impeach any witness regardless of which party first called him to testify.

(e) Rebut the evidence against him. If the respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

56476. The hearing need not be conducted according to technical rules which relate to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

Article 15. Contempt

56501. If any person in any proceedings before the director disobeys or resists any lawful order, refuses to respond to a subpoena, refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place of the

hearing as to obstruct the proceeding, the director shall certify the facts to the superior court in and for the county where the proceedings are held.

56502. The court shall thereupon issue an order which directs the person to appear before the court and show cause why he should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter.

56503. The same proceedings shall be had, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action before a superior court.

Article 16. Suspension or Revocation of Licenses

56531. The director may suspend or revoke any license, as the case may require, if after a hearing as provided in this chapter, he finds that the licensee has violated this chapter.

56532. The director, upon his own motion, after hearing, or upon a verified complaint which is signed and filed with him by any interested person, may suspend or revoke any such license, as the case may require, if he is satisfied that the licensee has violated any provision of this chapter.

The director may also, after hearing, suspend or revoke a license pursuant to Section 56531 if he is satisfied of the existence of any of the facts which Article 18 (commencing with Section 56601) of this chapter makes a violation of this chapter.

56533. Previous violation by the licensee, or by any person that is connected with him or it, of any provision of this chapter, or Chapter 6 (commencing with Section 55401), of this division is a good and sufficient ground for the suspension or revocation of a license.

56534. The director, after hearing, or investigation may suspend or revoke any license as the case may require, if he is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of any farm product, or for the handling of any farm product on consignment.

56535. In any case which is mentioned in Section 56534, if the director is satisfied that to permit the dealer or commission merchant to continue to purchase or to receive further shipments or deliveries of any farm product would be likely to cause serious and irreparable loss to producer-creditors, or to producers with whom the dealer or commission merchant has such contracts, the director may shorten the time which is provided for hearing upon an order to show cause why

the license of the dealer or commission merchant should not be forthwith suspended or revoked.

56536. The time of notice of such hearing shall in no event be less than 24 hours. The director shall within that period call a hearing, at which the dealer or commission merchant proceeded against shall be ordered to show cause why his or its license should not be suspended, or revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors that are involved.

56537. The hearing, in the case of such emergency, may be called upon written notice, such notice to be served personally or by mail on the dealer or commission merchant that is involved, and may be held at the nearest office of the director or at such place as may be most convenient at the discretion of the director, for the attendance of all parties involved.

56538. Any order suspending or revoking a license may, within the discretion of the director, be made conditional upon the settlement, adjustment, or satisfaction of the consequence of the violation which is specified, and the operation of such an order may be deferred for such purpose. Any such order may contain provisions for modification or dismissal of the order upon presentation to the director of evidence that the matter of complaint has been settled, adjusted, or withdrawn at any time before such order becomes final.

56539. After any decision, including any conditional or probationary orders, if the licensee does not comply with any of such orders, the director may thereupon issue to and serve upon the licensee an order which directs the licensee to show cause why his license should not be suspended or revoked for the failure to comply with the conditional or probationary orders.

56540. A copy of the order to show cause, together with the notice of the time and place of hearing upon the order, shall be served personally or by mail upon the licensee. The order shall refer to an attached copy of the conditional or probationary orders in such a way as to advise and inform the licensee of the charge or violation upon which the order is based and pursuant to which it is issued. Such service shall be made at least 10 days before the hearing.

56541. The hearing shall be held in one of the following places which is selected as the place of the hearing by the director:

(a) The city or place in which the principal place of business of the respondent is situated.

(b) The city or place in which the transaction or violation which is complained of is said or charged to have occurred.

(c) The county seat of the county in which the transaction or violation complained of is said or charged to have occurred.

(d) The nearest office of the department.

56542. At the time and place which is appointed for such hearing, the director shall hear the matter set forth in the order, and the showing of the licensee.

56543. At the conclusion of the hearing, the director shall enter in his office at Sacramento an order and decision which specifies the facts, dismissing the order to show cause, or directing the suspension or revocation of the license or licenses held by the licensee, or making such further conditional or probationary orders as the director may deem proper, upon the evidence which is presented at the hearing. A copy of the order and decision shall be furnished to the licensee.

Article 17. Fees

56571. Except as otherwise provided in this article or in Section 55863, each applicant, for filing the application for a license, shall pay the following fee which is prescribed for such license:

(a) Commission Merchants. Eighty dollars ($80) for each year. A person that is licensed as a slaughterer pursuant to Article 2 (commencing with Section 22031), Chapter 10, Division 10 of this code is, however, entitled to be licensed as a commission merchant without payment of any further fees.

(b) Dealers. Eighty dollars ($80) for each year.

(c) Brokers. Eighty dollars ($80) for each year.

(d) Cash Buyers. Eighty dollars ($80) for each year.

(e) Agents. Ten dollars ($10) for each license period of the principal.

56572. If any commission merchant, dealer, broker, or cash buyer does not apply for the renewal of a preexisting license on or before the date of the expiration of the license, a penalty of ten dollars ($10) shall be added to the original fee of eighty dollars ($80), and shall be paid by the applicant before the renewal license may be issued.

56573 Any person that has applied for and obtained a license within the classification of commission merchant, dealer, broker, cash buyer, in the manner and upon payment of the fee which is set forth in Section 56571, may apply for and secure a license in any or all of the remaining such classifications upon payment of a further fee in the amount of twenty-five dollars ($25) for each additional classification for which application is made, and upon further complying with those provisions of this chapter which regulate the licensing of the other particular classification that is involved.

56574. Any person that has applied for and obtained a license within the classification of commission merchant, dealer, broker, or cash buyer, in the manner and upon the payment of the fee which is set forth in Section 56571 may apply for and secure a license as processor pursuant to Chapter 6 (commencing with Section 55401) of this division, by filing an application which is accompanied by a fee in the amount of thirty-five

dollars ($35) and by further complying with those provisions of Chapter 6 of this division, which regulate the licensing of processors. This license shall be known as a "conjunctive processor's license."

56575. Every license which is held by any licensee pursuant to this chapter shall automatically expire on the expiration date of the original license for which the license fee of eighty dollars ($80) was paid.

56576. All license fees which are collected pursuant to this chapter shall be paid into the State Treasury monthly and shall be credited to the Department of Agriculture Fund and, except as otherwise provided in Section 56133, shall be expended in carrying out this chapter.

Article 18. Violations

56602. It is a violation of this chapter if the applicant or licensee has made any fraudulent charges or returns for the handling, sale, or storage of, or for rendering any service in connection with the handling, sale, or storage of any farm product.

56603. It is a violation of this chapter if the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement on the sales, or to pay for any farm product which is received, within the time and in the manner which are required by this chapter.

56604. It is a violation of this chapter if the applicant, or licensee, has made any false statement as to the condition, quality, or quantity of any farm product which is received, handled, sold, or stored by him.

56605. It is a violation of this chapter if the applicant, or licensee, directly or indirectly, has purchased for his, or its, own account any farm product which is received by him upon consignment without prior authority from consignor together with the price fixed by the consignor or without promptly notifying the consignor of such purchase. This does not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots of parcels of any farm product which remains unsold, if such commission merchant forthwith enters such transaction on his account of sales.

56606. It is a violation of this chapter if the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm product.

56607. It is a violation of this chapter if the applicant, or licensee, has made any fictitious sale or has been guilty of collusion to defraud the producer.

56608. It is a violation of this chapter if a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one

commission for making the sale of such consignment for the consignor, unless by written consent of such consignor.

56609. It is a violation of this chapter if the licensee was intentionally guilty of fraud or deception in the procurement of such license.

56610. It is a violation of this chapter if the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with produce which is handled on account of, or as an agent of, another.

56611. It is a violation of this chapter if the applicant, or licensee, has indulged in any unfair practice.

56612. It is a violation of this chapter if the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any farm product which is bought or contracted to be bought from a producer by such licensee, or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service which is contracted to be done by the licensee in connection with the acceptance, harvesting, or other handling of such farm product, or has used any other device to avoid acceptance or unreasonably to defer acceptance of such farm product.

56613. It is a violation of this chapter if the licensee has otherwise violated any provision of this chapter.

56614. It is a violation of this chapter if the licensee has knowingly employed an agent, without causing the agent to comply with the licensing requirements of this chapter which are applicable to agents.

56615. It is a violation of this chapter if the applicant or licensee has in the handling of any farm product been guilty of fraud, deceit, or willful negligence.

56616. It is a violation of this chapter if the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examinations, or audits as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers which are necessary to any such investigations, examinations, or audits, or has otherwise obstructed them.

56617. It is a violation of this chapter if the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

56618. It is a violation of this chapter if the licensee has failed or refused to keep and maintain the records as required by this chapter.

56619. It is a violation of this chapter if a dealer has obtained title to or possession, control, or delivery of any farm product from a producer of the farm product without having, in either case, executed a contract of purchase and sale, or a contract agreeing to purchase the farm product at a designated price to be paid by the dealer.

Article 19. Criminal Penalties

56631. Any misdemeanor which is specified in this article is punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than one year, or by both.

56632. It is a misdemeanor for any person to assume or attempt to act, or to act, as a commission merchant, dealer, broker, cash buyer, or agent without a license.

56633. It is a misdemeanor for any person to impose any false charge for handling or services in connection with any farm product.

56634. It is a misdemeanor for any person to fail to account promptly, correctly, fully, and properly and to make settlement of accounts as provided in this chapter.

56635. It is a misdemeanor for any person to intentionally make any false or misleading statement as to market conditions.

56636. It is a misdemeanor for any person to make any fictitious sale or be guilty of collusion to defraud the producer.

56637. It is a misdemeanor for any person to directly or indirectly purchase for his own account, goods which are received by him upon consignment without prior authority from the consignor, or to fail to promptly notify the consignor of such purchases, if any, on his own account. This section does not, however, prevent any commission merchant from taking to account of sales, in order to close the day's business, any miscellaneous lot or parcel of any farm product which remains unsold, if such commission merchant forthwith enters such transaction on his account of sales.

56638. It is a misdemeanor for any person to intentionally make any false statement regarding the grade, conditions, markings, quality, or quantity of any goods which are shipped or packed in any manner.

56639. It is a misdemeanor for any person to fail to comply in every respect with the provisions of this chapter.

Article 20. Civil Remedies and Penalties

56651. The director may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any order which is made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur.

There may be enjoined in one proceeding any number of defendants that are alleged to be violating the same provisions or orders, although their properties, interests, residences, or places of business may be in several counties and the violations separate and distinct. Any proceeding which is brought pursuant to this section shall be governed in all other respects by the provisions of Chapter 3 (commencing

with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

56652. Any person that violates any provision of this chapter is liable civilly in the sum of five hundred dollars ($500) for each and every violation. Such sum shall be recovered in an action by the director in any court of competent jurisdiction. All sums which are recovered pursuant to this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

CHAPTER 8. PRODUCE MARKETS

Article 1. Definitions

56801. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

56802. "Association" means an association of produce dealers which is organized to carry out the responsibilities of produce dealers which are imposed by this chapter.

56803. "City" includes city and county.

56804. "Commissioner," with respect to any matter which relates to a particular market, means the deputy labor commissioner who is in charge of the office of the Labor Commissioner which is located nearest to that market.

56805. "Director" means the Director of Industrial Relations.

56806. "Farm product" means any fruit, nut, vegetable, or berry.

56807. "Market" means the places of business, collectively, of produce dealers that operate in a city, or the vicinity of a city, and that deal in any farm product which is intended, in whole or in part, for ultimate sale for consumption in a fresh state within the city and the vicinity of the city. This chapter applies only to markets in which five or more produce dealers operate

56808. "Produce dealer" includes "commission merchant," as defined in Section 56105, and "dealer," as defined in Section 56107. It does not, however, include a "broker," as defined in Section 56103, nor "processor," as defined in Section 55407.

56809. "Registered unloader" means a person who unloads any farm product in a market. It does not, however, include any of the following:

(a) A producer of farm products, or his son, father, or regularly employed employee.

(b) The operator of any vehicle which is engaged in the transportation of any farm product to market if the operation of such vehicle is subject to the jurisdiction of the Public Utilities Commission and the rate which is charged for such transportation includes the charge for unloading the farm product which is so transported.

56810. "Union" means the labor union which has been recognized by the National Labor Relations Board, or other

governmental agency which has jurisdiction, as the bargaining agency for employees who are employed in a market.

Article 2. General Provisions

56831. It is the purpose of this chapter to promote the orderly marketing of farm products and the establishment of reasonable charges for unloading such products at markets in this state. It is declared that in some of the markets of this state the charges for unloading farm products have been found to be exorbitant and unreasonable and that this chapter is enacted to remedy such evils and in the interests of the public welfare.

56832. The director may make such regulations as he may deem necessary to carry out this chapter and to effectuate its purposes.

Article 3. Exceptions

56861. This chapter does not apply to any market in which less than five produce dealers operate.

56862. This chapter does not apply to any produce dealer at whose place of business every farm product which is delivered is unloaded without charge by employees of the produce dealer either with or without the assistance of the operator of the vehicle which transports such product or other persons who accompany the operator on such vehicle. This chapter does not prohibit any employee of a produce dealer from assisting in unloading any farm product without charge if registered unloaders are not available.

Article 4. Registered Unloaders

56891. Every person who unloads any farm product in a market and who is a registered unloader shall register his name, Federal Social Security number, and address and union affiliation, if any, with the commissioner. The commissioner shall supply each registered unloader with a card of registration. Each registered unloader shall carry such card at all times while employed or seeking employment in unloading any farm product in a market. A person within the definition of the term registered unloader shall not unload any farm product in a market unless he is registered as provided in this chapter.

56892. Every producer who transports any farm product to a market may register himself, his father, and his sons, and regular full-time employees, with the commissioner. Such registration shall show the name of the producer, the registration number and other means of identification of his own personally owned vehicles, and the relationship of the registrant to the producer.

This chapter does not prohibit a person so registered from unloading any farm product from a vehicle as to which he is so registered, and no such person is required to employ

any other person to unload or assist in unloading such farm product nor to pay for any services which are not requested to be performed. The commissioner shall supply each such registrant with an appropriate card, which the registrant shall carry at all times while engaged in unloading any farm product at a market.

56893. Every produce dealer that operates in a market is responsible for providing that registered unloaders sufficient in number to do the work which is required are available at all times when any farm product is being delivered to his place of business. He is also responsible for having on hand at his place of business at all such times a responsible person to receipt for any farm product which is unloaded at his place of business.

Article 5. Association of Produce Dealers

56921. In order to facilitate the carrying out of their responsibilities pursuant to this chapter, the produce dealers that operate in a market may organize an association. A produce dealer shall not be required to become or to be a member of such association, but any such association shall admit to membership any produce dealer that operates in the market. If a produce dealer is admitted to membership in the association, he shall not be subject to any assessment or payment except those which are necessary to carry out his responsibilities pursuant to this chapter.

56922. An association may do all of the following:

(a) Obtain a dispatching service from which registered unloaders may be sent to the places where their services are required.

(b) Act as the bargaining agent to establish with a union the scale of charges for unloading any farm product in the market in accordance with this chapter.

(c) Provide for watchman service to protect and give a receipt for any farm product which is delivered to a market at times when the market is not otherwise in operation.

56923. The costs of services of an association to its members for carrying out any of the activities which are provided for or required by this chapter are subject to review by the director. No cost or expenditure for any other purpose shall be payable by any produce dealer except on an entirely voluntary basis.

The director shall from time to time on his own motion, or at the request of a produce dealer, review the activities of the association to determine if any charge is made against any produce dealer in violation of this chapter.

Article 6. Charges for Unloading Produce

56951. Each produce dealer that operates within a market shall establish a scale of charges for unloading any farm prod-

uct which is transported to his place of business and shall post and maintain a legible copy of such scale in a conspicuous place at his place of business where it is readily visible at all times during which any farm product is delivered to such place of business.

56952. Any scale of charges which is established pursuant to this article may be modified from time to time in accordance with the method and procedure which is prescribed for establishing such scale.

56953. The scale of charges which is established shall be the standard charge for unloading any farm product in the market.

56954. A person shall not charge or receive any payment for unloading any farm product in excess of the standard charge which is established for the market.

56955. The scale of charges shall be established as follows:

(a) If all the produce dealers in a market, or a majority of such produce dealers, either individually or through group representation, have an agreement with a union, the scale of charges shall be that which is prescribed in such agreement and approved as provided in this chapter. If an agreement which covers any employees of produce dealers in a market does not cover persons who unload farm products, the agreement shall be modified, or a new agreement made, to cover such persons.

(b) If there is no such union, the scale of charges shall be fixed by the produce dealers that operate within the market.

In either event, the scale of charges is subject to the approval of the director.

56956. Upon the determination of a scale of charges for a market, the scale of charges shall be transmitted to the director. The director shall examine such scale and shall compare it with any available information relative to the charges for similar work which is performed under similar conditions in the city in, or for, which the market is operated. The director may take into consideration any and all factors which are relevant to the determination of the reasonableness of such charges, including any rates of the Public Utilities Commission for the performance of work of a similar nature.

56957. If the director determines that the scale of charges is not unreasonable, he shall approve the scale and thereafter the scale of charges shall be the standard charge for unloading any farm product in the market.

56958. If the director finds that the scale of charges is unreasonable, he shall fix a time and place for a hearing on the matter.

Notice of such hearing shall be mailed to each produce dealer that operates in the market and to the officials of the union, if a union is involved. The director may also notify any or all producers of any farm product which is delivered to the market.

56959. At the hearing the director shall consider any relevant matters that may be presented and, at or after the conclusion of such hearing, he shall so adjust the scale or any item of the scale so that the scale is not unreasonably higher than the prevailing rate for similar work which is performed under similar conditions in the city or its vicinity.

Article 7. Penalties

56981. The violation of any provision of this chapter by any person is a misdemeanor.

56982. The violation of any provision of this chapter by a produce dealer is grounds for the revocation of his license, and the violation of any provision of this chapter by an association is grounds for the revocation of the license of each produce dealer that participates in such violation.

CHAPTER 9. DAIRY PRODUCE EXCHANGES

Article 1. Definitions and General Provisions

57101. "Dairy produce exchange" means any association of persons which is organized for the following purposes:

(a) Furnishing a medium for trading in butter, cheese, or eggs.

(b) Facilitating the marketing of any such product.

(c) Establishing the wholesale market value of any such product.

57102. The director may require such monthly or other periodical reports, records of market quotations, and other statistical information as may be necessary to him in administering this chapter. All such reports, statistics, or information which is pertinent to each dairy produce exchange which is licensed pursuant to this chapter shall be kept on file in the office of the director and subject to public inspection.

57103. The director shall have access to all records of every dairy produce exchange which is licensed pursuant to this chapter, and may appoint a representative to sit with the board of directors or other governing body of such exchange.

Article 2. Licenses

57131. It is unlawful for any person to establish or operate a dairy produce exchange unless he has first obtained from the director a license to do so.

57132. Every dairy produce exchange, and any person that desires to operate a dairy produce exchange, before engaging in such activity, shall file with the director a written application for a license, accompanied by the license fee which is prescribed by Section 57134. The application shall state all of the following information:

(a) The name under which the dairy produce exchange proposes to operate.

(b) The location of its place of business.

(c) The names of its officers, directors, and the persons, firms, corporations, or associations which constitute its membership.

(d) A certified copy of its articles of incorporation, its constitution and bylaws, and the rules and regulations and bases of trade under which it proposes to operate.

57133. The director shall examine the application, and if he finds that the applicant has fully complied with the provisions of this chapter, he shall issue a license which authorizes the applicant to operate a dairy produce exchange. The license shall recite in bold type that the issuance of the license is permissive only and does not constitute a recommendation or endorsement of the rules and regulations or bases of trade under which the applicant proposes to operate.

57134. For each license, the director shall charge the sum of one hundred dollars ($100), which sum shall accompany the application for the license. Except as otherwise provided in this chapter, each license which is issued by the director shall continue in effect so long as the licensee shall continue in business, and shall pay a fee of one hundred dollars ($100) annually to the director. Such fee is payable on the first Monday of each calendar year.

Article 3. Arbitration

57161. The director shall act as arbitrator in all cases of dispute or contention which concerns the maintenance or operation of any licensed dairy produce exchange, or the bylaws, rules, or regulations which pertain to it.

57162. Upon receipt of any verified complaint which concerns a licensed dairy produce exchange, the director shall proceed to make a thorough investigation. In this connection, the director:

(a) May conduct hearings, of which all interested parties shall receive due notice, and may require written statements which set forth the views of any or all contending parties.

(b) Shall invite the cooperation and solicit the opinion of the Federal Trade Commission and the Economic Research Service of the United States Department of Agriculture.

57163. On the basis of the information which is so obtained, the director shall prescribe a tentative rule which shall be effective in the operation of any licensed dairy produce exchange for not to exceed 90 days.

57164. If, after such trial period, it appears that the tentative rule operates in a fair and equitable manner, it shall then, upon order of the director, be made a permanent rule of such licensed dairy produce exchange.

57165. If, in the conduct of any such investigation, it appears that any unlawful act has been committed by any licensed dairy produce exchange, the director may initiate appropriate legal proceedings against such exchange.

Article 4. Investigations, Hearings, and Suspension or Revocation of Licenses

57191. The director may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any dairy produce exchange and may temporarily suspend or permanently revoke any license which is issued pursuant to this chapter if the licensee is guilty of any of the following:

(a) Failure to supply all the information which is required by subdivisions a, b, c, and d of Section 57132.

(b) Making any false statement or misrepresentation of fact to the director.

(c) Fraud or deception in the application for or procurement of a license.

(d) Any other conduct, whether of the same or a different character than the conduct which is specified in this section, which is unlawful.

(e) Violation of any law or ordinance of the state or any city or county or the rules of the Federal Trade Commission which govern unfair trade practices in the handling of butter, cheese, or eggs.

57192. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the director shall have all the powers which are granted in that chapter.

57193. If judicial review of the decision of the director is sought, the decision of the director shall remain in effect pending the determination of such review, unless the party that seeks the review files with the court a bond in a sum to be fixed by the court, in favor of the people and conditioned upon the faithful performance of all those things which are ordered to be done, or the faithful observance of such restraint as may be directed by the director

57194. The bond shall be for the benefit of any person that has dealings with the person that seeks the review. Any person so dealing with the person that seeks the review has the right to commence a suit on the bond in his own name against him and his sureties.

Article 5. Violations and Penalties

57221. Any person that operates a dairy produce exchange without a license is guilty of a misdemeanor and shall also pay to the state one hundred dollars ($100) for each and every day of such operation. Any money which is due the state pursuant to this section shall be recovered by an action at law brought by the Attorney General in the name of the people.

57222. Any person that makes any false statement in applying for a license or violates any rule or decision of the director which is authorized by this chapter is guilty of a misdemeanor.

DIVISION 21. MARKETING

PART 1. GENERAL PROVISIONS

CHAPTER 1. STATE MARKETING SERVICES

Article 1. Definitions and General Provisions

58001. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

58002 "Organization of producers and distributors" includes all corporations, societies, associations, and organizations of producers, producers and distributors, or distributors, cooperative or otherwise, which are formed for the purpose of facilitating the marketing of any product.

58003. "Product" means any agricultural, dairy, or farm product which is produced, grown, raised, manufactured, or processed within the state.

58004. All fees, charges, and costs which are collected under this chapter shall be paid into the State Treasury to the credit of the General Fund.

Article 2. Powers of the Director

58031. The director may act as adviser for producers and distributors, if requested, and assist them in economical and efficient distribution of any product at fair prices.

58032. The director may gather and disseminate impartial information which concerns supply, demand, prevailing prices, and commercial movements, including common and cold storage of any product.

58033. The director may promote, assist, and encourage the organization and operation of cooperative and other associations and organizations for improving the relations and services among producers, distributors, and consumers of any product, and protect and conserve the interests of the producers and consignors of products.

58034. The director may foster and encourage cooperation between producers and distributors of any product, in the interest of the general public.

58035. The director may foster and encourage the standardizing, grading, inspection, labeling, handling, storage, and sale of any product.

58036. The director may act as a mediator or arbitrator, if invited by both parties, in any controversy or issue that may arise between producers and distributors of any product.

58037. The director may certify, for the protection of owners, buyers, or creditors, if so requested, warehouse receipts for any product, verifying quantities and qualities of the product, and charge for such service, fees which are sufficient to make the service self-supporting.

58038. The director may issue labels on request of the producer, packer, canner, or distributor, for any product for which labels have not otherwise been authorized by law, pursuant to such regulations as he deems necessary and charge for such labels such fees as in his judgment are proper.

58039. The director may act on behalf of the consumers of any product in conserving and protecting their interests in every practicable way.

58040. The director may improve, broaden, and extend in every practicable way, the distribution and sale of any product of this state throughout the markets of the world.

58041. The director may promote in the interest of the producer, the distributor, and consumer, economical and efficient distribution and marketing of any product which is produced or processed within the state and to better effectuate the purposes of this article may attend necessary meetings and conferences in relation to any such product and may enter into cooperative agreements with the United States Department of Agriculture.

58042. The director may enter into any cooperative agreement with any department or agency of the federal government, or with any other state or agency of it, in order to effectuate the purposes of this division, Division 20 (commencing with Section 54001), or of any marketing law, including any marketing order, marketing program, regulation, or rule and regulation, which is issued under it, the responsibility for the administration and enforcement of which is with the director.

Article 3. Investigations

58061. The director may conduct investigations, make surveys, and assemble facts which are pertinent to marketing and to the formulation, administration, or amendment of any marketing order, agreement, or program which is authorized by any law now in effect or which may hereafter be enacted.

58062. The director may make pertinent investigations which concern the aggregate amount of any product which is held in common or cold storage. In connection with any such investigation, the director may inspect only the pertinent books and records of common or cold storage warehouses for the purpose of determining and publishing aggregate amounts of any product which is held in storage, and may issue subpoenas for the attendance of witnesses and the production of pertinent books, papers, accounts, documents, and testimony in any such investigation.

Article 4. Collection and Dissemination of Information

58091. The director shall provide for the collection, analysis, and dissemination of statistics and other information which relates to the production and marketing of farm products,

including processed farm products, which are produced in this state, such as, but not limited to, crop and livestock estimating and market news services.

58092. The director may establish such facilities and publish such bulletins and reports as are necessary and proper in keeping producers and handlers informed with regard to the supply, demand, and other economic conditions which affect the sale of any farm product which is produced in this state.

58093. The director shall cooperate with the Secretary of Agriculture, and with the appropriate office of the State of Oregon, to establish a market news service in the Klamath Basin.

CHAPTER 2. COOPERATIVE AGREEMENTS

Article 1. General Provisions

58201. It is the policy of this state to gain maximum benefits in behalf of agriculture from the results of research and service work performed by local, state, and federal governments through coordination and correlation of such activities.

58202. Since the Congress of the United States has recognized the value of marketing research, developmental, and service work through the enactment of agricultural marketing laws, including Public Law 733 (60 Stat. 966), and since Title II thereof embodies features of a nature akin to agricultural and regulatory service functions performed by the department, and inasmuch as financial cooperation in those phases of the marketing field is provided in Title II, it is hereby declared to be the purpose of this chapter to make possible a furtherance of intergovernmental cooperation in such marketing activities as will accrue advantageously to the agricultural industry of the state.

58203. The department is the proper state agency for such intergovernmental cooperation in those regulatory and service features contemplated by Public Law 733 (60 Stat. 966) and in relation to such other federal laws as may relate to the same and comparable activities.

Article 2. Powers of the Director

58231. The director may enter into cooperative agreements with the Secretary of Agriculture or the Administrator, Agricultural Marketing Act of 1946 (7 U.S.C., Sec. 1621 et seq.), or both, to develop projects or programs which are designed to improve, expand, and correlate the work of both agencies in any of the following:

(a) Federal-state cooperative crop reporting.
(b) Federal-state cooperative market news services.
(c) Seed and crop improvement.
(d) Agricultural products certification.
(e) Marketing orders and programs.

(f) Milk and milk products stabilization.
(g) Market enforcement.
(h) Agricultural trade.
(i) Agricultural commodities, grades, and standards.
(j) Prepackaging of, and special containers for, shipment of any farm product.

58232. The director may also enter into agreements with federal administrative committees established by the Secretary of Agriculture of the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), with advisory boards and program committees which are established by the director pursuant to Chapters 1 (commencing with Section 58601) and 2 (commencing with Section 59501), Part 2 of this division, with producers' cooperative marketing associations and other producer or handler organizations to assist financially or otherwise in the development of such projects or programs and in putting the results of such projects or programs into operation within this state.

58233. The director may receive and pay out money for the purposes which are mentioned in this article.

CHAPTER 3. VOID CONTRACTS AND RESTRAINT OF TRADE

Article 1. Void Contracts

58351. Any contract which is made for the purpose of injuring competitors and destroying competition under which the seller of any agricultural product agrees to pay or allow any brokerage charge, rebate, discount, or other credit, except an allowance for variation in quality, condition, or quantity, or any other form of compensation or credit by a seller to a buyer, or to an agent, employee, subsidiary, or affiliate of a buyer that buys to sell at retail and which is not paid, given, or allowed in like circumstances to all other buyers or to the agents, employees, subsidiaries or affiliates of other buyers, whether the same is paid or allowed directly or indirectly, is hereby declared to be against public policy and void.

58352. Advertising allotments or discounts by a seller to a buyer for bona fide advertising expenditures, however, are not included within such transactions which are against public policy and void.

58353. It is a misdemeanor for any person to take any part in any transaction which is declared by this article to be against public policy and void whether as seller, buyer, buyer's agent, employee, or subsidiary.

Article 2. Destruction of Foodstuffs in Restraint of Trade

58381. It is unlawful for any person to destroy, in restraint of trade, any fowl, animal, vegetable, or other stuff, product, or article which is customary food, or which is proper

for food, for human beings, and is in fit sanitary condition to be used as such.

58382. A person that receives any agricultural product, for sale on commission or for sale or exchange for the benefit of any other person, shall not destroy, abandon, discard as refuse, or dump, such product, without a permit in writing from the commissioner, county health officer, director, Secretary of the State Board of Health, or from some other official now or hereafter authorized by law to issue permits for the destruction of such product. Such permits, together with a detailed statement of every product which is destroyed pursuant to the permit, shall be kept on file by the person to whom they are issued.

58383. A copy of each such permit together with a copy of each such detailed statement shall, on the day such permit is issued, be served personally by the consignee, upon the consignor of the destroyed product, or in lieu of such personal service, shall on such day be served by the consignee on the consignor by depositing it in the post office, inclosed in a sealed envelope, postage fully prepaid, addressed to the consignor of the destroyed product at the consignor's address, if known, or if not known, then to the place where the shipment or consignment of such product originated.

CHAPTER 4. ASSIGNMENT OF DUES

58451. If any grower or producer of any farm product within this state voluntarily executes and causes to be delivered to a dealer or processor of farm products, either as a clause in a sales contract or other instrument in writing, a notice of assignment of dues to a nonprofit agricultural commodity organization directly representing the specific product involved, by which the processor or dealer is directed to deduct a sum from the price to be paid for such product and to pay the same over to such association as dues for the grower or producer, the processor or dealer shall deduct from the price to be paid for any farm product being sold by any such grower or producer to any such processor or dealer, the amount authorized and pay it over to the organization as assignee.

58452. No provision which is inserted in any contract that is prepared by a dealer or processor which makes an assignment of the dues described in Section 58451 ineffective is valid.

58453. An assignment of dues may not exceed 2 percent of the total value of the product which is delivered by the grower or producer to the dealer or processor.

58454. Payment need not be made under any assignment of dues pursuant to Section 58451 until the dealer or processor has available and under his control funds owing to the grower or producer that are sufficient in amount for making the payment of the dues involved. In the case of an annual product, such payment need not be made until the end of the product year.

PART 2. GENERAL MARKETING LAWS

CHAPTER 1. CALIFORNIA MARKETING ACT OF 1937

Article 1. Short Title and Definitions

58601. This chapter shall be known as "The California Marketing Act of 1937."

58602. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

58603. "Administrative rules and regulations" means rules and regulations that are applicable to a particular marketing order or agreement which are issued and made effective by the director pursuant to Article 18 (commencing with Section 59161) of this chapter.

58604. "Advertising and sales promotion" means, in addition to its ordinarily accepted meaning, trade promotion and activities for the prevention, modification, or removal of trade barriers which restrict the free flow of any commodity to market and may include the presentation of facts to, and negotiations with, state, federal, or foreign governmental agencies on matters which affect the marketing of any commodity that is included in any marketing order or marketing agreement which is made effective pursuant to the provisions of this chapter.

58605. "Commodity," except as otherwise provided in Section 58747, means any agricultural, horticultural (including floricultural), viticultural (including wine) or vegetable product which is produced in this state, any fish or seafood, or any class, variety, or utilization of such product, either in its natural state or as processed by a processor or as processed by a producer for the purpose of marketing such product. It includes bees and honey, manufacturing milk as such milk is defined in Section 32509, and any market milk which is used in the manufacturing of any dairy product or imitation dairy product in which the use of manufacturing milk is permitted by Division 15 (commencing with Section 32501) of this code. It does not, however, include timber or any timber product.

The Legislature hereby declares that the addition of the phrase "(including wine)" in this section is made for the purpose of clarification only and is in no wise to be construed or interpreted as an indication that wine is not a commodity as originally defined by Chapter 404, Statutes of 1937, and as heretofore amended. The Legislature further declares that at the time of the original enactment of the definition of the term "commodity" and at all times since, it intended that wine be, and wine was, included within the definition of the term. Every marketing order issued, signed, or declared effective prior to July 15, 1941, and every act of the director prior to such date which was performed pursuant to the provisions of

this chapter and consistent with the declarations which are contained in this paragraph are hereby confirmed, ratified, and validated.

58606. "Directly affecting" or "directly affected" is synonymous with "directly regulating" and "directly regulated," and means the direct application of regulations upon any person, including the requirement to pay assessments which are levied pursuant to any marketing order or marketing agreement which is issued by the director pursuant to this chapter. A requirement upon handlers to deduct and remit to the director assessments that are owed by producers under a marketing order or marketing agreement which is applicable upon producers only, does not, however, directly regulate such handlers.

58607. "Distributing" means engaging in the business of a distributor as defined in Section 58608.

58608. "Distributor" means any person that engages in the operation of selling, marketing, or distributing, in intrastate commerce any commodity which he has produced or purchased or acquired from a producer or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker, or otherwise. It does not, however, include a retailer, except a retailer that purchases or acquires from, or handles on behalf of any producer, any commodity which was not previously subjected to regulation by the marketing order which covers such commodity.

58609. "Fish" means every form of fish, either salt water or fresh water fish, which is used for human consumption, except fish for canning, retorting, reduction, or use in an extraction process.

58610. "General rules and regulations" means rules and regulations, which are applicable to all marketing orders and marketing agreements and are issued and made effective by the director without prior notice and public hearing, to provide uniform methods and procedures to facilitate the administration and enforcement of all such marketing orders and marketing agreements. Such uniform methods and procedures may include but shall not be limited to any of the following:

(a) Methods and procedures which pertain to the receiving, depositing, and expenditure of moneys which are received from assessments collected pursuant to this chapter.

(b) The preparation, handling, and payment of claim schedules for the payment of bills, salaries, and other obligations.

(c) Establishing the maximum rates to be allowed for travel expenses of board members and board employees.

(d) The preparation, verification, and filing of evidence which relates to violations of marketing orders, agreements, and marketing regulations which are authorized pursuant to this chapter and other fiscal and administrative activities

which the director finds are necessary to obtain reasonable uniformity, efficiency, and economy in the administration and enforcement of such marketing orders and agreements of this chapter.

58611. "Handler," except with respect to fish and seafood, means any person that is engaged within this state as a distributor in the business of distributing any commodity in intrastate commerce, or any person that is engaged as a processor in the business of processing any commodity. With respect to fish and seafood, it means any person that is engaged in the business of the distribution or sale of fish or seafood to restaurants, or to retailers for resale to consumers, or to any other persons or concerns for resale or for sale direct to consumers.

58612. "Handling" means engaging in the business of a handler as defined in Section 58611.

58613. "Major amendments" mean amendments to any marketing order or agreement which are made pursuant to Article 13 (commencing with Section 59021) of this chapter. It does not include a seasonal marketing regulation.

58614. "Marketed by producers" means producer marketing, as defined by Section 58621.

58615. "Marketing order" means an order which is issued by the director, pursuant to this chapter, which prescribes rules and regulations that govern the processing, distributing, or handling in any manner of any commodity within this state during any specified period.

58616. "Minor amendments" are amendments to any marketing order or agreement which are made effective by the director upon recommendation of the advisory board which is concerned, as specified in Article 14 (commencing with Section 59051) of this chapter, with or without prior notice and public hearing, which change or modify the language or the provisions of any such marketing order or agreement for the purpose of clarification, or the removal of conflicts of meaning without involving changes or modifications of language, or provisions which are classed as major amendments.

58617. "Person" means an individual, firm, corporation, association, or any other business unit, and, for the purposes of this chapter, includes any state agency which engages in any of the commercial activities which are regulated pursuant to the provisions of this chapter.

58618. "Processing" means engaging in the business of a processor as defined in Section 58619.

58619. "Processor" means any person that is engaged within this state in the operation of receiving, grading, packing, canning, fermenting, distilling, extracting, preserving, grinding, crushing, or changing the form of any commodity for the purpose of preparing it for market or of marketing such commodity, or any other activities which are performed for the purpose of preparing it for market or of marketing such com-

modity. It does not, however, include a person that is engaged in manufacturing from any commodity, so changed in form, another and different product.

58620. "Producer" means any person that is engaged within this state in the business of producing, or causing to be produced for market, any commodity.

58621. "Producer marketing" means any or all operations which are performed by any producer in preparing for market. It includes selling, delivering, or disposing of for commercial purposes, to any handler any commodity which the producer has produced.

58622. "Retailer" means any person that purchases or acquires any commodity for reseale at retail to the general public for consumption off the premises Such person is also included within the definition of distributor, to the extent that such person engages in the business of a distributor as defined in Section 58607.

58623. "Seafood" means shellfish and every other form of animal or plant life which is taken from fresh or salt water and used for human consumption, except seafood which is used for canning, retorting, reduction, or used in an extraction process.

58624. "Seasonal marketing regulations" mean marketing regulations that are applicable to a particular marketing order or agreement which are made effective by the director pursuant to Article 19 (commencing with Section 59171) of this chapter.

Article 2. General Provisions

58651. It is hereby declared that the marketing of commodities in this state in excess of reasonable and normal market demands therefor; disorderly marketing of such commodities; improper preparation for market and lack of uniform grading and classification of commodities; unfair methods of competition in the marketing of commodities; and the inability of individual producers to maintain present markets or to develop new or larger markets for California-grown commodities, results in an unreasonable and unnecessary economic waste of the agricultural wealth of this state.

Such conditions and the accompanying waste jeopardize the future continued production of adequate supplies of food, fiber, and other products of the farm and of the soil for the people of this and other states, and prevent producers from obtaining a fair return from their labor, their farms, and the commodities which they produce

As a consequence, the purchasing power of such producers has been in the past, and may continue to be in the future, unless such conditions are remedied, low in relation to that of persons engaged in other gainful occupations within the state. Producers are thereby prevented from maintaining a proper standard of living and from contributing their fair

share to the support of the necessary governmental and educational functions, thus tending to increase unfairly the tax burdens of other citizens of this state.

58652. These conditions vitally concern the health, peace, safety, and general welfare of the people of this state. It is hereby declared to be the policy of this state to aid producers in preventing economic waste in the marketing of their commodities, to develop more efficient and equitable methods in the marketing of commodities and to aid producers in restoring and maintaining their purchasing power at a more adequate, equitable and reasonable level.

58653. The marketing of commodities within this state is hereby declared to be affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

58654. The purposes of this chapter are to do all of the following:

(a) Enable producers of this state, with the aid of the state, more effectively to correlate the marketing of their commodities with market demands for such commodities.

(b) Establish orderly marketing of commodities.

(c) Provide for uniform grading and proper preparation of commodities for market.

(d) Provide methods and means for the maintenance of present markets, or for the development of new or larger markets, for commodities which are grown within this state or for the prevention, modification, or elimination of trade barriers which obstruct the free flow of such commodities to market.

(e) Eliminate or reduce economic waste in the marketing of commodities.

(f) Restore and maintain adequate purchasing power for the producers of this state.

58655. In any civil or criminal action or proceeding for violation of any of the following, proof that the act which is complained of was done in compliance with the provisions of this chapter or a marketing order which is issued pursuant to, and in furtherance of the purposes and provisions of this chapter, is a complete defense to such action or proceeding:

(a) The Cartwright Act, Chapter 2 (commencing with Section 16700), Part 2, Division 7 of the Business and Professions Code.

(b) The Unfair Practices Act, Chapter 4 (commencing with Section 17000), Part 2, Division 7 of the Business and Professions Code.

(c) The Fair Trade Act, Chapter 3 (commencing with Section 16900), Part 2, Division 7 of the Business and Professions Code.

(d) Any rule of statutory or common law against monopolies or combinations in restraint of trade.

58656. If a provision of this chapter and a provision of Chapter 2 (commencing with Section 61801), Part 3 of this division are applicable to the same person and subject matter, the provisions of such Chapter 2 shall control. If a provision of this chapter is applicable to any person and subject matter as to which such Chapter 2 makes no express provision, the provision of this chapter shall be applicable.

58657. The provisions of this chapter regarding the marketing of commodities are applicable to fish and seafood and persons that handle, process, or distribute fish and seafood.

Any marketing order or agreement relating to fish and seafood shall affect handlers only. It may include only those provisions which are authorized by Sections 58889 and 58892, but such provisions shall apply to all fish and seafood whether or not they are a product of this state.

58658. If any section, sentence, clause, or part of this chapter is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this chapter. The Legislature hereby declares that it would have passed this chapter and each section, sentence, clause, and part of this chapter despite the fact that one or more sections, sentences, clauses, or parts of this chapter is declared unconstitutional.

58659. The suspension, amendment, or termination of any marketing order or marketing agreement does not suspend or terminate any cause of action which has accrued under it, but such cause of action shall survive and exist the same as if such marketing order or agreement had not been suspended, amended, or terminated.

58660. It is hereby declared, as a matter of legislative determination, that the amendments of the statutory predecessor of Sections 58651 to 58653, inclusive, (former Section 1300.10) which were made at the 1959 General Session are enacted in the exercise of the power of this state for the purpose of protecting and furthering the public health and welfare.

Article 3. Exceptions

58681. This chapter does not apply to any order, rule, or regulation which is issued, or is issuable, by the Public Utilities Commission or the Interstate Commerce Commission with respect to the operation of common carriers.

58682. This chapter is not applicable to any retailer of any commodity except to the extent that such retailer also engages in the processing or distribution of any commodity.

Article 4. Administration

58711. The director shall administer and enforce this chapter and may exercise any or all of the administrative powers which are conferred by Sections 11180 to 11191, inclusive, of the Government Code upon the head of a department of the state.

58712. In order to effectuate the declared purposes of this chapter, the director may issue, administer, and enforce the provisions of any marketing order issued pursuant to this chapter which regulates producer marketing or the handling of any commodity within this state.

58713. The director may do all of the following:

(a) Confer and cooperate with the legally constituted authorities of other states and of the United States, for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, or orders.

(b) Conduct joint hearings and issue joint or concurrent marketing orders for the purposes and within the standards which are set forth in this chapter.

(c) Exercise any administrative authority which is prescribed by this chapter to effect such uniformity of administration and regulation.

Article 5. Marketing Orders and Agreements

58741. Subject to the provisions, restrictions, and limitations which are imposed in this chapter, the director may issue marketing orders which regulate producer marketing, the processing, distributing, or handling in any manner of any commodity by any and all persons that are engaged in such producer marketing, processing, distributing, or handling of such commodity within this state.

58742. The director may also, subject to the restriction and limitations which are contained in Article 7 (commencing with Section 58811) of this chapter, issue marketing orders which regulate the handling, processing, preparation for marketing, or marketing of any or all portions of any commodity which is produced in this state for which marketing regulatory powers are not being exercised by the federal government pursuant to the Marketing Agreement Act of 1937 (50 Stat. 249).

58743. If the director finds that it tends to effectuate the declared purposes of this chapter within the standards which are prescribed in this chapter, the director may issue a marketing order, applicable to the marketing, within this state, of any commodity, which contains like terms, provisions, methods, and procedures as any license or order that regulates the marketing of such commodity in interstate or foreign commerce which is issued by the Secretary of Agriculture of the United States pursuant to the provisions of any law or laws of the United States.

In selecting the members of any board or other advisory agency under such marketing order, the director shall, insofar as practicable, utilize the same persons as those serving in a similar capacity under such federal license or order, so as to avoid duplicating or conflicting personnel.

Any board, agency, or committee so appointed by the director shall be responsible to the director for the performance

of such of their duties as relate to the administration of any such marketing order which is issued by the director pursant to this section.

58744. Any marketing order which is issued by the director pursuant to this chapter may be limited in its application by prescribing the marketing area or portion of the state in which it shall be effective. A marketing order shall not, however, be issued by the director unless it embraces all persons of a like class that are engaged in a specific and distinctive agricultural industry or trade within this state.

58745. In order to effectuate the declared policy of this chapter, the director may also, after due notice and opportunity for hearing, enter into marketing agreements with processors, distributors, producers, and others that are engaged in the handling of any commodity, which regulate the preparation for market and handling of such commodity. Such marketing agreements are binding upon the signatories to the agreements exclusively.

58746. The purposes and provisions of the chapter which relate to marketing orders are applicable to marketing agreements except as follows:

(a) Section 58779, which requires the preparation of an official list of the names and addresses of all producers and the volume of such commodity which was produced or marketed by all such producers in the preceding marketing season and a list of the names and addresses of all handlers and the volume of such commodity which was handled by all such handlers, during the preceding marketing season, is not applicable to marketing agreements.

(b) Sections 58991 to 58998, inclusive, and the provisions of Article 15 (commencing with Section 59081) of this chapter, insofar as Article 15 prescribes requirements for termination by request in writing, are not applicable to marketing agreements. Prior to the issuance of any marketing agreement, or amendment to it, the director shall, however, find, in addition to the findings which are set forth in Section 58813, that the marketing agreement, or any amendment to it, has been assented to by a sufficient number of signatories that handle a sufficient volume of the commodity which is affected to accomplish the objectives of such agreement or amendment and provide sufficient moneys from assessments levied to defray the necessary expenses of formulation, issuance, administration, and enforcement.

(c) Section 59233 is not applicable to marketing agreements.

58747. Notwithstanding the provisions of Section 58605, the director may issue and make effective marketing orders or marketing agreements that affect handlers only which include only the provisions which are authorized in Sections 58889, 58890, 58892, 58893, and 58894, or any of such provisions, but no others, as may be applicable to the commod-

ity that is regulated which is handled within this state, without regard to whether or not such commodity is produced within this state.

58748. If producers or handlers of any commodity which is regulated by a marketing order or marketing agreement that is issued by the director pursuant to the provisions of this chapter are required to comply with minimum quality, condition, size, or maturity regulations, no person may, except as otherwise provided in such order or agreement, process, distribute, or otherwise handle any of such commodity from any source, whether produced within or without this state, which commodity does not meet such minimum requirements applicable upon producers or handlers of such commodity in this state. Such regulations do not, however, apply to any commodity which has been produced outside of this state and is in transit on the effective date of the regulations.

Article 6. Notice, Reports, and Hearings

58771. If the director has reason to believe that the issuance of a marketing order, or amendments to an existing marketing order, will tend to effectuate the declared policy of this chapter with respect to any commodity, he shall, either upon his own motion or upon application of any producer or handler of such commodity, or any organization of such persons, give due notice of, and an opportunity for, a public hearing upon a proposed marketing order or such amendments to such existing marketing order.

58772. Notice of any hearing which is called for such purpose shall be given by the director by publishing a notice of such hearing for a period of not less than five days in a newspaper of general circulation published in the capital of the state and in any other newspaper which the director may prescribe. A public hearing shall not be held prior to five days after the last day of such period of publication.

58773. The director shall also mail a copy of such notice of hearing and a copy of such proposed marketing order, or proposed amendments, to every producer or handler of such commodity whose name and address appears upon lists of such persons, on file in the department that may be directly affected by the provisions of such proposed marketing order or such proposed amendments

58774. The notice of hearing shall set forth all of the following:

(a) The date and place of the hearing.

(b) The commodity and the area which are covered by such proposed marketing order or such proposed amendments.

(c) A statement that the director will receive, at such hearing, in addition to testimony and evidence as to other necessary and relevant matters which are set forth in Article 7 (commencing with Section 58811) of this chapter, testimony

and evidence with respect to the accuracy and sufficiency of lists on file with the director which show the names and addresses of producers or handlers of such commodity that are directly affected by such proposed marketing order or proposed amendments, and the quantities of such commodity which were delivered by such producers to handlers, or handled by such handlers, in the marketing season next preceding such hearing.

58775. To provide the director with accurate and reliable information, if such information is not then on file in the department, regarding the persons that may be directly affected by the provisions of any proposed marketing order for any commodity, the director shall, if he has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this chapter, or upon receipt of a written application for a hearing pursuant to Section 58771, notify all handlers of such commodity, by publication of a notice as required by Sections 58776 and 58777, to file with the director within 10 days from the last date of such publication a report, properly certified, which shows all of the following:

(a) The correct name and address of such handler.

(b) The quantities of the commodity that are affected by such proposed marketing order which were handled by such handler in the marketing season next preceding the filing of such report.

(c) The correct name and address of every producer of such commodity, that may be directly affected by such proposed marketing order, from whom such handler received such commodity in the marketing season next preceding the filing of such report.

(d) The quantities of such commodity which were received by such handler from each such producer in the marketing season next preceding the filing of such report.

58776. The notice to handlers which requires them to file the report shall be published by the director for a period of not less than five days in a newspaper of general circulation published in the capital of the state and in any other newspaper as the director may prescribe.

58777. The director shall also mail a copy of such notice to file such report to every handler of such commodity whose name and address appears upon the lists on file in the department, of handlers that may be directly affected by the provisions of such proposed marketing order.

58778. Each handler of such commodity that may be directly affected by the provisions of such proposed marketing order shall file such verified report with the director within the time which is specified in Section 58775. Failure or refusal of any handler to file such report within the time which is specified does not invalidate any proceeding which is taken or marketing order which is issued pursuant to this chapter.

The director shall proceed upon the basis of such information and reports as may otherwise be available.

58779. From the reports which are filed and the information which is received or available to the director, including any proper corrections, the director shall prepare a list of the names and addresses of the producers and the volume of such commodity which was produced or marketed by all such producers and a list of the names and addresses of such handlers and the volume of such commodity which was handled by all such handlers, that are directly affected by the provisions of such proposed marketing order, or amendments to it, in the preceding marketing season. Such lists shall constitute complete and conclusive lists for use in any finding made by the director pursuant to the provisions of Article 12 (commencing with Section 58991) of this chapter and such findings are conclusive.

58780. In the preparation of the list of producers or handlers to be used in the formulation or amendment of any marketing order or marketing agreement, the director may omit from such list the name of any person that makes only casual sales of the product which is involved, or whose sales or marketings of such product are incidental to urban home ownership, or the result of activity other than a commercial farm or business venture. Any person that is excluded from such lists is not subject to the provisions, including the payment of any assessments, which are applicable upon producers, or handlers, as prescribed in any such marketing order or marketing agreement.

The Legislature hereby declares that the addition of this section is made for the purposes of clarification of the existing law.

58781. The information which is contained in the individual reports of handlers which are filed with the director pursuant to this article shall not be made public by the director in such form but the information which is contained in such reports may be prepared in combined form for use by the director, his agents, or other interested persons, in the formulation, administration, and enforcement of a marketing order, or may be made available pursuant to court order. Such information shall not be made available to anyone for private purposes.

58782. The hearing on a proposed marketing order or proposed amendments shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearing shall be made and maintained on file in the office of the director.

58783. At the hearing, the director shall receive, in addition to other necessary or relevant matters, evidence upon all of the following:

(a) The matters which are set forth in Article 7 (commencing with Section 58811) of this chapter.

(b) The accuracy and sufficiency of the lists on file with the director which show the names of the producers or handlers of

such commodity that are directly affected by the provisions of such proposed marketing order or proposed amendments.

(c) The quantity of such commodity which was delivered by such producers or handled by such handlers in the marketing season next preceding such hearing.

58784. At any public hearing which is held in connection with the formulation or amendment of a marketing order or marketing agreement, the director shall receive testimony with respect to the establishment of the official producer or handler list which is applicable, and may thereafter issue regulations to effectuate the provisions of this section and of this chapter.

The Legislature hereby declares that the addition of this section is made for the purpose of clarification of the existing law.

58785. At each public hearing upon a marketing order or a major amendment to it, the director shall receive evidence relative to the period of time which may be necessarily required for the filing, checking, and tabulating of written assents which are prescribed in Article 12 (commencing with Section 58991) of this chapter. He shall also, at the conclusion of each such hearing, make a finding, based upon the evidence, with respect to the period of time which may be reasonably and necessarily required for such filing, checking, and tabulating. On the basis of such finding, the director shall fix and limit the period during which such assents may be received by him and shall be the period at the time of mailing of assent forms to producers and handlers that are affected. If, however, the director finds that an extension of such period is reasonably warranted, he may extend such period for receiving assents.

58786. At a public hearing which is held to consider a proposed marketing order or major amendments to an existing marketing order which directly affects producers or producer marketing, the director shall also receive evidence from which he can determine whether the assent, approval or favor of such producers shall be determined by written assents or by referendum as prescribed in Article 12 (commencing with Section 58991) of this chapter.

58787. Upon the conclusion of such hearing, the director shall make a finding which is based upon the evidence received, whether producer assent, approval, or favor shall be determined by written assents or by referendum.

58788. If the director finds that a referendum shall be had, he shall direct that a referendum be held in accordance with the provisions of Sections 58994 to 58998, inclusive. If a referendum is conducted, the director is not required, with respect to the assent, approval, or favor of producers, to make a finding pursuant to Section 58785 concerning, or to fix and limit, the period during which assents may be received by the director.

Article 7. Findings

58811. After the notice and hearing which are required by Article 6 (commencing with Section 58771) of this chapter,

and before issuing a marketing order or amendments to it for the written assent of producers or handlers which contain provisions for correlating the supply of the commodity which is affected with market demands for it by means of restrictions upon the total quantity of such commodity, or restrictions upon the total quantity of any grade, size, quality, or condition of it, which restrictions have the effect of limiting the total quantity of such commodity which may be marketed during any marketing season, if the restricted portion of such commodity might otherwise be marketed by producers in compliance with other laws of this state or of the United States or in compliance with established commercial practice during such marketing season, the director shall make all of the following findings with respect to such marketing order or amendments to it:

(a) Such provisions are necessary in order to effect a reasonable correlation of the supply of the commodity which is affected with market demands for the commodity and that such marketing order or amendments to it will tend to reestablish or maintain such level of prices for such commodity as will provide a purchasing power for such commodity which is adequate to maintain in the business of producing such commodity such number of producers as is required to provide such supply of the quantities and qualities of such commodity as is necessary to fulfill the normal requirements of consumers of the commodity.

(b) Such marketing order or amendments to it will tend to approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for such commodity.

(c) Such marketing order or amendments to it are in conformity with the provisions of this chapter and within the applicable limitations and restrictions which are set forth in this chapter and will tend to effectuate the declared purposes and policies of this chapter.

(d) Such marketing order or amendments to it will protect the interests of consumers of such commodity, by exercising the powers of this chapter only to such extent as is necessary to establish the equality of purchasing power which is described in subdivision (a) of this section.

58812. In making the findings with respect to any of the objectives which are set forth in Section 58811, the director shall, if any or all of the following economic factors are relevant, take into consideration any and all facts which are available to him with respect to all of the following:

(a) The quantity of such commodity which is available for distribution

(b) The quantity of such commodity which is normally required by consumers

(c) The cost of producing such commodity as determined by available statistics and surveys.

(d) The purchasing power of consumers as indicated by reports and indices.

(e) The level of prices of other commodities which compete with, or are utilized as substitutes for, such commodity.

(f) The level of prices of other commodities, services, and articles which farmers commonly buy.

58813. If the marketing order or amendments to it contain provisions only for the purpose of regulating the flow of the commodity, or any grade, size, or condition of the commodity, to market without directly restricting the total quantity which may be marketed during the marketing season, or if the marketing order or amendments to it contain provisions only for the establishment of grade, size, quality, or condition specifications, or for uniform grading and inspection, or the elimination of unfair trade practices, or provisions for advertising or sales promotion, or for research, the director may issue such marketing order or amendments to it if he makes all of the following findings:

(a) That such marketing order or amendments to it are reasonably calculated to attain the objectives which are sought in such marketing order.

(b) That such marketing order or amendments to it are in conformity with the provisions of this chapter and within the applicable limitations and restrictions which are set forth in this chapter and will tend to effectuate the declared purposes and policies of this chapter.

(c) That the interests of consumers of such commodity are protected in that the powers of this chapter are being exercised only to the extent which is necessary to attain such objectives.

In making any findings pursuant to this section, the director shall base his findings upon the facts, testimony, and evidence which is received at the public hearing together with any other relevant facts which are available to him from official publications or institutions of recognized standing.

58814. Any marketing order in effect on August 27, 1945, which was duly issued by the director pursuant to this chapter prior to May 28, 1945, and in effect on such date, shall continue in full force and effect and shall be conclusively presumed to be in conformity with the provisions of this article as amended.

Article 8. Advisory Boards and Committees

58841. Any marketing order which is issued pursuant to this chapter shall provide for the establishment of an advisory board to assist the director in the administration of any marketing order. The members of the advisory board shall be appointed by the director and may hold office at the pleasure of the director. A marketing order may, however, provide for the appointment of members from nominations made by the

producers and handlers and may also provide for the method of selecting such nominees.

58842. If the marketing order affects directly only producers of a particular commodity, the members of the advisory board shall be producers. If the marketing order affects directly only handlers of a particular commodity, the members of the advisory board shall be handlers.

If the marketing order affects directly both producers and handlers of a particular commodity, the advisory board shall be composed of both producers and handlers. The number of producers or handlers upon any such advisory board shall be of such number of producers or handlers as the director finds is necessary to assist properly in the administration of such order.

58843. Upon the recommendation of the advisory board, the director may appoint one person who is neither a producer nor a handler to represent the department or the public generally.

58844. A member of an advisory board shall not receive a salary, but each is entitled to his actual expenses which are incurred while engaged in performing his duties that are authorized by this chapter.

58845. The director may authorize an advisory board to do all of the following:

(a) Enter into contracts or agreements.

(b) Employ necessary personnel, including attorneys engaged in the private practice of the law, and fix their compensation and terms of employment

(c) Incur such expenses, to be paid by the director from moneys which are collected as provided in this article, as the director may deem necessary and proper to enable the advisory board properly to perform its duties as authorized by this chapter.

58846. The duties of an advisory board are administrative only and any such board may do only the following:

(a) Subject to the approval of the director, administer the marketing order.

(b) Recommend to the director administrative rules and regulations which relate to the marketing order.

(c) Receive and report to the director complaints of violations of the marketing order.

(d) Recommend to the director amendments to the marketing order.

(e) Assist the director in the assessment of members of the industry and in the collection of funds to cover expenses incurred by the director in the administration of the marketing order.

(f) Assist the director in the collection of such necessary information and data as the director may deem necessary to the proper administration of this chapter.

58847. The members or alternate members of any advisory board, including employees of the advisory board, are not re-

sponsible individually in any way whatsoever to any person for liability on any contract or agreement of the advisory board.

58848. In addition to the advisory board, one or more special committees or subcommittees may be established to assist the advisory board in carrying out its duties and functions. Upon approval of the director, each advisory board may establish committees or subcommittees to carry out assigned duties and functions and designate the members or alternate members of the advisory board to serve upon such committees.

58849. If the marketing order so authorizes, or upon the recommendation of the advisory board, the director may authorize the establishment of special committees or subcommittees of persons who are not members or alternate members of the board to perform specific duties and functions. The members and alternate members of any such special committee or subcommittee shall be appointed by the director.

58850. An advisory board may at any time invite any persons to their meetings to serve in an advisory capacity and the director may, if requested by the advisory board, pay necessary expenses to such persons at rates not to exceed those granted to advisory board members.

58851. Any action of any committee, special committee, or subcommittee of the board is subject to final approval by the advisory board. Members and alternate members of any committee, special committee, or subcommittee, whether by appointment or approval of the director, are entitled to reimbursement for actual expenses which are incurred while acting in their authorized capacities.

Article 9. Terms of Marketing Orders

58881. Except as otherwise provided in Sections 58657 and 58747, any marketing order which is issued by the director pursuant to this chapter may contain any or all of the provisions which are prescribed by this article for regulating, or providing methods for regulating producer marketing, or the handling, or any of the operations of processing or distributing by handlers, of any commodity within this state, but no others.

58882. A marketing order may contain provisions for determining the existence and extent of the surplus of any commodity, or of any grade, size, or quality of it, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers, processors, distributors, or other handlers that are affected.

Notwithstanding any other appropriate means of equalizing the burden of surplus control and its elimination as provided in this chapter, provision may be made for the creation of a stabilization fund to be used for purchasing or otherwise acquiring any portion of the surplus of any commodity either in fresh or processed form, except when processed in hermeti-

cally sealed containers, and for the diversion of such surplus quantity of such commodity which is so acquired into noncompetitive or byproducts uses or for disposing of such surplus in noncommercial channels. Money for such stabilization fund shall be provided by means of the establishment of an assessment rate for such purpose levied upon producers or handlers, or upon both producers and handlers. Such assessment rate shall be based upon the units in which such commodity is handled or marketed or upon any other uniform basis which the director determines to be reasonable and equitable. For convenience of collection, the director may collect any producer assessments from handlers of such commodity. Handlers paying such assessments for, and on behalf of, any producers may deduct such producer assessments from any money which is owed by such handlers to such producers.

58883. A marketing order may contain provisions for limiting the total quantity of any commodity, or of any grade, size, or quality of it, which may be marketed by producers, or processed, distributed, or otherwise handled within this state during any specified period by any and all persons that are engaged in such producer marketing, processing, distributing, or handling. Any such limitation shall be applied under a uniform rule which is applicable to all such persons so regulated. The total quantity of any such commodity which is so regulated and permitted to be marketed by producers, processed, distributed, or otherwise handled, shall not be less than the quantity which the director finds is reasonably necessary to supply the market demands of consumers of such commodity.

The marketing of green ripe olives is not, however, subject to any provisions of a marketing order which limits the total quantity of such commodity which may be marketed.

58884. A marketing order may contain provisions for allotting the quantity of any commodity, or of any grade, size, or quality of it, which each handler may purchase or acquire from, or handle on behalf of, any and all producers of the commodity, within this state during any specified period under a uniform rule, which is applicable to all handlers that are so regulated based upon the amounts produced or sold by such producers in a prior period which the director finds to be representative, or upon the current season's production or sales of such producers, or both, to the end that the total quantity of such commodity, or of any grade, size, or quality of it, which is so purchased or handled within this state is apportioned equitably among the producers of the commodity.

58885. A marketing order may contain provisions for allotting the quantity of any commodity, or of any grade, size, or quality of it, which each handler may process, distribute, or handle within this state under a uniform rule, which is applicable to all handlers that are so regulated, which is based upon the quantities of such commodity, or of any grade, size, or quality of it, of the current season's crop which each such handler has available for such processing, distribution, or handling, or

upon the quantities of such commodity, or of any grade, size, or quality of it, which is so processed, distributed, or handled by each such handler in a prior period which the director finds to be representative, or based upon both, to the end that the total quantity of such commodity, or any grade, size, or quality of it, processed, distributed, or handled within this state during any specified period is equitably apportioned among all such handlers of the commodity.

58886. A marketing order may contain provisions which regulate the period during which any commodity, or any grade, size, or quality of such commodity, may be processed, distributed, or otherwise marketed within this state by any and all persons that are engaged in such processing, distributing, or marketing within this state. The total quantity of such commodity which is so regulated and permitted to be processed, distributed, or otherwise marketed during such period, shall not, however, be less than the quantity which the director finds is necessary to reasonably supply the needs of consumers of such commodity.

58887. A marketing order may contain provisions for the establishment of surplus, stabilization, or byproduct pools for any commodity, or of any grade, size, quality, or condition of it, and providing for the sale of the commodity in any such pool and for the equitable distribution among the persons that are participating in the pool of the net returns which are derived from the sale of such commodity. The marketing of green ripe olives is not, however, subject to any provisions of a marketing order which relate to the establishment and operation of surplus pools.

If the marketing order authorizes the establishment of any such pool, the advisory board may receive such commodity from each producer or handler and handle it according to the grade, size, quality, or condition of the commodity and account to each producer or handler that is participating in the pool upon a pro rata basis for the net proceeds derived from the sale of the commodity.

The contents of any surplus pool shall not be marketed by the advisory board in any form which would compete directly with that portion of the commodity which is marketed in regular channels of trade. However, any portion of any surplus pool may be transferred by the advisory board upon any gratuitous basis to charitable organizations and other similar agencies under proper safeguards to insure that none of such commodity shall compete directly with the unrestricted portion of such commodity.

The advisory board may dispose of the contents of a stabilization pool in the regular marketing channels in such manner and at such times as it deems advisable, consistent with the maintenance of stabilized marketing conditions for such commodity. The advisory board may dispose of the contents of any byproduct pool only for byproducts or for other similar pur-

poses under proper safeguards to prevent such portion of the commodity so disposed of from directly competing with that part of the commodity which is marketed in the usual form or in the regular channels of trade.

If the marketing order authorizes the establishment of a surplus, stabilization, or byproduct pool, the advisory board may do any of the following:

(a) Arrange for and operate any necessary facilities for the storing, financing, grading, packing, servicing, processing, preparing for market, selling, and disposing of the contents of any pools which are provided for in this chapter. The board shall not, however, engage in commercial warehousing.

(b) Pledge all of the commodity in any such pools with banks or other lending agencies for the purpose of obtaining loans upon it. The board shall have title, for the purpose of financing and handling, to all of the commodity in any such pools.

(c) Create, by a uniform assessment upon producers, or upon some other uniform and equitable basis, maintain, and disburse an equalization fund to be used for the removal of any inequalities between producers or handlers that are participating in any pool which result from errors in estimating production or surplus or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets or diverted to byproducts, relief, or other noncompetitive purposes pursuant to the provisions of the marketing order.

58888. A marketing order may contain provisions which establish, or provide for the establishment, with respect to any commodity, either as delivered by producers to handlers or processors, or as handled, processed, or otherwise prepared for market, or as marketed by producers, handlers, or processors, both of the following:

(a) Grading standards of quality, condition, size, maturity, or pack, which standards may include minimum standards. The standards so established shall not, however, be established below any minimum standards which are prescribed by law for such commodity.

(b) Uniform inspection and grading of such commodity in accordance with the standards which are so established.

58889. A marketing order may contain provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for any commodity which is grown in this state, or for the prevention, modification, or removal of trade barriers which obstruct the free flow of any commodity to market. The director may prepare, issue, administer, and enforce plans for promoting the sale of any commodity

Any such plan shall be directed toward increasing the sale of the commodity without reference to any private brand or trade name which is used by any handler with respect to the

commodity regulated by the marketing order, except the use of wine if other than private brands or private trade names are unavailable.

No advertising or sales promotion program shall be issued by the director which makes use of false or unwarranted claims in behalf of any such product, or disparage the quality, value, sale, or use of any other commodity.

58890. A marketing order may contain provisions which relate to the prohibition of unfair trade practices. In addition to the unfair trade practices now prohibited by law, applicable to the processing, distribution, or handling of any commodity within this state, the director may include in any marketing order which is issued provisions that are designed to correct any trade practice which affects the processing, distributing, or handling of any commodity within this state which the director finds, after a hearing upon the marketing order in which all interested persons are given an opportunity to be heard, is unfair and detrimental to the effectuation of the declared purposes of this chapter.

58891 A marketing order may contain provisions for the application for, review, certification, and equitable payment of, production adjustment benefits to growers from funds which are collected for such purpose on a uniform basis from all commercial growers of any commodity in the state, for which production adjustment payments are made Such funds may be supplemented by funds, if any, which are received from federal, state, or other agencies for such purpose.

No program of production adjustment which is adopted pursuant to this chapter shall authorize payments for the removal of acreages of trees or vines of the species, variety, or varieties which are specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety, or varieties for the state as a whole. Such yields and averages shall be determined by the director from statistical data compiled by state or federal agencies or such other data as the director deems is representative and reliable.

58892. A marketing order may contain provisions for carrying on research studies in the production, processing, or distribution of any commodity and for the expenditure of moneys for such purposes. In any research in production or processing which is carried on pursuant to this section, the Dean of the College of Agriculture of the University of California and the advisory board which is provided for in Article 8 (commencing with Section 58841) of this chapter shall cooperate in selecting the research project which is to be carried on from time to time. Insofar as practicable, the projects shall be carried out by such college of agriculture, but if the dean of the college and the advisory board determine that the college has no facilities for a particular project, or that some

other research agency has better facilities for it, the project may be carried out by any other research agency which is selected by the dean and the advisory board.

58893. A marketing order may contain provisions which establish, or provide authority for establishing, for any commodity, either as such commodity is produced or is delivered by producers to handlers, or as handled or otherwise prepared for market, or as marketed by producers or handlers, an educational program which is designed to acquaint producers, handlers, or other interested persons with quality improvement, including sanitation practices, procedures, or methods as applied to such commodity.

58894. A marketing order may contain provisions which establish, or provide authority for establishing, and for regulating the permissive use of an official board brand, trade name, or label, or other distinctive designation of grade, quality, or condition, except the grade or quality designations in effect pursuant to state or federal grade standards, for any commodity, other than wine, either as such commodity is produced or is delivered by producers to handlers, or as handled or otherwise prepared for market, or marketed by producers or handlers. As provided in Section 59236, the permissive use of any such official board brand, trade name, or label or other distinctive designation of quality shall be limited to producers and handlers of the commodity that are participating in the marketing agreement or order, and that are in compliance with its provisions and with any regulation, or rule and regulation, which is adopted under it. Any official brand or trade name which is established pursuant to this section shall not be construed as a private brand or trade name with respect to Section 58889.

Article 10. Assessments and Funds

58921. Except as otherwise provided in Section 58926, each marketing order which is issued pursuant to this chapter shall provide for the levying and collection of assessments in sufficient amounts to defray the necessary expenses which are incurred by the director in the formulation, issuance, administration, and enforcement of the marketing order. If the marketing order authorizes the carrying out of advertising and sales promotion plans, it shall also provide for the levying and collection of assessments in sufficient amounts to defray the expenses of such activities. No assessment for advertising or sales promotion activities shall, however, be levied under any marketing order with respect to the marketing and handling of green ripe olives except that green ripe olives may be assessed for their proportionate share of administrative costs.

58922. Each marketing order shall indicate the maximum rate of any assessment which may be collected and the proportion, if any, of each assessment which is payable by each producer and handler that is directly regulated or affected by such marketing order.

58923. The advisory board which is appointed by the director to assist him in administering each marketing order shall recommend to the director, from time to time, budgets to cover necessary expenses, and budgets to cover the expenses of carrying out sales promotion plans if such plans are authorized in the marketing order, and the assessment rates which are necessary to provide sufficient funds. If the director finds that each such budget and assessment rate are proper and equitable and will provide sufficient moneys to defray the expenses which may be incurred, he may approve such budget and rate of assessment and order that each producer and handler so assessed shall pay to the director, at such times and in such installments as the director may prescribe, an assessment which is based upon the units in which such commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable.

58924. The amount of the assessment for necessary expenses shall not, however, exceed the following:

(a) In the case of producers, 2½ percent of the gross dollar volume of sales of the commodity which is affected by all such producers regulated by such marketing order.

(b) In the case of processors, distributors, or other handlers, 2½ percent of the gross dollar volume of purchases of the commodity which is affected by the marketing order from producers or of the gross dollar volume of sales of the commodity which is affected by the marketing order and handled by all such processors, distributors, or other handlers that are regulated by such marketing order during the marketing season during which such marketing order is effective.

58925. Any assessment rate which is established for assessments to defray the expenses of advertising and sales promotion plans shall be in an amount which does not exceed 4 percent of the gross dollar volume of sales by all producers or by all processors, distributors, or other handlers of such commodity which is regulated by such marketing order during the marketing season during which such marketing order is effective.

58926. In lieu of the assessments to defray the costs of formulation, issuance, administration, and enforcement and advertising or sales promotion provided for in Section 58921, if the marketing order contains provisions for advertising or sales promotion as authorized in this chapter, the director may approve and fix one assessment not exceeding 6½ percent of the gross dollar volume of sales of such commodity by all producers, or by all processors, distributors, or other handlers of such commodity regulated by such marketing order during the marketing season during which such marketing order is effective. The method and manner of assessment and collection of such assessment, and the limitations and restrictions applicable thereupon, shall conform in all respects with the provisions of this article regarding assessments for advertising and sales promotion, except as to the maximum amount of such assessment.

58927. If the director approves and fixes a single assessment, the advisory board shall recommend and the director may approve the proportions of such assessment which may be expended to defray the costs of formulation, issuance, administration, and enforcement of the marketing order and that which may be expended for such advertising or sales promotion program. The proportion of such assessment which may be allocated in such manner to defray the cost of such administrative activities for such marketing order shall not, however, exceed the maximum amount which is authorized in Section 58924.

58928. If any advisory board of any marketing order has reason to believe that the administration of a marketing order will be facilitated or the attainment of the purposes and objectives of the marketing order will be promoted thereby, the advisory board may borrow money with or without interest to carry out any provision of any marketing order which is authorized by this chapter, and may hypothecate anticipated assessment collections that are applicable to such respective provisions.

58929. Any assessment which is levied as provided in this article, in such specified amount as may be determined by the director pursuant to this chapter, is a personal debt of every person so assessed and shall be due and payable to the director if payment is called for by the director. If any such person fails to pay any such assessment upon the date which is determined by the director, the director may file a complaint against such person in a state court of competent jurisdiction for the collection of the assessment.

58930. If any producer or handler that is duly assessed pursuant to the provisions of this chapter fails to pay to the director the amount so assessed on or before the date which is specified by the director, the director may add to such unpaid assessment an amount not exceeding 10 percent of such unpaid assessment to defray the cost of enforcing the collection of such unpaid assessment.

58931. The director may require the persons that are assessed to deposit with him in advance the following amounts:

(a) An amount for necessary expenses.

(b) An amount which shall not exceed 25 percent of the assessment to cover the costs of advertising or sales promotion plans which are incurred prior to the receipt of sufficient funds from the assessment for such purpose.

58932. The amount of any deposit which is required by the director pursuant to Section 58931 shall be based upon the estimated number of units to be marketed or handled by the person that is assessed, or upon any other uniform basis which the director determines is reasonable and equitable. Such basis shall be applicable during the marketing season during which such marketing order is effective.

58933. At any time after the funds which are credited to the administrative account, or the advertising or sales promotion account, of the marketing order are sufficient to so warrant, or at the close of the marketing season, the sums deposited by any person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment which was authorized.

58934. In lieu of requiring advance deposits, or in order generally to provide funds for defraying administrative or advertising and sales promotion expenses until such time as sufficient moneys are collected for such purpose from the payment of the assessments which are established pursuant to this article, the director may receive and disburse for such expense purposes contributions which are made by producers, processors, distributors, or other handlers. Neither the advisory board nor the director is responsible for the repayment of such contributions. If, however, collections from the payment of established assessments credited to the respective marketing order accounts are sufficient to so warrant, the board shall recommend and the director shall authorize, the repayment of contributions, or authorize the application of such contributions to the assessment obligations of persons that made such contributions.

58935. For the convenience of making collections of any producer assessments which are established pursuant to this article, the director may collect such assessments from the handlers of the commodity which is being regulated. Any handler that pays any such assessments for and on behalf of any producer may deduct such producer assessments from any money which is owed by such handler to such producer. Any marketing order may require a handler to deduct producer assessments from any money which is owed by such handler to such producer.

58936. The director shall prescribe rules and regulations with respect to the assessment and collection of funds pursuant to the provisions of this article.

58937. Any money which is collected by the director pursuant to this chapter shall be deposited in a bank or other depository which is approved by the Director of General Services, allocated to each marketing order under which it is collected, and, except as provided in Section 58941, it shall be disbursed by the director only for the necessary expenses which are incurred by the advisory board and which are approved by the director with respect to each marketing order.

Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations which are prescribed by the director. The expenditure of such funds is exempt from the provisions of Section 925.6 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of Fi-

nance and a copy of such audit shall be delivered within 30 days after the completion of the audit to the Governor, the director, and the Controller.

58938. The director may, at the close of each fiscal period which is used by the advisory board for budgetary purposes, refund any money which remains in such fund that is allocable to any particular commodity which is affected by a marketing order or, upon recommendation of the advisory board and with the approval of the director, all or a portion of such money may be carried over into the next succeeding fiscal period if the director finds that such money is required to defray subsequent expenses under the marketing order.

Any refund made pursuant to this section shall be on a pro rata basis made to persons from whom, or on whose behalf, the assessments being refunded were collected. Upon termination by the director of any marketing order, any remaining balances which are not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom, or on whose behalf, such assessments were collected unless the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons. If the director makes such a finding, he may use the moneys in such fund to defray the expenses which are incurred by him in the formulation, issuance, administration, or enforcement of any subsequent marketing order for such commodity. Thereafter, if there is any such money which remains that has not been used by the director as provided in this section, it shall be withdrawn from the approved depository and paid into the State Treasury as unclaimed trust money.

58939. Any money which is deposited by the director pursuant to this article, which the director determines is available for investment, may be invested or reinvested by the State Treasurer in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury.

Any increment which is received from such investment or reinvestment or deposit shall be remitted to the director for allocation, upon a proper and equitable basis, to each of the marketing orders which is concerned, and deposited and disbursed as provided in Sections 58937 and 58938. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions of this section or may bill the director for such costs and the director shall pay such costs from money which is collected pursuant to this chapter.

58940. Any check or warrant which is drawn against the funds of any marketing order which remains unclaimed or uncashed for a period of six months from the date of issuance shall be canceled and the money retained for disbursement to the original payee or claimant upon satisfactory identification for a period of one year from the time the check or warrant is canceled. The money so retained, if not claimed within the period of one year, shall be credited to the then currently operating marketing order for the commodity under which the funds so retained were collected. If there is no marketing order then in effective operation for the commodity, the funds shall be credited to the unexpended balance, if any, of the last previous marketing order for the commodity. If there is no marketing order then in current operation, or no balance exists from any previous marketing order to which the funds may be credited, the funds so retained shall be deposited in the State Treasury as unclaimed trust money.

58941. Notwithstanding the provisions of Article 3 (commencing with Section 241), Chapter 2, Division 1 of this code, each marketing order or agreement shall be charged the amounts which are computed by the director as required to reasonably provide for services to be rendered to such marketing orders by the department. Such amounts are subject to approval by the advisory board which is concerned, shall be included in each budget which is recommended to and approved by the director pursuant to Sections 58923 and 58924, and shall be withdrawn as required by the director and paid into the Department of Agriculture Fund in the State Treasury and expended only for the necessary expenses which are incurred by the director in the administration of this chapter.

Article 11. Deposits by Applicants for Marketing Order

58961. Prior to the issuance of any marketing order by the director pursuant to this chapter, the director may require the applicants for the issuance of the marketing order to deposit with him such amount as he may deem necessary to defray the expenses of preparing and making effective such marketing order. Such funds shall be received, deposited, and disbursed by the director in accordance with the provisions which are set forth in Article 10 (commencing with Section 58921) of this chapter.

58962. The director may reimburse the applicant, from any funds for necessary expenses which he has received pursuant to Article 10 (commencing with Section 58921) of this chapter, for any of the following:

(a) Any amount deposited with the director by applicant pursuant to Section 58961.

(b) For any necessary expenses which are incurred by the applicant in preparing and in obtaining approval of the marketing order, upon receipt of a verified statement of such expenses which is approved by the director.

Article 12. Assent to Marketing Orders

58991. A marketing order or major amendment to it, which directly affects handlers, that is issued pursuant to this chapter, shall not become effective unless and until the director finds that such marketing order or amendment to it has been assented to in writing by one of the following:

(a) The handlers that are engaged in the marketing activity which is regulated by such marketing order that handle not less than 65 percent of the volume of the commodity which is regulated by the marketing order which is processed or distributed within the area defined in such marketing order or amendment to it.

(b) Not less than 65 percent of the number of handlers that engaged in the marketing activity which is regulated by such marketing order.

58992. Any marketing order or major amendment to it which directly affects processors that are engaged in the operation of canning of fresh fruits or vegetables or canning or packing of dried fruits shall not, however, be made effective by the director unless and until the director finds that such marketing order or amendment to it has been assented to in writing by such processors that are engaged in the marketing activity which is regulated by such marketing order or amendment to it that processed not less than 65 percent of the volume of such commodity which is processed within the area defined in such marketing order or amendment to it and by 65 percent of the number of such processors that are engaged in the marketing activity which is regulated by such marketing order or amendment to it.

58993. No marketing order or major amendment to it, which directly affects producers or producer marketing, that is issued pursuant to this chapter, shall be made effective by the director unless and until the director finds one or more of the following:

(a) That it has been assented to in writing by not less than 65 percent of the producers that are engaged, within the area specified in such marketing order or amendment to it, in the production for market, or engaged in such producer marketing, of not less than 51 percent of the commodity which is specified in the marketing order or the amendment to the marketing order in commercial quantities

(b) That it has been assented to in writing by producers that produce not less than 65 percent of the volume of such commodity and by 51 percent of the total number of producers that are so engaged.

(c) That it has been approved by producers in a referendum among producers that are directly affected. The director may make the finding (1) if the valid votes cast in such referendum represent not less than 40 percent of the total number of producers of the commodity of record with the department, and (2) if the producers that cast ballots in the referendum in

favor of the marketing order or amendment to it represent not less than 65 percent of the total number of producers that cast ballots in the referendum and marketed not less than 51 percent of the total quantity of the commodity which was marketed in the next preceding marketing season by all of the producers that cast ballots in the referendum or if the producers that cast ballots in the referendum in favor of the marketing order or amendment represent not less than 51 percent of the total number of producers that cast ballots in the referendum and marketed not less than 65 percent of the total quantity of the commodity which was marketed in the next preceding marketing season by all of the producers who cast ballots in the referendum.

58994. If any marketing order or any major amendment to any marketing order is issued by the director for the approval of producers, he shall determine whether the approval of producers shall be by written assents or by referendum

58995. If the director determines that it should be by referendum, he shall establish a referendum period not to exceed 30 days. If the director determines that the referendum period so established does not provide sufficient time for the balloting, he may extend the referendum period not more than 15 additional days. At the close of the referendum period, the director shall count and tabulate the ballots filed during the referendum period.

58996. If from the tabulation the director finds that the number of producers that voted in the referendum and that the number of producers that voted in favor of the marketing order or amendment to the marketing order are sufficient for him to make the finding that producers that are directly affected have approved the marketing order or amendment, the director may make the marketing order or amendment to the marketing order effective.

58997. If the director finds from the tabulation of such referendum that the number of producers that voted in favor of such marketing order or amendment to the marketing order is not sufficient for him to make the finding that producers that are directly affected have approved the marketing order or amendment to it, he shall not make the marketing order or amendment effective.

58998. The director may prescribe such additional procedures as may be necessary to conduct the referendum.

58999. In finding whether the marketing order or major amendment to it is assented to in writing or approved or favored by producers pursuant to the provisions of this chapter, the director shall consider the approval of any nonprofit agricultural cooperative marketing association, which is authorized by its members so to assent, as being the assent, approval, or favor of the producers that are members of, or stockholders in, such nonprofit agricultural cooperative marketing association.

59000. Any producer that sells a growing crop to be harvested and marketed by another person is entitled to assent to, or vote in a referendum, if both of the following requirements are complied with:

(a) At the time of sale of such growing crop the producer retains the exclusive right so to assent or to so vote.

(b) The quantity of such growing crop can be determined to the satisfaction of the director.

Article 13. Major Amendments

59021. In making effective major amendments to a marketing order, the director shall follow the same procedures which are prescribed in this chapter for the institution of a marketing order.

59022. For the purposes of this chapter, a major amendment to a marketing order shall include, but not be limited to, any amendment which is specified in Sections 59023 to 59035, inclusive.

59023. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for any of the following:

(a) Determining the existence and extent of the surplus of any commodity, or of any grade, size, or quality of it.

(b) Providing for the control and disposition of such surplus and for equalizing the burden of such surplus elimination.

(c) The establishment of a stabilization fund for equalizing surplus obligations.

59024. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for limiting the total quantity of any commodity, or of any grade, size, or quality of it, which may be prepared for market or marketed within this state.

59025. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for allotting the quantity of any commodity, or of any grade, size, or quality of it, which any handler may purchase or acquire from or handle on behalf of any and all producers of such commodity within this state.

59026. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for allotting the quantity of any commodity, or of any grade, size, or quality of it, which any handler may process, distribute, or handle within this state.

59027. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for regulating the period during which any commodity, or any grade, size, or quality of such commodity, may be processed, distributed, or otherwise marketed within this state.

59028. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for the establishment of surplus, stabilization, or byproduct pools for

any commodity, or of any grade, size, quality, or condition of it.

59029. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for the establishment of uniform grading and inspection of any commodity and the establishment of grading standards of quality, condition, size, or pack of such commodity.

59030. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for the establishment of plans for advertising and sales promotion of any commodity.

59031. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority to prohibit unfair trade practices.

59032. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for the establishment of production adjustment requirements and benefit payments which relate to them.

59033. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority for carrying out research studies in the production, processing, or distribution of any commodity.

59034. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority to increase an assessment rate beyond the maximum rate which is authorized by the marketing order then in effect.

59035. An amendment is a major amendment if it adds to, or deletes from, a marketing order authority to extend the application of the provisions of any marketing order to portions or uses of a commodity not previously subject to such provisions or to restrict or extend the application of such provisions upon the producers or handlers of such portions or uses of any such commodity.

59036. Modification of any provision of any marketing order in effect for the purpose of clarifying the meaning or application of such provision or modifying administrative procedures for carrying out such provision is not a major amendment of such marketing order.

59037. The exercise by the director of any regulatory authority which is authorized in a marketing order or marketing agreement is not a major amendment, but is a seasonal marketing regulation.

Article 14. Minor Amendments

59051. The director may make minor amendments to any marketing order upon the recommendation of not less than 75 percent of the producer members or handler members of the advisory board, or not less than 75 percent of each group if both are represented upon the advisory board.

59052. The director may require a public hearing upon minor amendments if in his opinion the substance of such

minor amendments so warrant. The director is not, however, required to submit minor amendments for written assents or referendum approval.

Article 15. Termination or Suspension

59081. The director shall suspend or terminate any marketing order, if he finds, after a public hearing duly noticed and held in accordance with the provisions of Article 6 (commencing with Section 58771) of this chapter, that such marketing order is contrary to, or does not tend to effectuate, the declared purposes or provisions of this chapter within the standards and subject to the limitations and restrictions which are imposed in this chapter.

59082. The director shall terminate any marketing order if he finds that the termination of the marketing order is requested in writing, within a 90-day period, by at least 51 percent of the producers that are directly affected that produce at least 51 percent of the volume of the product, or by at least 51 percent of the handlers that are directly affected that handle at least 51 percent of the volume of the product.

59083. If at least 25 percent of the producers that are directly affected that produce at least 25 percent of the product and at least 25 percent of the handlers that are directly affected that handle at least 25 percent of the product request, within a 90-day period, that such marketing order be submitted to reapproval, the director shall hold a hearing on the question of the reapproval of such marketing order, and after determining whether such reapproval shall be by assent or referendum, shall resubmit the marketing order for reapproval of those producers and handlers that are directly affected as provided in this article within 120 days of the receipt of the original request.

59084. If the director finds that the marketing order is not reapproved, he shall declare such order terminated. An order shall be considered reapproved if it has been assented to or favored at a referendum in the same manner as is required for a new marketing order.

59085. At any time the director finds that a substantial number of persons that are directly affected by an order are in opposition to it, he shall hold a hearing on the question of the termination, suspension, amendment, or reapproval of such order, and shall, not more than 60 days after such hearing, terminate, suspend, or submit for amendment or reapproval such order, or make a finding that there is not sufficient opposition to the order to warrant any action.

59086. A marketing order shall not be submitted for reapproval until one year after the original enactment, or within one year of any prior approval.

59087. The director may terminate, without a public hearing, any marketing order or marketing agreement which has

been inoperative for three consecutive marketing seasons after notice of intent to terminate such marketing order or marketing agreement has been published in the manner which is provided in Section 58772.

59088. No suspension or termination of any marketing order or marketing agreement pursuant to this article shall become effective until the expiration of the marketing season then current.

Article 16. Publication of Notice

59111. Upon the issuance of any order which makes effective a marketing order, or any suspension, amendment, or termination of a marketing order, a notice of the issuance shall be posted on a public bulletin board which the director shall maintain in his office and a copy of such notice shall be published pursuant to Section 6061 of the Government Code in the capital of the state and in such other localities as the director may prescribe. A marketing order, or any suspension, amendment, or termination of it, shall not become effective until five days after the date of such posting and publication. The director shall also mail a copy of the notice to every person that is directly affected by the terms of such marketing order, suspension, amendment, or termination, whose name and address is on file in the office of the director, and to every person that files in the office of the director a written request for such notice.

Article 17. General Rules and Regulations

59141. The director may establish such general rules and regulations for uniform application to all marketing orders and marketing agreements which are issued pursuant to this chapter as may be necessary to facilitate the administration and enforcement of such marketing orders and agreements.

59142. The provisions of Article 16 (commencing with Section 59111) of this chapter relative to posting, publication, and time of taking effect are applicable to any such general rule and regulation which is established pursuant to this article and applicable to marketing orders generally. Such notice shall be mailed to the advisory board for each marketing order or marketing agreement which is in active operation.

Article 18. Administrative Rules and Regulations

59161. Upon recommendation of the advisory board which is concerned, the director may, without prior notice and hearing, establish administrative rules and regulations for each marketing order or marketing agreement which is issued and made effective as may be necessary to facilitate the administration and enforcement of each such order or agreement.

59162. Such rules and regulations may include, but shall not be limited to, any of the following:

(a) Methods and procedures for the purpose of explaining or clarifying the provisions of such marketing order or agreement.

(b) Prescribing reporting forms and procedures to be followed by producers and handlers that are directly affected by such marketing order or agreement.

(c) Providing information to producers and handlers that are subject to such marketing order or agreement.

(d) Other similar procedural and explanatory provisions to enable such producers and handlers better to understand the program and their respective obligations under it and thereby assist in obtaining cooperation and compliance.

59163. The provisions of Article 16 (commencing with Section 59111) of this chapter relative to posting, publication, mailing of notice, and time of taking effect are applicable to any such administrative rules and regulations.

Article 19. Seasonal Marketing Regulations

59171. Upon recommendation of the advisory board which is concerned, the director may, without prior notice to, and public hearing for, the producers or handlers of the commodity which is directly affected, issue and make effective seasonal marketing regulations or modifications of such regulations if all of the following requirements are complied with:

(a) The marketing order, or agreement concerned provides for the issuance or modification of such seasonal marketing regulations without requiring such prior notice and public hearing and sets forth the limits within which such seasonal marketing regulations may be made effective or subsequently modified by the director.

(b) The director finds that such seasonal marketing regulations or modifications of them are reasonable and proper and a practical means of carrying out the marketing provisions which are authorized in such marketing order or agreement and will tend to effectuate the declared purposes and policies of the chapter with respect to such commodity.

59172 Seasonal marketing regulations shall be applicable to a particular marketing order or agreement for the purpose of carrying into effect by administrative order, the marketing regulatory authorizations and provisions of such marketing order or agreement as such authorizations or provisions may be applicable to, or required by, changing economic or marketing conditions and requirements, from time to time, during each marketing season in which such marketing order or agreement may operate.

59173. Seasonal marketing regulations shall not extend beyond the marketing regulatory authorizations which are specified in the marketing order or agreement concerned, or modify

or change the language of such marketing order or marketing agreement by adding to, or subtracting from, such marketing order or agreement any of the marketing regulatory authorizations which are classed in Article 13 (commencing with Section 59021) of this chapter as major amendments, or modify the language of any marketing order or agreement for the purpose of clarification as provided in Article 14 (commencing with Section 59051) of this chapter for minor amendments.

59174. Notice of the issuance and the effective date of any such seasonal marketing regulations, or modifications of them, shall be given by the director to all producers and handlers that are directly affected by any such regulations in the manner and within the time which is specified in the applicable marketing order or agreement, or as specified in the administrative rules and regulations which are made effective for such marketing order or agreement pursuant to Article 18 (commencing with Section 59161) of this article.

59175. It is recognized that, with respect to some commodities, marketing, weather, and other conditions may change so rapidly as to require changes in seasonal marketing regulations from week to week or oftener.

59176. It is intended that the provisions of this article be interpreted liberally so that the director may carry out the marketing regulations and procedures authorized in this article in a practical and effective manner.

Article 20. Records

59201. The director may require any and all processors or distributors, that are subject to the provisions of any marketing order which is issued pursuant to this chapter, to maintain books and records which reflect their operations under such marketing order, and to furnish him with such information as may be from time to time requested by him which relates to operations under such marketing order, and to permit the inspection by the director of such portions of such books and records as relate to operations under such marketing order.

59202. Information which is obtained by any person pursuant to this article is confidential and shall not be disclosed to any other person except to a person with like right to obtain the information, or any attorney who is employed to give legal advice upon it, or by court order.

59203. For the purpose of carrying out the purposes of this article, the director may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas for the production of books, records, or documents of any kind.

59204. A person shall not be excused from attending and testifying, or from producing documentary evidence, before the director in obedience to the subpoena of the director on the ground, or for the reason, that the testimony or evidence, documentary, or otherwise, which is required of him may tend to incriminate him or subject him to a penalty or forfeiture. A

natural person shall not, however, be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may be so required to testify, or produce evidence, documentary or otherwise, before the director in obedience to a subpoena which is issued by him.

A natural person so testifying is not, however, exempt from prosecution and punishment for perjury committed in so testifying.

Article 21. Actions and Penalties

59231. Any action for any penalty or other remedy which is prescribed under any provision of this chapter shall be commenced within two years from the date of the alleged violation.

59232. The penalties, remedies, procedures, and actions which are prescribed by this article apply in instances of any violation or complaint of any violation of any provision of this chapter, any marketing order, or any regulation, or rule and regulation, which is issued by the director pursuant to this chapter or pursuant to any marketing order which is issued under this chapter.

59233. Every person that violates any provision of this chapter or any provision of any marketing order which is duly issued by the director pursuant to this chapter, is guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars ($50), nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than six months, or by both such fine and imprisonment. Each violation during any day constitutes a separate offense.

59234. Any person that violates any provision of this chapter or any marketing order which is duly issued by the director and in effect pursuant to this chapter, or that violates any regulation, or rule and regulation, which is issued by the director pursuant to any provision of this chapter or any such marketing order, is liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation.

59235. In addition to such civil penalty, any person that knowingly exceeds any quota or allotment or marketable percentage fixed for him under any marketing order, regulation, or rule and regulation, issued by the director pursuant to such marketing order, shall forfeit to this state a sum equal to the current market value of such excess (or three times such amount, in the discretion of the court) which forfeiture may be recoverable in a civil suit which is brought in the name of this state Any money which is recovered pursuant to this section shall be deposited in accordance with Section 58937.

59236. If the use by a producer or handler of a particular emblem, label, certificate, or other distinctive designation of

grade, quality, or condition, except the grade or other quality designations then in effect pursuant to state or federal grade standards, is made contingent upon compliance with certain production or handling regulations which are authorized by the provisions of a marketing order or agreement which is issued and made effective pursuant to this chapter, it is unlawful and a violation of this chapter for any person, that is not participating in, and complying with, such order, agreement, or regulations to use such designation of grade, quality, or condition.

59237. It is a violation of this chapter for any person to willfully render or furnish a false or fraudulent report, statement, or record which is required by the director pursuant to any provision of this chapter, or any marketing order which is effective pursuant to this chapter.

59238. It is a violation of this chapter for any person that is engaged in the handling or processing of any commodity, or in the wholesale or retail trade of the commodity, to fail or refuse to furnish to the director or his duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received any commodity which is regulated by a marketing order that is issued and in effect pursuant to this chapter, and the quantity of such commodity which is so received.

59239. It is a violation of this chapter for any handler to receive, handle, or have in his possession any commodity which is regulated by a marketing order or marketing agreement which is issued pursuant to this chapter, that the handler knows is being marketed by the producer of the commodity without complying with, or in violation of any provision of such marketing order or agreement.

59240. The director on his own motion may, or shall upon complaint of any interested party which charges any violation of any provision of this chapter or any provision of any marketing order, regulation, or rule and regulation, which is issued by the director and effective pursuant to this chapter, do one of the following:

(a) Refer the matter directly to the Attorney General or any district attorney for the institution of legal proceedings upon the matter.

(b) If he deems it necessary or advisable, immediately call an administrative hearing to consider the charges which are set forth in such verified complaint.

59241. If the matter is referred directly by the director to the Attorney General or any district attorney, such officer shall thereupon bring an appropriate action in a court of competent jurisdiction in this state, if, after examination of the complaint and evidence he believes that a violation has occurred.

59242. If an administrative hearing is called by the director, the director shall cause a copy of such complaint, together with a notice of the time and place of hearing of such

complaint, to be served personally or by mail upon every person that is named as a respondent in such verified complaint. Such service shall be made at least 10 days before the hearing.

59243. The hearing shall be held at one of the following places which is selected by the director:

(a) The city or place in which the principal place of business of the respondent is situated.

(b) The city or place in which the violation complained of is alleged to have occurred.

(c) In the nearest office of the department.

59244. At the time and place which is designated for such administrative hearing, the director shall hear the parties to the complaint and shall enter in his office at Sacramento, his findings which are based upon the facts that are established at such hearing. If from the testimony and evidence which is adduced at the administrative hearing the director finds that no violation has occurred, he shall forthwith dismiss such complaint and notify the parties to such complaint.

59245. If the director finds from the administrative hearing that a violation has occurred, he shall so enter his findings and notify the parties to such complaint. The director may refer the matter to the Attorney General for the institution of legal proceedings or he may notify such parties to cease and desist from further violation.

Upon their refusal or failure to comply, or if he finds that the facts or circumstances warrant immediate prosecution, he shall file a complaint with the Attorney General or any district attorney which requests that such officer commence any action which is authorized in this chapter against such respondent in a court of competent jurisdiction as set forth in this article.

59246. The Attorney General, or any district attorney, shall upon complaint by the director or any other person, or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation has occurred, bring an action for criminal penalties in the name of the people of this state in any court of competent jurisdiction in this state against any person violating any provision of this chapter or any marketing order which is duly issued by the director and effective pursuant to this chapter.

59247. The Attorney General shall upon complaint by the director or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action in the name of the people of this state in the superior court of this state for civil penalties or for injunctive relief, including specific performance of any obligation which is imposed by any marketing order, regulation, or rule and regulation, which is issued pursuant to this chapter, against any person violating any provision of this chapter or of any marketing order, regulation, or rule and regulation, which is duly issued by the director pursuant to this chapter.

59248. If it appears to the court upon any application for a temporary restraining order, or upon the hearing of any

order to show cause why a preliminary injunction should not be issued, or upon the hearing of any motion for a preliminary injunction, or if the court shall find, in any such action, that any defendant is violating, or has violated, any provision of this chapter, any marketing order, or any regulation, or rule and regulation, duly issued by the director pursuant to this chapter, the court shall enjoin the defendant from committing further violations, and may compel specific performance of any obligation imposed by a marketing order, or any regulation which is issued by the director pursuant to this chapter.

59249. In any suit brought by the Attorney General to enforce any provision of this chapter, any marketing order which is issued by the director and effective pursuant to this chapter, or any regulation, or rule and regulation, which is issued by the director pursuant to the provisions of any marketing order, the judgment, if in favor of the state, shall provide that the defendant pay to the director the costs which were incurred by the director and by the advisory board concerned with the administration of such marketing order in the prosecution of such action. Any money which is recovered shall be deposited in accordance with Section 58937.

59250. Any such action may be commenced either in the county where defendant resides, or where any act or omission, or part of the act or omission, which is complained of occurred.

59251. The penalties and remedies which are prescribed in this article with respect to any violation mentioned in this article are concurrent and alternative, and neither singly nor combined are exclusive, and either singly or combined are cumulative with any and all other civil, criminal, or administrative rights, remedies, forfeitures, or penalties which are provided or allowed by law with respect to any such violation.

59252. In lieu of other procedures which are provided in this article, the director may, if he finds that any person has exceeded any quota, allotment, or marketable percentage which is fixed for him pursuant to any marketing order issued by the director pursuant to this chapter, and if the director further finds that such person did not intend to violate such quota, allotment, or marketable percentage, make demand on such person to pay to the director an amount equal to the market value of the quantity marketed in excess of such quota, allotment, or percentage.

Such market value shall be only the cost of acquisition to the person that is concerned and does not include the value of services or commodities which are added subsequent to acquisition. Payment of such amount shall preclude any further enforcement action in connection with such transaction. If such person refuses to pay, or fails to pay, the amount which is demanded, the director shall thereupon proceed in accordance with the other provisions of this article. Any money which is recovered pursuant to this section shall be deposited in accordance with Section 58937.

Article 22. Inspection and Abatement

59281. This article applies to any lot of any commodity which is regulated by a marketing order or marketing agreement wherever, or in whose possession, such lot may be in the marketing channels within this state.

59282. Any authorized inspector, or other authorized person, who is discharging his duties in the checking of compliance with the provisions of any marketing order which is made effective pursuant to this chapter may enter and inspect any premises, enclosure, building, or conveyance where he has reason to believe any commodity which is subject to a marketing order is produced, stored, being prepared for market, or marketed, and inspect, or cause to be inspected, such representative samples of the commodity as may be necessary to determine whether or not any lot of such commodity is in compliance with applicable regulations, or rules and regulations, of any marketing order which is made effective pursuant to any provision of this chapter.

59283. Except as otherwise provided in this article, any authorized inspector, or other authorized person, in the discharge of his duties, if he has reason to believe that a lot of any commodity subject to a marketing order or marketing agreement which is issued pursuant to this chapter is not in compliance with the requirements of such marketing order or agreement, or of marketing regulations, or rules and regulations, which are issued pursuant to it, as to quality, condition, size, maturity, pack, labeling, or markings, may hold such lot for a reasonable period of time sufficient to enable such officer to ascertain by an authorized inspection whether such lot complies with such marketing requirements, but in any event not to exceed 24 hours in the case of perishables, or 72 hours in the case of nonperishables.

59284. Following inspection, such inspector or other authorized person may affix to any lot which is determined to be in noncompliance, an official notice, warning tag, or other appropriate marking which warns that the lot is held and states the reasons why it is held. It is unlawful for any person, except an authorized inspector or enforcing officer, to detach, alter, deface, or destroy any such official notice, warning tag, or marking so affixed to any such lot, or to remove or dispose of such lot in any manner or under conditions other than as prescribed in such notice of noncompliance except upon written permission of an authorized enforcing officer or by order of a court of competent jurisdiction.

59285. The director, or the authorized person by whom such lot is being held, shall serve the person in possession of the lot with a notice of noncompliance. Such notice shall be served in person or by mail to the last known address of such person that is in possession. The person in possession shall notify the owner of the lot, or every other person that has an

interest in it, of the serving of such notice of noncompliance.

59286. The notice of noncompliance shall include all of the following:

(a) A description of the lot.

(b) The place where, and the reasons for which, the lot is held.

(c) A citation of the applicable marketing order or agreement or marketing regulation, or rule and regulation, and any section of it upon which the notice of noncompliance is based.

59287. The owner of the lot shall have, in the case of a perishable commodity not to exceed 48 hours, and in the case of a nonperishable commodity not to exceed 72 hours, from the time of serving such notice of noncompliance for reconditioning or for the correction of the deficiencies which are noted in the notice of noncompliance. If such lot is reconditioned or the deficiencies are corrected the enforcing officer shall remove the warning tags or markings and release the lot for marketing or may, with the consent of the owner of such lot, divert the lot to other lawful uses or destroy it.

59288. If the owner of the lot fails or refuses to give such consent, or if the lot has not been reconditioned or the deficiencies otherwise corrected so as to bring it into compliance within the time which is specified in the notice, the enforcing officer shall proceed as provided in Section 59289.

59289. The enforcing officer may file a verified petition in any superior or inferior court of this state requesting permission to divert such lot to any other available lawful use or to destroy such lot. Such verified position shall show all of the following:

(a) The condition of the lot.

(b) That the lot is situated within the territorial jurisdiction of the court in which the petition is being filed.

(c) That the lot is held, and that the notice of noncompliance has been served as provided in Section 59285.

(d) That the lot has not been reconditioned as required.

(e) The name and address of the owner and the person in possession of the lot.

(f) That the owner has refused permission to divert or to destroy the lot.

59290. Upon the filing of the verified petition, the court may issue an order to show cause returnable in five days after service upon the owner why the lot shall not be reconditioned or the deficiencies corrected, or why the lot shall not be diverted to other lawful uses or destroyed.

The owner of the lot may, prior to the date when the order to show cause is returnable, either recondition or correct the deficiencies in the lot so as to bring it into compliance, or may file at or before the hearing on the order an answer with the court stating why the lot should not be reconditioned or the deficiencies corrected so as to bring it into compliance, or showing why it should not be diverted to other lawful uses or destroyed.

59291. If at the expiration of the five-day period the owner of the lot has failed or refused to recondition or to correct the deficiencies so as to bring the lot into compliance, the court may enter judgment ordering that the lot be reconditioned, diverted to any other lawful use, destroyed in the manner which is directed by the court, relabeled, denatured or otherwise processed, sold, or released upon such conditions as the court in its discretion may impose. The lot may not, however, be sold or released into the regular channels of trade.

59292. In the event of sale of any lot by order of court, the costs of storage, handling, and reconditioning or disposal shall be deducted from the proceeds of sale and the balance, if any, paid into court for the account of the owner of any such lot.

59293. Disposal of any lot or portion of any lot pursuant to the provisions of this article, whether such disposal be by arrangement with an enforcement officer or by court order, does not waive any of the penalty provisions of this chapter.

CHAPTER 2. THE AGRICULTURAL PRODUCERS MARKETING LAW

Article 1. Short Title and Definitions

59501. This chapter shall be known as the Agricultural Producers Marketing Law.

59502. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

59503. "Commission" means the Agricultural Prorate Advisory Commission.

59504. "Commodity" means any horticultural, viticultural, or vegetable product of the soil, livestock and livestock products, and poultry and poultry products It does not, however, include milk or milk products.

59505. "Dealer" means any distributor or retailer.

59506. "Distributor" means any person, except a retailer, that acquires and distributes any commodity at wholesale or retail.

59507. "Handler" means any person that receives any commodity from the producer for the purpose of marketing it.

59508. "Marketing program" means any program which contains provisions which are authorized by Article 8 (commencing with Section 59801) of this chapter.

59509. "Primary channel of trade" means that transaction in which the producer or a cooperative marketing association of producers transfers physical possession of the commodity to another person in the current of commercial trade.

59510. "Producer" means any person that is engaged in the business of growing or producing any commodity for commercial use.

59511. "Processor" means any person that buys, or otherwise takes title to or possession of, any commodity for the

purpose of processing or manufacturing it or selling, reselling, or redelivering it in dried, canned, extracted, fermented, distilled, or other preserved form. It also includes all of the following:

(a) Any person or exchange that conducts such business.

(b) Any person or exchange that buys any commodity from the producer of the commodity for the purpose of reselling it to any person or exchange that conducts such business.

59512. "Proration" means the application of allocated quantities or percentages under a uniform rule to the production, or merchantable production, of all producers that are affected, for the purpose of regulating the quantity of any commodity which may be harvested, prepared for market, or marketed in primary channels of trade during any specified period.

59513. "Proration zone" means any district for which a marketing program is proposed or has been instituted.

59514. "Retailer" means any person that is engaged in the business of making retail sales direct to the general public.

Article 2. General Provisions

59541. The Legislature declares that: The disorderly marketing of commodities in this state; the improper preparation for market; the lack of uniform grade specifications or uniform inspection of commodities; the marketing of commodities in excess of reasonable or normal market demands therefor; or the inability of individual producers to expand existing markets or to develop new or larger markets for California grown commodities tends to prevent agricultural producers from maintaining a proper standard of living or from contributing their fair share to the support of necessary governmental and educational functions and thereby tends to increase unfairly the tax burden of other citizens of this state.

59542. The conditions set forth in Section 59541 vitally concern the health, peace, safety and general welfare of the people of this state. It is declared to be the policy of this state to aid agricultural producers in preventing or correcting adverse marketing conditions, improving existing marketing conditions, expanding existing markets, promoting new or broader markets, developing more orderly or efficient or equitable methods in the marketing of commodities and thereby to aid agricultural producers to achieve and maintain a purchasing power at an equitable and reasonable level.

59543. The production and marketing of commodities by producers within this state is declared to be affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

59545. Any order of the director which makes effective a marketing program, and any other order of the commission

or director which substantially affects the rights of any interested party, may be reviewed by any court of competent jurisdiction. Any such action shall be commenced within 30 days after the effective date of the order which is complained of.

59546. If producers of any commodity which is regulated by a marketing program that is issued by the director pursuant to the provisions of this chapter are required to comply with minimum quality, condition, size, or maturity regulations, no person may, except as otherwise provided in such program, process, distribute, or otherwise handle any of such commodity from any source, whether produced within or without this state, which commodity does not meet such minimum requirements which are applicable to producers of the commodity in this state.

Such regulations do not, however, apply to any commodity which has been produced outside of this state and is in transit on the effective date of the regulations.

Article 3. Exceptions

59571. By reason of the climatic and other conditions which relate to the production and marketing of figs for canning purposes, no marketing program pursuant to this chapter shall be established for figs for canning purposes.

59572. By reason of the climatic conditions and other factors which relate to the production of grapes in such counties, no marketing program shall be applicable to grapes in Sonoma, Napa, Mendocino, Lake, Santa Clara, Santa Cruz, Alameda, San Benito, Solano, San Luis Obispo, Contra Costa, Monterey, and Marin Counties, or any of them.

Article 4. Administration

59601. There is in the state government the Agricultural Prorate Advisory Commission, which consists of nine members.

Eight of the members shall be appointed by the Governor. The director shall be ex officio the ninth member. Six of the appointive members of the commission shall be engaged at the time of their appointment in the production of commodities as their principal occupation, but no two of these shall be appointed as representing the same commodity. One member shall be neither a producer nor a handler of commodities but shall be appointed to represent consumers generally. One member shall represent commercial handlers or processors of commodities.

59602. The terms of office of the members of the commission, except the director, shall be four years beginning with the month of January. The terms shall be so staggered as to permit the appointment of two members each year. Members shall hold office until their successors have been appointed

and have qualified. Vacancies shall be filled by appointment for the unexpired term.

59603. All appointments of members of the commission shall be by and with the consent of the Senate, but are valid, subject, however, to the consent of the Senate at its next regular session. Until such time, the person so appointed has as full and ample authority as though confirmed by the Senate. If the Senate, during its session, fails to act or refuses its consent to any such appointment, the Governor may, after adjournment of the Senate, appoint some other person, which appointment is valid, subject, however, to the consent of the Senate at its next regular session Until such time, the person so appointed has as full authority and power as though confirmed by the Senate.

59604. Within 30 days after notice of his appointment, each member shall qualify by taking the oath of office and filing it with the Secretary of State in accordance with Article 4 (commencing with Section 1360), Chapter 2, Division 4, Title 1 of the Government Code.

59605. The commission shall adopt the general policies as to its activities pursuant to this chapter and may, from time to time, adopt such regulations as it deems necessary in connection with such activities

59606. The director, with the consent of the commission, shall appoint a secretary for the commission. The secretary shall also serve as executive assistant to the director in the administration of the provisions of this chapter.

59607. The director may appoint an attorney and shall provide for such other personnel as may be necessary and shall prescribe their duties.

59608. The members of the commission shall receive ten dollars ($10) per day for each day they are actually engaged on official business and shall be reimbursed for their actual traveling expenses.

59609 The office of the commission is in the City of Sacramento. It may meet at such times and in such places as may be expedient and necessary for the proper performance of its duties. The commission shall meet at least once every calendar year and oftener at the call of the president of the commission or of the director if in the discretion of either the need arises. At all meetings of the commission, a majority constitutes a quorum.

59610. A member or employee of the commission, member of the marketing program committee, or the proration zone agent, shall not unduly influence producers in their choice either for or against the institution of a marketing program, or for or against the termination of such a marketing program

59611. The director may conduct hearings and investigations on behalf of the commission.

59612. In the conduct of any hearing, inquiry, or investigation, the director may administer oaths, and issue subpoenas

for the attendance of witnesses and the production of papers, books, maps, accounts, documents, and testimony in any inquiry, investigation, or hearing which is ordered or undertaken in any part of the state.

59613. At each hearing at least one member of the commission shall be present.

59614. The superior court of the county in which any inquiry, investigation, or hearing is held may compel the attendance of witnesses and require the disclosure by the witnesses of all facts known to them, relative to the matters under investigation, and the production of papers, maps, books, accounts, documents, and testimony as required by any subpoenas issued by the director.

59615. Any party that disobeys any order or subpoena which is issued pursuant to the authority of the director is guilty of contempt and shall be certified to the superior court of the county in which the contempt occurs, which court shall punish the contempt.

59616. The director through his duly authorized representatives and agents, including any proration zone agent who is in charge of a marketing program, shall have access, solely for the purposes of investigating possible violations of any marketing program, to the records of every producer, dealer, distributor, public or private property transportation agency, and handler of a commodity as to which a marketing program has been instituted. He shall have at all times free and unimpeded access to any building, yard, warehouse, store, or transportation facility or other place in which any commodity under a marketing program is kept, stored, handled, or transported. All information which is obtained is confidential and shall not be disclosed unless required in a judicial proceeding.

59617. In carrying out his duties under this chapter, the director may utilize the facilities and personnel of the state and county departments of agriculture.

59618. A full and accurate record of business or acts which are performed, or of testimony which is taken pursuant to the provisions of this chapter, shall be kept and be placed on file in the office of the director. Such records shall at all times be open to any interested person.

Article 5. Establishment of Proration Zone

59641. Ten or more producers of the variety or kind of commodity which is to be affected may file with the commission or the director a petition for the establishment of a proration zone and the institution of a marketing program.

59642. The petition shall, among other things, contain or be accompanied by all of the following:

(a) A description of the district which comprises the proration zone upon which the proposed marketing program is to be based.

(b) A general statement of facts which sets forth the necessity for instituting a marketing program.

(c) A draft of a proposed marketing program, or a statement of the principal features which are to be included in the proposed marketing program.

59643. Except as otherwise provided in Section 59654, if, after receiving a petition for the establishment of a proration zone and a proposed marketing program for it, the director determines that such proposed proration zone and proposed marketing program are consistent with the provisions of this chapter, the director on behalf of the commission shall hold a public hearing at some central point which is located within the area described in the petition and proposed to be established as a proration zone.

If the director determines that the proposed proration zone or proposed marketing program is not consistent with the provisions of this chapter, he shall refer such determination to the commission. If the commission concurs in the director's determination, no hearing need be held.

59644. If the commission does not concur with the determination of the director and determines that the proposed proration zone and marketing program are consistent with this chapter, the commission may request the director to hold a public hearing upon the proposed proration zone and marketing program.

59645. Prior to holding a public hearing upon a proposed proration zone and a proposed marketing program, the director:

(a) May require the petitioners to file with the department a good and sufficient undertaking to cover the probable cost of conducting the hearing and instituting a marketing program.

(b) Shall establish a list of producers of the commodity which is affected within the area which comprises the proposed proration zone

59646 In establishing the list of producers, the director may issue a notice to handlers which requires them to file with the director a certified report that shows all of the following:

(a) The name and mailing address of the handler.

(b) The quantities of the commodity that is to be affected, which were handled by the handler in the marketing season next preceding the filing of the report, together with a reasonable determination of the quantity so handled which was produced within the proposed boundaries of the proration zone.

(c) The correct name and mailing address of each producer, whose producing operations are located within the proposed proration zone, from whom the handler received the commodity which is to be affected, during the next preceding season.

(d) The quantities of the commodity which were received by the handler from each such producer in the marketing season next preceding the filing of the report.

59647. The notice to handlers which requires them to file the lists shall be published by the director pursuant to Section 6062 of the Government Code in the capital of the state and in

such other localities as the director may require, and shall be mailed to all handlers of the commodity that are directly affected, of record with the department. The lists of producers shall be filed by handlers within 10 days from the last date of publication of the notice.

59648 In addition, the director may obtain lists of producers that are affected, whenever and in such manner as he may deem necessary or advisable for the purpose of checking, comparing, or correcting such lists. The director shall maintain a current list of producers which is based upon the records of operations under each marketing program. Such producer list shall, subject to any proper corrections, be final and conclusive in making determinations relative to the assent by producers upon a marketing program.

59649. Any producer that produces the commodity which is affected by any proposed or existing marketing program, whose name does not appear upon the director's list of producers affected, may have his name established upon such list by filing with the director a signed statement which states that he produced such commodity in the next preceding season and gives the quantity which was produced and the quantity which was delivered into primary channels of trade in such season

59650. Notice of the public hearing shall be mailed to a list of producers within the proposed zone at least 10 days prior to such hearing. The list of producers shall be established in accordance with the provisions of Sections 59646, 59647, 59648, and 59649. A notice of such public hearing shall also be given at least 10 days prior to such hearing by publication pursuant to Section 6061 of the Government Code in the area proposed as the proration zone. If the proposed proration zone includes areas that are noncontiguous, the director shall hold a hearing in each.

59651. At the public hearing, the director shall receive evidence offered by the petitioners in support of the proposed proration zone and the proposed marketing program and evidence from any interested person in support of, or in opposition to, them. All testimony at the hearings shall be under oath.

59652. The hearings may be adjourned from time to time and from place to place as the circumstances may require. For the purpose of procuring additional evidence, facts, and data, petitioners or opponents shall, upon proper motion, be granted a continuation of any hearing by the director for a period not exceeding five days. A transcript of the proceedings at all such hearings shall be made by the director and shall be open to inspection by any interested party

59653. All evidence and exhibits and all facts and data which are used directly or indirectly by the director, or introduced at a hearing shall, within a reasonable time after being used or introduced, be available at the office of the commission to all interested parties.

59654. The director, with the approval of the commission, may decline to hold a public hearing upon a proposed proration zone and a proposed marketing program if he determines and is satisfied that a public hearing cannot be held within a reasonable time in advance of the harvesting of, or the beginning of the marketing season for, the commodity, so as to permit the formulation and establishment of an equitable and effective marketing program for the marketing season.

59655. Before issuing a marketing program for the written assent of producers, which contains provisions for correlating the supply of the commodity which is affected with market demands for it by means of restrictions upon the total quantity of the commodity, or restrictions upon the total quantity of any grade, size, quality, or condition of it, which restrictions have the effect of limiting the total quantity of the commodity which may be marketed during any marketing season and which restricted portion of the commodity might otherwise be marketed by producers in compliance with other laws of this state or of the United States, or in compliance with established commercial practice during the marketing season, the director shall make all of the following findings with respect to the marketing program:

(a) The marketing program will tend to reestablish or maintain such level of prices for the commodity as will provide a purchasing power for the commodity which is adequate to maintain in the business of producing the commodity such number of producers as is required to provide such supply of the quantities and qualities of the commodity as is necessary to fulfill the normal requirements of consumers.

(b) The marketing program will tend to approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for the commodity.

(c) The marketing program conforms with the provisions of this chapter and will tend to effectuate the declared purposes and policies of this chapter.

(d) The marketing program will protect the interest of consumers of the commodity through the exercise of the powers of this chapter only to such an extent as is necessary to establish the level of purchasing power which is described in subdivision (a) of this section.

59656. In making the findings which are required by Section 59655, the director shall take into consideration all facts which are available to him with respect to all of the following economic factors.

(a) The quantity of the commodity which is available for distribution.

(b) The quantity of the commodity which is normally entered into primary channels of trade

(c) The necessary costs of producing the commodity as determined by available surveys or other facts.

(d) The purchasing power of consumers as indicated by available reports and indices.

(e) The level of prices of other commodities which compete with, or are utilized as substitutes for, the commodity.

(f) The level of prices of other commodities, services, and articles which producers commonly purchase.

59657. Before issuing a marketing program for the written assent of producers, which contains provisions for the purpose of regulating the flow of the commodity, or any grade or size of it, to market without restricting the total quantity which may be marketed during the season, or which marketing program provides for the establishment of grade, size, quality, or condition specifications, for uniform grading and inspection, or for advertising and trade promotion, the director shall make all of the following findings with respect to the marketing program:

(a) The marketing program will tend to attain the objectives which are sought by the program.

(b) The marketing program conforms with the provisions of this chapter and will tend to effectuate the declared purposes and policies of this chapter.

(c) The marketing program will protect the interests of consumers in that the powers of this chapter are being exercised only to the extent which is necessary to attain the objectives of the program.

59658 In making any findings pursuant to Section 59657, the director shall base his findings upon the facts, testimony, and evidence which is received at the public hearing together with any other relevant facts which are available to him from official publications or institutions of recognized standing.

59659. In addition to either of the applicable findings prescribed by Section 59655 or 59657, the director shall find that the proposed proration zone includes all of the area within this state which is reasonably necessary to carry out and attain the objectives of this chapter.

59660 If, at a public hearing which includes a consideration of the establishment of the boundaries of a proration zone, it appears that the inclusion of territory additional to that which is described in the petition that is being heard is necessary to the proper administration or enforcement of the proposed marketing program, the director shall postpone further proceedings until notice has been given by the director to the producers within the additional territory in the manner which is provided for in Sections 59643, 59644, 59650, 59652, 59653, and 59654 Thereafter, the director may conclude the hearing, and prepare his findings.

59661. The director shall submit his findings, together with a summary of the evidence which was received at any hearing which is authorized in this chapter, to the commission for approval prior to the establishment of any proration zone or the issuance of any marketing program. Upon the approval of the findings by the commission, the director shall establish such proration zone and issue such marketing program for the written assent of producers. If the commission does not approve

of the findings of the director, the commission shall examine the evidence and prepare its own findings and thereupon instruct the director to proceed in accordance with such findings.

59662. Each proration zone is a separate public corporate entity.

Article 6. Change of Proration Zone Boundaries

59691. Any area within the state which is not already included in a proration zone that produces the same kind or variety of a commodity as is produced in a proration zone which is already established pursuant to this chapter, and regulated by a marketing program, may be added or annexed to the established proration zone pursuant to this article.

59692. A petition to change the boundaries of any proration zone may be filed with the director by producers that produce not less than 10 percent of the production of the commodity which is affected that is produced within the boundaries of the proration zone which is established, or within the boundaries of the area which is proposed to be added. The petition may request that the existing marketing program or a proposed marketing program, as amended, be made applicable to the entire area which is included within the proposed changed boundaries of the proration zone. Upon the receipt of such a petition, the director shall, on behalf of the commission, hold a public hearing, as provided in Article 5 (commencing with Section 59641) of this chapter, and receive evidence as to whether or not the boundaries of the proration zone as established shall be changed as recommended.

The director shall also, at the hearing, receive evidence with respect to the marketing program which is to be applicable to all of the area within the proposed changed boundaries of the proration zone.

59693. After the hearing, findings shall be made and procedures followed which are in accordance with the applicable provisions of Article 5 (commencing with Section 59641) of this chapter. If the findings are positive, a marketing program is issued, and a proration zone with new boundaries is established, the marketing program shall be submitted to producers within the zone for their written assent as prescribed by the applicable provisions and procedures of Article 9 (commencing with Section 59851) of this chapter.

59694. If the marketing program which is submitted is not assented to by producers in sufficient number and by sufficient volume to meet the requirements of Article 9 (commencing with Section 59851) of this chapter, the director, with the approval of the commission, shall dismiss the proceedings which were instituted to change or annex the boundaries of the proration zone, and the marketing program in operation at the time the proceedings were instituted shall continue to be effective within the boundaries of the proration zone as con-

stituted prior to the proceedings. The marketing program has the same force and effect as though no proceedings had been instituted pursuant to this article.

Article 7. Marketing Program and Grading Committees

59721. The affairs of each proration zone shall be managed by a marketing program committee which is appointed in accordance with this chapter. The director shall appoint the initial marketing program committee from nominations which are received at the public hearing upon the proposed program. The term of office of the initial marketing program committee shall be for one marketing season. The term of office of subsequent marketing program committees for each marketing program shall be two years or until their successors have been appointed and have qualified. The beginning date of the term of office shall be set forth in the marketing program.

59722. For terms subsequent to the term of the initial committee, members and their respective alternates shall be selected and appointed in accordance with the following procedure: The director shall divide the proration zone into as many districts as may be necessary for the proper administration of the program, and allot to each district the proper number of producers to be appointed to serve as members and alternate members upon a marketing program committee so as to give as nearly as possible adequate representation to all producers in all such districts. Members and their respective alternate members shall be appointed by the director with the approval of the commission from lists of producers that are eligible to serve on the marketing program committee.

59723. Eligible lists shall be established by the director either by means of a meeting of producers in each district, or by means of mail ballot, or by a combination of meetings and mail ballot. The method to be used shall be determined by the director with the approval of the commission, except that a mail ballot shall be granted upon a written request of 10 percent of the producers. Each producer is entitled to one vote and voting by proxy is not permitted. From nominations which are made, not less than three eligible persons shall be selected for each member of the committee. Any person that is nominated shall be a producer with producing property which is located within the district for which he is nominated.

59724. If a corporation or a partnership is a producer, it may designate a representative who may be a nominee.

59725. Each respective alternate shall be appointed from the same eligible list from which the member is appointed. Each district in the proration zone is entitled to at least one member and one alternate member of the committee.

59726. The marketing program committee may at any time invite any handler or other person to its meetings to serve in an advisory capacity and may authorize, subject to the ap-

proval of the director, the payment of compensation and necessary expenses to any person that is serving in such advisory capacity at rates not to exceed those which are granted to marketing program committee members.

59727. The director may, if requested by the producer members of the marketing program committee, appoint on the committee, in addition to the producer members, not more than three handler members and their respective alternates who are handlers of the commodity which is affected by the marketing program of the proration zone. The appointments of the director are subject to approval by the commission. Such approval may be given by the commission, in lieu of approval at a meeting of the commission, by written approval of a majority of the commission members except the director.

59728. If grade, quality, or size regulations are authorized under any marketing program for any commodity which is used for canning, freezing, fermenting, or distilling, and the regulations are not an integral part of a proration plan for the purpose of controlling a surplus condition in the commodity, such grade, quality, or size regulations or interpretations, or modifications of them, shall be approved by a grading committee which is appointed by the director. A grading committee shall consist of the marketing program committee, or a subcommittee, of at least seven members and an equal number of processor representatives that are nominated by the industry which is engaged in the processing of the commodity that is involved. Any action of the grading committee shall be concurred in by a majority of the processor members, a majority of the producer members, and by the director.

59729. The members and alternate members of any marketing program committee or grading committee which are duly appointed by the director, including employees of the marketing program committee, are not responsible individually in any way whatsoever to any person for liability on any contract or agreement of the committee.

59730. Marketing program committee members are entitled to compensation at a rate not exceeding ten dollars ($10) each for each day while engaged on official business. Such compensation shall not, however, be paid for more than five days in any month unless approved by the director. The members shall be reimbursed for their necessary traveling expenses

59731. An alternate member of a marketing program committee shall sit as a regular member of the committee if the member for whom he is an alternate fails for any reason to attend any meeting of the committee. He shall be compensated and reimbursed for his necessary traveling expenses in the same manner and to the same extent as a regular member while so serving

59732. Any vacancy on the marketing program committee which is occasioned by the expiration of term of office shall be filled from eligible lists of producers selected in each district obtained as provided in Sections 59721 to 59729, inclusive.

Any vacancy which is occasioned by the death or resignation of any member, or by removal for incompetence, inattention, or neglect of duties as a member of the marketing program committee, by the director, with the approval of the commission, or by a member who ceases to qualify as a producer or handler of the commodity which is concerned, shall be filled from persons who remain on the eligible lists of producers from which the appointments for the current term were made, or from new lists which are obtained as provided in Sections 59721 to 59729, inclusive.

59733. The marketing program committee shall appoint an agent, subject to the approval of the director, who shall administer the marketing program under the direction of the marketing program committee and who may be removed from office in the same manner as he was appointed. The salary or compensation of the agent shall be fixed by the marketing program committee, subject to the approval of the director.

59734. The agent shall appoint such deputy agents and other assistants as may be necessary to direct the marketing program. Such appointments are subject to the approval of the program committee. The agents, deputy agents, and other assistants are employees of the proration zone and not of the state. An officer or employee shall not receive compensation which is based on a percentage of volume which is involved in a marketing program, or in any manner that would lend encouragement to the promotion of a marketing program for the purpose of increasing salaries and income.

59735. The marketing program committee, with the approval of the director, may do all of the following:

(a) Appoint subcommittees in any producing areas within the proration zone to facilitate the carrying out of the purposes of this chapter.

(b) Collaborate and cooperate with any agency or organization with similar purposes, whether of this state, any other state, or of the United States, in the formulation and execution of any marketing program or marketing order which has common objectives. In any proper case, the commission or director may require such collaboration and cooperation.

(c) Cooperate with any duly constituted authority in the enforcement of other laws of this state, or of the United States, which are enacted to protect producers or the consuming public from fraud or deception.

(d) Make contracts and agreements in the furtherance of any of the powers of the marketing program committee.

59736. The exercise of the powers which are granted to a marketing program committee in its administration of a marketing program which is made effective pursuant to this chapter is subject to the approval of the director. If the director disapproves of an action which is taken by a marketing program committee or does not within a reasonable time approve of an action of a marketing program committee, the com-

mittee may appeal to the commission. The commission shall make a review of the subject matter under consideration and make a determination. In such event, the director shall proceed in accordance with the determination of the commission.

59737. Upon recommendation of the marketing program committee which is concerned, the director may, consistent with this chapter, establish such administrative regulations as may be necessary to facilitate the administration and enforcement of each marketing program which is promulgated pursuant to this chapter. Upon the issuance and making effective of such regulations, notice of the issuance of the regulations shall be made in the same manner as provided in Article 16 (commencing with Section 59111), Chapter 1, Part 2 of this division for marketing orders.

Article 8. Marketing Programs

59801. The powers which are granted to a marketing program committee by a marketing program pursuant to this article may be exercised for the purpose of minimizing the effect of any surplus or other adverse market condition.

59802. A marketing program may authorize the marketing program committee to establish and maintain stabilization and surplus pools. The marketing of green ripe olives is not, however, subject to the provisions of any marketing program which relates to the esablishment and operation of stabilization and surplus pools.

59803. The program committee may receive from each producer for delivery into a stabilization or surplus pool the uncertificated portions of the commodity which is regulated by the marketing program and market it by any variety, grade, or size for the account of the producers if the uncertificated portion can be disposed of advantageously either in its original or a converted state. The marketing program committee shall designate the quantity or the percentage of the marketable supply of the commodity that shall be placed in the stabilization pool and the quantity or the percentage of the marketable supply of the commodity that shall be placed in the surplus pool. Any quantity or percentage which is so established is applicable to each producer.

59804. In operating any stabilization or surplus pool, the marketing program committee may receive and account for the commodity on the basis of variety, grade, or size classifications, and may fix servicing charges to be assessed against the total quantity of any commodity which is received into the pools.

59805. The marketing program committee has title to all of the commodity in each of the pools and shall handle all of the commodity received into each of the pools and account for it to each producer that is beneficially interested in such commodity upon a pooled basis.

59806. The contents of a stabilization pool may be disposed of or may be marketed, from time to time, as the marketing program committee deems advisable, consistent with the maintenance of stabilized marketing conditions.

59807. The contents of a surplus pool shall not be marketed in any form which would directly compete with that portion of the commodity which is regularly certificated or which is in a stabilization pool. Any part of any surplus pool may, however, be transferred by a marketing program committee on a gratuitous basis to any charitable organization, self-held cooperative, or similar agency under proper safeguards to prevent any part of the commodity so disposed of from directly competing with the part of the commodity which is marketed through the usual channels of trade.

59808. A marketing program may authorize the marketing program committee to establish and maintain diversion or substandard pools. The program committee may receive from each producer for delivery into a diversion or a substandard pool such quantity of each producer's production or deliveries as fails to qualify for marketing or sale in regular marketing channels, under grade, quality, or size regulations which are established in the marketing program or under standardization laws or other laws of this state or of the United States.

59809. In operating any such diversion or substandard pool, the marketing program committee may fix servicing charges to be assessed against the commodity which is received into the pool and may receive and account for the commodity on a basis of variety, grade, and size classifications. The program committee has title to all of the commodity in either of the pools and shall handle all of the commodity which is received into either of the pools and account for it to each producer that is beneficially interested in such upon a pooled basis.

59810. The contents of any diversion or substandard pool shall be disposed of for byproducts or for other purposes under proper safeguards to prevent that part of the commodity which is so disposed of from directly competing with the part of the commodity which is marketed in its usual form through the usual channels of trade.

59811. A marketing program may authorize the marketing program committee to create, establish, or otherwise obtain and operate any facility for the storing, financing, grading, packing, servicing, processing, preparing for market, selling, or disposal of the contents of any pools which are provided for in this article. A marketing program committee shall not, however, engage in public warehousing.

59812. The marketing program committee may pledge all of the commodity that is in any pool which is established pursuant to any provision of this article with a bank or other lending agency for the purpose of obtaining loans upon such commodity. The marketing program committee has title to all of the commodity which is in any such pools for the purpose of financing and handling.

59813. A marketing program may authorize the marketing program committee to create, by a uniform assessment upon producers based upon the volume of the commodity which is marketed by each, or upon some other uniform and equitable basis, maintain, and disburse an equalization fund to be used for the removal of any inequalities between producers as to the total volume which is marketed through prorated channels that result from errors in estimating production or surplus, or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets, or diverted to relief, byproducts, or other noncompetitive purposes pursuant to a marketing program.

59814. No part of any funds which are raised for equalization fund purposes, as specified in Section 59813, shall be applied to the cost of maintenance of the commission and the department.

59815. A marketing program may authorize the marketing program committee to establish, adopt, and apply methods for correlating the marketable supply of any commodity to the reasonable market demands by means of volume limitation, time limitation, diversion, or by grade, quality, or size regulations which are applicable to the total production of any commodity, or to that portion of any commodity which qualified for marketing pursuant to standards which are authorized in the marketing program, standardization laws, or other laws of this state, or of the United States.

The marketing of green ripe olives is not, however, subject to the provisions of any marketing program which limits the total quantity of such commodity which may be marketed.

59816. A marketing program may authorize the marketing program committee to broaden distribution and increase consuming outlets by appropriate educational and trade stimulation efforts of a general industry nature and not unfairly depreciative of the quality of any other food product.

59817. Educational and trade stimulation efforts may include all of the following:

(a) Efforts to prevent, modify, or remove trade barriers which directly affect the commodity to which the marketing program applies.

(b) The presentation of facts to, and negotiations with, any state, federal, or foreign governmental agency on any matter which affects the marketing of the commodity.

59818. For the purpose of providing funds to defray the cost of formulating, administering, and enforcing educational and trade stimulation efforts, a fee or assessment shall be established and collected upon the volume of the commodity which is marketed or upon some other uniform and equitable basis

The fee may be collected separately by the marketing program committee or may be combined with any fee which is collected for general administrative purposes, in which case the

marketing program committee may recommend to the director, and the director may approve, the proportions of the combined fee which may be expended for each of such purposes.

59819. Any portion of the funds which are collected during any marketing season to accomplish the purposes of Sections 59816, 59817, and 59818 may, subject to the approval of the director, be carried forward for expenditure during any season subsequent to the season during which the funds are collected.

59820. Any educational and trade stimulation efforts which are authorized by any marketing program if approved by growers, either by written assent or by referendum ballots, for a specified period of time, but not exceeding four years, may be carried out for such period without the necessity of a biennial referendum as required in Section 59981.

59821. A marketing program may authorize the marketing program committee to provide for the adjustment of production of any commodity by means of tree or vine pulling. The marketing program committee may receive applications from producers for acreage adjustment payments. The marketing program committee shall, upon proper review and certification, make such acreage adjustment payments on an equitable basis from funds which are collected for that purpose under the marketing program on a uniform basis from all commercial producers of the commodity within the proration zone, or from funds which are received from any federal, state, or other agency for that purpose.

59822. A marketing program of production adjustment adopted under Section 59821 shall not authorize any payment for the removal of acreages of trees or vines of any species or variety specified in the marketing program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species or variety for the state as a whole. Such yields and averages shall be determined by the director from statistical data which is compiled by any state or federal agency or such other data as the director deems to be representative and reliable.

59823. If the marketing program committee finds that the results of research would be advantageous in the administration of a marketing program, it may, subject to the approval of the director, authorize and arrange for research to be conducted. The cost of the research shall be considered a part of the cost of the administration of that portion of the marketing program for which the research is authorized.

59824. In any such research, the Dean of the College of Agriculture of the University of California and the program committee shall cooperate in selecting the research projects to be carried on from time to time. Insofar as practicable, the projects shall be carried out by the College of Agriculture, but if the dean of the college and the marketing program com-

mittee determine that the college has no facilities for a particular project or that some other research agency has better facilities for it, the project may be carried out by any other research agency which is selected by the dean and the marketing program committee.

Article 9. Assents to Marketing Programs

59851. Upon the issuance of a marketing program for the written assent of producers, the director shall submit a copy of the marketing program in full to each of the producers of the commodity which is to be affected, or their duly authorized agent, within the proposed proration zone as shown by the lists of producers which are compiled in accordance with this chapter, accompanied by a printed, typewritten, or mimeographed form upon which the producer can record his assent to the marketing program.

59852. A nonprofit cooperative association may assent on behalf of any of its members only if it is authorized so to do by an instrument in writing which is signed by the member.

Such authority may be revoked as to him by any such member by an instrument in writing which is filed with the director and with such association. The revocation shall become effective three days after its receipt by the director. A copy of any written authorization, or any revocation of such authority, of a producer to the nonprofit cooperative association of which he is a member shall be forwarded to the director by the association.

59853. The director may at the time of mailing to producers a marketing program or amendments to it for written assent, establish a closing date after which assents will not be counted. If he does so, the closing date upon which assents are required to be postmarked in order to be counted shall be shown on the assent form and be announced by a press release for general dissemination which is issued by the director.

59854. If the closing date is not established at the time assent forms are mailed to producers, and the director subsequently finds that because of the oncoming harvesting season or because of any other relevant reason it is desirable to fix a closing date for filing assents, he may do so by publishing a notice pursuant to Section 6061 of the Government Code in the capital of the state and in such other localities as the director may prescribe not less than 10 days prior to the closing date. The closing date shall also be announced by a press release for general dissemination which is issued by the director at least 10 days prior to the closing date.

59855. If the director finds that the marketing program has been assented to in writing by one of the following, he shall make the marketing program effective:

(a) Not less than 65 percent of the producers in the proration zone that produced for market not less than 51 percent of the quantity of the commodity which was produced in the proration zone in the next preceding season.

(b) Not less than 51 percent of the producers that produced for market not less than 65 percent of the quantity of such commodity which was produced in the proration zone in the next preceding season.

59856. If the director makes a marketing program effective, he shall publish a notice of the effective date pursuant to Section 6061 of the Government Code in the capital of the state and in such other localities as the director may prescribe, not less than five days prior to the effective date.

Article 10. Proration Certificates

59881. After any marketing program has been formulated and has been approved as provided in this chapter, the agent for the proration zone shall assume the administration of the marketing program and any subsequent modification of it and the issuance of proration certificates pursuant to it. Such certificates shall be divided into primary and secondary certificates.

59882. Each producer is entitled to one primary certificate which may indicate the quantities of the commodity for which the marketing program has been instituted which the producer that is named in the certificate is entitled to harvest or otherwise prepare for market and delivery into the primary channels of trade. The primary certificate may also indicate from time to time the number of secondary certificates which are issued under it.

59883. Secondary certificates shall be numbered consecutively and shall be used to control the time and volume of harvesting or other preparation for disposal. Secondary certificates shall accompany all deliveries of the prorated commodity by producers into a primary trade channel

59884. In the case of any commodity which is normally concentrated for preparation for market, the marketing program committee may authorize the harvesting of the entire commodity for the purpose of delivery to a concentration point and subsequent marketing control.

59885. Primary or secondary certificates are not negotiable between producers, except with the approval of the marketing program committee and the director.

59886. In the operation of any marketing program, any cooperative or other market agency which is entitled to the possession of any commodity for marketing purposes may be authorized in writing by the marketing program committee to receive certificates for producers that are represented by it and to represent its respective producers if proration is applied to the commodity while it is in the possession of such agency.

Article 11. Amendments to Marketing Programs

59911. Any amendment to a marketing program which is specified in Sections 59912 to 59921, inclusive, is a major amendment.

59912. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to correlate the marketable supply of any commodity with reasonable market demands by means of volume, grade, size, variety, or time regulations.

59913. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to fix salable and surplus percentages.

59914. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to establish, maintain, and operate stabilization, surplus, or diversion—substandard pools.

59915. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to create, establish, or otherwise obtain and operate any facility for the storing, financing, grading, packing, servicing, processing, preparing for market, selling, or disposing of the contents of any pools which are established.

59916. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to create and disburse an equalization fund as provided for in Sections 59813 and 59814.

59917. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to broaden distribution and increase consuming outlets by educational and trade stimulation efforts.

59918. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to provide for the adjustment of production of any commodity by means of tree or vine pulling.

59919. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority for carrying on research which is related to production, processing, or distribution of any commodity, that is in addition to research that is directly necessary to the administration of the marketing program.

59920. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to increase an assessment rate or fee beyond the maximum authorized by the marketing program which is in effect.

59921. An amendment is a major amendment if it adds to, or deletes from, a marketing program authority to extend the application of the provisions of the marketing program to portions or uses of any commodity which is not subject to such provisions or to extend the application of such provisions upon the producers of such portions or uses of any such commodity.

59922. A major amendment shall not be made effective unless a public hearing has been held upon it in accordance with Article 5 (commencing with Section 59641) of this chap-

ter for the establishment or institution of a marketing program, and the director makes both of the following findings:

(a) The amendment is in conformity with the applicable provisions and procedures of Article 5 of this chapter.

(b) The amendment is assented to in writing in the required percentages prescribed in Article 9 (commencing with Section 59851) of this chapter.

59923. Minor amendments may be made to an effective marketing program upon the recommendation of not less than 75 percent of the producer members of the marketing program committee, with the approval of the director, if the director finds that such amendments are in conformity with the applicable provisions and procedures of Article 5 (commencing with Section 59641) of this chapter.

59924. If the director deems it advisable, he may, on behalf of the commission, hold a public hearing upon minor amendments prior to such approval. Any public hearing held for this purpose shall be held within the boundaries of the proration zone.

59925. The amendment of any marketing program to provide for a referendum is a minor amendment.

59926. Any modification of the provisions of any marketing program in effect for the purpose of clarifying the meaning or application of the provisions or modifying administrative procedures for carrying out the provisions is a minor amendment.

59927. If the director makes any amendment to a marketing program effective, he shall publish a notice of the effective date pursuant to Section 6061 of the Government Code in the capital of the state and in such other localities as the director may prescribe, not less than five days prior to the effective date.

Article 12. Funds

59941. The proration zone agent for each marketing program shall collect, either for each primary certificate or for each secondary certificate, or for both, a reasonable and proportional fee to be fixed by the program committee, subject to the approval of the director, so calculated as to provide an amount which is adequate to defray the necessary expenses of instituting and carrying out the marketing program and a proper proportion of the cost of the maintenance of the commission and of the department in the performance of duties which are required by this chapter.

59942. Any fee for primary certificates or secondary certificates which is fixed by the program committee with the approval of the director, pursuant to this article, is due and payable by each producer upon all units of the commodity of the producer which are subject to the certificates and constitutes a personal debt of the producer.

59943. If any producer has authorized a handler to obtain secondary certificates and pay secondary certificate fees on

behalf of the producer, or the handler has been a party to noncompliance with respect to payment for certificates or corresponding fees, the amounts unpaid constitute a personal debt of the handler.

59944. The proportion of the fees which is payable to the commission and to the department may vary upon a seasonal basis for each program according to the estimated expense to be incurred by the director and the commission in administering the marketing program. The amount so required shall not exceed 15 percent of the certificate fees which are collected by the proration zone agent specifically for administrative purposes and, in addition, such proportion of fees which are collected for any educational and trade stimulation marketing program as may be required by the commission and the director to administer the marketing program, which shall in no event exceed 5 percent of the fees which are collected for such purpose, unless the payment of a larger proportion of such funds is approved by the marketing program committee for the marketing program.

59945 Upon the request of any marketing program committee, the commission shall confer with the committee or its representatives prior to fixing the amount or proportion of any fees of the marketing program which are payable to the department for maintenance of the commission and the department in the performance of the duties which are required by this chapter.

59946. All such fees shall be deposited promptly by the proration zone agent in a bank which is approved by the Director of General Services, and shall be accounted for forthwith to the Director of Agriculture. Each deposit shall be made in the name of the proration zone under which the funds are collected.

Any money which is so deposited may be invested and reinvested by the State Treasurer in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes, such moneys may also be combined with funds which are determined by the director to be available for investment pursuant to Section 58939. Any increment which is received from such investment, reinvestment, or deposit shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable cost incurred in carrying out this section or may bill the director for the costs and the director shall pay the costs from any money which is collected pursuant to this chapter.

59947. The funds which are deposited pursuant to Section 59946 shall be disbursed by the director, pursuant to regula-

tions prescribed by him, and approved by the commission, only for the expenditures which are incurred by the marketing program committee in carrying out the specific purposes and provisions of the marketing program, including all necessary expenses which are incurred in the formulation, administration, and enforcement of the marketing program.

59948. The proportionate amount of fees which are payable to the department shall be withdrawn from the funds monthly by the director and paid into the Department of Agriculture Fund in the State Treasury. Such funds shall be used only for the support of the commission and of the department in carrying out their duties as required by this chapter.

59949. At the end of any marketing season as designated in each marketing program, after proper provision has been made for the payment of all necessary expense which is incurred in connection with the marketing season, any money which remains to the credit of the marketing program committee may be refunded upon a pro rata basis to all persons from whom certificate fees were collected.

During any marketing season, however, the marketing program committee may, with the approval of the director, carry forward any unexpended balances for expenditure during seasons subsequent to the season during which such fees were collected. Alternatively, the refund may, upon the resolution of the marketing program committee and with the approval of the director, be deferred so as to permit the marketing program committee to use the residual funds to meet operating expenses in the succeeding season or until sufficient funds have been collected, or the collection of sufficient funds is assured, to enable the committee to make the refund and to defray the expenses of the then current marketing season, including an allowance for preliminary expenses of the next succeeding season.

59950. At the time a refund is made, the marketing program committee shall file with the director a claim for the refund to growers that are entitled to such refund. If the director finds that as of the end of any marketing season the amount which remains to the credit of the marketing program committee is so small as to make impractical the computation and remitting of the pro rata refund, he may authorize the transfer of the funds to the then current marketing season for expenditure in carrying out the marketing program.

59951. Unexpended balances of any money which is collected to carry out the educational and trade stimulation efforts which are provided for in Sections 59816, 59817, and 59818 which are sufficient in amount to warrant incurring the expense of making a refund shall be refunded following the termination of any marketing program which contains provisions which are authorized by those sections or following the suspension or termination of educational and trade stimula-

tion provisions of any marketing program. The refund shall be made upon such pro rata basis as the program committee and the director determine is equitable.

59952. If the unexpended balance is so small as to make impractical the computation and remitting of a pro rata refund, the director may authorize the transfer of the funds to the administrative account of the marketing program or to the Department of Agriculture Fund for the support of the commission and the department in carrying out their duties in the administration of this chapter.

59953. Unless otherwise requested by the marketing program committee, the director is not required to issue refunds to any producer in an amount less than one dollar ($1).

59954. Any check or warrant which is drawn against the fund of any marketing program which remains unclaimed or uncashed for a period of six months from the date of issuance shall be canceled and the money retained for disbursement to the original payee or claimant upon satisfactory identification for a period of one year from the time the check or warrant is canceled. The money so retained, if not claimed within the period of one year, shall be credited to the then currently operating marketing program for the commodity pursuant to which the funds so retained were collected.

59955. If there is no marketing program then in effective operation for the commodity, the funds shall be credited to the unexpended balance, if any, of the last previous marketing program for the commodity. If there is no marketing program then in current operation or no balance exists from any previous marketing program to which the funds may be credited, the funds so retained shall be deposited in the State Treasury as unclaimed trust money.

59956. An agent or employee of the marketing program committee shall not have or receive any funds which are collected pursuant to this chapter until such agent or employee has filed with the director a bond in such form and in such penal sum as the director may prescribe.

59957. Upon the recommendation of the marketing program committee, the director may relieve the proration zone agent of the responsibility of collecting any amount which is due and unpaid not exceeding one dollar ($1) if the director determines that the collection is improbable or the cost of collecting would exceed the amount which is involved.

59958. The director, in addition to other remedies which are provided by law, may direct suit in the name of the people of this state as plaintiff, to be brought for the recovery of fees as provided in this chapter. In such case, the director may make the necessary affidavit for and a writ of attachment may issue, without any bonds being given on behalf of the plaintiff. All fees collected in this manner shall be handled as provided in this article.

Article 13. Termination of Marketing Programs

59981. Except as otherwise provided in Section 59820, if any marketing program which is in active operation does not provide for a periodic referendum of producers of record with the department, directly affected by the program, for the purpose of determining whether or not the program shall be continued or modified, the director shall, prior to the beginning of a marketing season, conduct a referendum on the program at least biennially for the purpose of making the determination.

59982. An expression by a majority of the producers that participate in the referendum shall govern the action of the commission and the director in declaring a program modified, continued, or suspended.

59983. In conducting the referendum, the commission and the director may require the majority expression to be that of producers in terms of volume of production in addition to numbers of producers voting.

59984. After the institution of any marketing program, the program shall be terminated if there is filed with the director a petition for its termination which is signed by not less than 40 percent of the producers of the commodity in the proration zone that produced not less than 40 percent of the commodity affected that was produced within the proration zone during the last preceding season.

The signatures of the producers upon the petition shall be those of the producers whose names appear on the list which was used at the institution of the program or on any corrected list which the director has had prepared during the existence of the marketing program, or their successors in interest.

59985. Each petitioner shall, upon affixing his signature to the petition for termination, write in the date of signing. No signature to the petition shall be valid for any purpose if affixed more than six months prior to the filing of the petition with the director. The petition shall be accompanied by a good and sufficient undertaking in an amount which is equal to the probable costs incident to conducting the hearing and making of findings. A hearing shall be held by the director upon the petition to determine the sufficiency of the signatures within 60 days after the presentation of the petition.

59986. If from a check of the petition together with the facts and evidence which are adduced at the hearing, it is established that the petition to terminate is signed by the required 40 percent of the producers of the commodity in the zone that produced at least 40 percent of the proration commodity affected which was produced within the zone during the last preceding season, the director, with the approval of the commission, shall terminate the marketing program Any marketing program on a seasonal commodity shall not, however, be terminated except at the end of its marketing season.

59987. The costs incident to conducting the hearing and making of findings shall initially be paid from the funds of the program to the extent that they are available and thereafter from the undertaking. If the petition is found to be insufficiently signed, the entire cost of conducting the hearing shall be paid from the undertaking. If a program is terminated, any funds which remain for the use of the program committee that are not otherwise disposed of by this chapter shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

59988. The director, on behalf of the commission, may at any time initiate an investigation to determine whether or not the facts which are specified in Sections 59655 to 59662, inclusive, continue to exist. Upon a finding that any one or more of the prerequisite facts no longer exist, the director, with the approval of the commission, shall terminate or suspend the marketing program and may dissolve the proration zone. A program on a seasonal commodity shall not, however, be terminated or suspended except at the end of its marketing season.

Article 14. Actions and Penalties

60011. Any action for penalties or other remedies which is prescribed in this chapter shall be commenced within two years from the date of the alleged violation

60012. Any person that possesses, markets, handles, or transports any commodity in violation of any provision of an original or modified marketing program which is approved and made effective or in violation of any regulation which is adopted by any marketing program committee and approved by the director may be enjoined by the director, or, with the approval of the director, by the proration zone which is affected, in an action which is brought in the superior court for any county in which the violation is alleged to be occurring. There may be enjoined in the same proceeding any number of defendants that are alleged to be violating the same program although their actual violations of the marketing program may be separate and distinct and occur in different counties. In any action for injunction which is brought pursuant to this section, the procedure shall be governed by Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

60013. Any person that violates any provision of a marketing program which is approved and made effective or who violates any regulation which is adopted by any program committee and approved by the director is liable civilly in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation. Such sum shall be recovered by the director or, with the approval of the director, by the proration zone which is affected, in an action brought in any court of competent jurisdiction. All sums recovered pursuant to this

section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

60014. Except as otherwise provided in Section 60015, it is a misdemeanor for:

(a) Any person to willfully render or furnish a false or fraudulent report, statement, or record required under this chapter.

(b) Any person to deliver into a primary trade channel without proper authority any commodity upon which a marketing program has been instituted.

(c) Any handler, dealer, or carrier to receive or have in its possession, within this state, without proper authority, any commodity upon which a marketing program has been instituted.

(d) Any person to deliver or to attempt to deliver any commodity that has been diverted under the provisions of any marketing program into any channel of trade except that into which diversion has been ordered.

(e) Any person to aid or abet in the commission of any of the acts which are specified in this section.

Each infraction under this section constitutes a separate and distinct offense.

60015. Section 60014 does not apply to a common carrier which is operating over a regular route or between fixed termini if the shipment is made by the carrier in good faith and in accordance with its duties as a common carrier and a record of every such shipment within or from this state is kept by the carrier which shows the date of shipment, character and quality of shipment, origin and destination of the shipment, and the names of the consignor and the consignee. The record shall be open to inspection at all reasonable hours by or on the written order of the official or administrative authority that is charged with the enforcement of this chapter or any marketing program pursuant to this chapter.

PART 3. MARKETING LAWS REGARDING PARTICULAR PRODUCTS

CHAPTER 1. MARKETING OF MILK AND OTHER DAIRY PRODUCTS

Article 1. Definitions

61301. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

61302. "Bulk milk" or "bulk cream" means milk or cream, respectively, which has not been pasteurized or packaged in bottles, cartons, dispenser cans, or other consumer packages, and which is handled or delivered, in bulk, in tanks, cans, or other bulk containers.

For this purpose, skim milk or cream which has been preheated or pasteurized not more than once, as provided in Sec-

tion 34004 or 34005 of this code, and is handled or delivered in bulk is not pasteurized.

61303. "Consumer" means any person that buys milk, cream, or any dairy product for consumption and not for resale.

61304. "Cream" has the meaning of that term as defined in Section 32504.

61305. "Dairy product" means buttermilk; flavored milk drinks; bottled milk drinks which are sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; ice cream, ice milk, and sherbet, separately, or in combination; ice cream mix; ice milk mix; cottage cheese; butter; American or cheddar cheese; Monterey jack cheese; pasteurized process cheese; eggnog; sour cream dressing; and yogurts.

61306. "Distributor" means any person, that purchases or handles market milk, market cream, or any dairy product for resale. It includes brokers and agents and the nonprofit cooperative associations described in Article 2 (commencing with Section 61331) of this chapter in the transactions in which such article provides that the associations are distributors. It does not, however, include any of the following:

(a) Any retail store which is not engaged in manufacturing, processing, or bottling milk, cream, or any dairy product.

(b) Any establishment where milk, cream, or any dairy product is sold only for consumption on the premises and which is not engaged in manufacturing, processing, or bottling of milk, cream, or any dairy product.

(c) Any producer that delivers milk or cream only to a distributor or manufacturer.

61307. "Frozen dairy product," as used in Sections 61375, 61376, and 61387, means any frozen product which is manufactured in a milk products plant, and imitation ice cream, imitation ice milk and water ices, which are sold by the distributor that furnishes refrigeration facilities to a wholesale customer.

61308. "Manufacturer" means any person that is engaged in the business of manufacturing any dairy product.

61309. "Market milk" has the meaning of that term as defined in Section 32510.

61310. "Market cream" has the meaning of that term as defined in Section 35811.

61311. "Milk" has the meaning of that term as defined in Section 32511.

61312. "Packaged milk," "packaged cream," or "packaged dairy product" means market milk, market cream, or any dairy product, respectively, which is packaged in cartons, bottles, dispenser cans, or other consumer packages for sale to wholesale customers, retail customers, or consumers.

61313. "Person" means any individual, firm, corporation, partnership, trust, incorporated or unincorporated association, nonprofit cooperative association, nonprofit corporation, or any other business unit or organization.

61314. "Producer" means any person that operates a dairy herd which produces milk or cream commercially and whose bulk milk or bulk cream is received or handled by any distributor, manufacturer, or any nonprofit cooperative association of producers. It includes the nonprofit cooperative associations described in Article 2 (commencing with Section 61331) of this chapter in the transactions in which such article provides the associations are producers.

61315. "Producer-distributor" means any person that is both a producer of milk or cream and a distributor of milk, cream, or any dairy product. For the purpose of this chapter, a "producer-distributor" is a producer in any transaction which involves the delivering of bulk milk or bulk cream produced by him to a distributor, manufacturer, or any nonprofit cooperative association of producers, and is a distributor in any transaction which involves the pasteurization of bulk market milk or bulk market cream, or the packaging of such milk or cream in bottles, cartons, dispenser cans, or other consumer packages, or the sale or delivery of packaged milk, packaged cream, or packaged dairy products.

61316. "Retail store" means any person that owns or operates a retail grocery store, restaurant, confectionery, or other similar business where milk, cream, or any dairy product is sold to the general public.

61317. "Wholesale customer" means any person that buys milk, cream, or any dairy product from a distributor or manufacturer for resale to consumers.

Article 2. Nonprofit Cooperative Associations

61331. For the purposes of this chapter, a nonprofit cooperative association which is organized and existing under Chapter 1 (commencing with Section 54001) of Division 20 of this code, that acts for producers, including members and any nonmembers of the association, to whom it accounts on a patronage basis, is a producer in any of the following transactions:

(a) Any transaction which involves its receipt or handling of bulk market milk, bulk market cream, or any bulk dairy product which was produced or delivered by such producers.

(b) Any transaction which involves the sale or delivery of bulk market milk, bulk market cream, or any bulk dairy product to any producer, distributor, manufacturer, or other nonprofit cooperative association of producers.

(c) The receipt by it of payment for bulk market milk, bulk market cream, or any bulk dairy product which was produced or delivered by such producers.

(d) Any transaction in connection with accounting to such producers for the proceeds derived from the sale or marketing

of market milk, market cream, or any dairy product whether packaged or in bulk.

61332. For the purposes of this chapter, a nonprofit cooperative association which is organized and existing under Chapter 1 (commencing with Section 54001) of Division 20 of this code, that acts for producers, including members and any nonmembers of the association, to whom it accounts on a patronage basis, is a distributor in any transaction which involves the receipt by it of market milk, market cream, or any dairy product from any person other than a producer to whom it accounts on a patronage basis and in any transaction which involves the pasteurization of bulk milk or bulk cream, or the packaging of it in bottles, cartons, dispenser cans, or other consumer packages, or the sale or delivery of packaged milk, packaged cream, or any packaged dairy product.

61333. A nonprofit cooperative association accounts to producers on a patronage basis when it accounts to each producer for his share of the net proceeds derived from the marketing operations of the association, according to quantity and quality of fluid milk and fluid cream furnished to the association for marketing and according to any marketing pools and quotas established by the association.

Article 3. General Provisions

61341. The director may adopt regulations for the proper administration and enforcement of the provisions of this chapter. Any violation of any such regulation is subject to the remedies, procedures, and penalties which are provided in Article 10 (commencing with Section 61571) of this chapter.

The director may, through regulations adopted pursuant to this section, exempt from the provisions of Sections 61386, 61387, 61388, and 61389 of this chapter, upon such conditions and to such extent as are reasonably determined by the director to be necessary for effectuation of the purposes of this chapter, transactions in fluid milk subject to subdistributor prices pursuant to Section 62474.

61342. The provisions of this chapter shall be liberally construed as being complementary of, and supplemental to, the provisions of Chapter 2 (commencing with Section 61801) of this part. If a provision of this chapter and a similar provision of Chapter 2 is applicable to the same person and subject matter the provisions of Chapter 2 shall control. If a provision of this chapter is applicable to any person and subject matter as to which Chapter 2 makes no express provision, the provision of this chapter shall control.

61343 Any person and subject matter to which this chapter is applicable is not subject to the provisions of the Unfair Practices Act, Chapter 4 (commencing with Section 17000, Part 2, Division 17 of the Business and Professions Code).

Article 4. Unfair Practices

61371. Except as otherwise provided in Section 61372, in the marketing of market milk, cream, and dairy products, the methods of doing business or trade practices which are described in this article, of manufacturers, distributors, producers, wholesale customers, retail stores, consumers, or any representatives of them, are unfair practices and are unlawful.

61372. This article does not, however, prohibit any of the following, if the terms and other conditions of the transaction conform to regulations which have been adopted by the director after investigation and determination by him that such regulations are consistent with good business practice:

(a) The meeting, in good faith, of a lawful, competitive price or a lawful, competitive condition.

(b) A distributor from making conditional sales of equipment or other property, extending credit for merchandise purchased, or paying a customer's obligations which are not prohibited pursuant to this chapter to another distributor in connection with the transfer of the customer's business from the latter to the former.

61373. The payment, allowance, or acceptance of secret rebates, secret refunds, or unearned discounts, whether in the form of money or otherwise, is an unfair practice.

61374. The payment or gift, or the offer or promise of any payment or gift, of money or other thing of value by a producer or distributor, directly or indirectly or through any agent or other intermediary, to any person with the purpose or design of inducing such person to become or remain a wholesale customer of any distributor is an unfair practice.

61375. The giving of any milk, cream, dairy product, service, money, or article of any kind, except to a bona fide charity, for the purpose of securing or retaining the milk, cream, or dairy product business of any wholesale customer or consumer is an unfair practice except as follows:

(a) This section does not prohibit a distributor of any frozen dairy product for reasonable compensation, as provided in Section 61387, from furnishing a wholesale customer with, and maintaining such refrigeration facilities as are reasonably necessary for the storage and preservation of any frozen dairy product which is distributed by such distributor to such wholesale customer.

(b) This section is not applicable to a manufacturer of imitation ice cream or imitation ice milk that is not also a distributor.

61376. The use of any refrigeration facilities which are furnished by a distributor to a wholesale customer pursuant to subdivision (a) of Section 61375 by any person for the storage or preservation of any product except the frozen dairy products which are distributed to the wholesale customer by the distributor that furnishes such facilities is an unfair practice, unless all of the following are true:

(a) The distributor that furnishes the refrigeration facilities does not manufacture or distribute imitation ice cream or imitation ice milk and has authorized, in writing, the use of said refrigeration facilities for the storage and preservation of imitation ice cream or imitation ice milk sold to such wholesale customer by another vendor.

(b) A copy of such authorization has been filed with the director prior to the use of the refrigeration facilities for such purpose.

61377. The extension to any wholesale customer or consumer of any special price or service which is not made available to all wholesale customers or consumers that purchase any milk, cream, or dairy product of like quantity under like terms and conditions is an unfair practice.

61378. A distributor shall not allow or give any payment of money, credit, compensation, gift, or loan of anything of value to a wholesale customer for advertising or display in connection with the sale of the distributor's milk, cream, or dairy product, or for the privilege of placing a sign, advertisement, or other advertising material in, on, or adjoining any premises which are occupied by such wholesale customer.

61379. Outside advertising shall not advertise items other than the distributor's milk, cream, or dairy product and items which are made from such milk, cream, or dairy product, except that the distributor may allocate not in excess of one-third of the advertising space to customer advertising.

61380. Inside advertising material which is furnished by a distributor shall be confined and limited to the advertising of milk, cream, or any dairy product which is manufactured or distributed by the manufacturer or distributor of the milk, cream, or dairy product or their agents. It may include the name, brand, price, or description of any of the following:

(a) The milk, cream, or dairy product of the manufacturer or distributor.

(b) Fountain products which contain the milk, cream, or dairy product as ingredients.

(c) Dessert items which are customarily sold in conjunction with the milk, cream, or dairy product

61381. Any false or misleading advertising, as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code, of milk, cream, or any dairy product is an unfair practice.

61382. Discrimination in price between wholesale customers, or between consumers, that purchase milk, cream, or any dairy product of like grade and quality under like conditions of service if the effect of such discrimination may be substantially to lessen competition or to injure or destroy or prevent competition with the person that either grants or knowingly receives the benefit of such discrimination is an unfair practice. This section does not, however, prevent differentials which make only due allowance for differences in the cost of the raw

product which is used in such milk, cream, or dairy product, or the cost of manufacture, processing, sale, or delivery which results from the different methods or quantities in which the commodities are manufactured, processed, sold, or delivered.

61383. The sale or offer to sell or giving of any article in any transaction which involves the sale or disposal of milk, cream, or any dairy product, for less than the invoice or replacement cost of the article, whichever is lower, to secure or retain the milk, cream, or dairy product business of any wholesale customer or any person that buys as a consumer is an unfair practice.

61384. The sale by any retail store, manufacturer, distributor, including any producer-distributor or nonprofit cooperative association acting as a distributor, of milk, cream, or any dairy product at less than cost is an unfair practice.

Cost as applied to manufacturers and distributors, as used in this section, means the cost of raw product, plus all costs of manufacturing, processing, handling, sale, and delivery, including overhead costs. Cost as applied to retail stores, as used in this section, means invoice or replacement cost, whichever is lower, plus the cost of doing business of such retail store.

"Cost of raw product," in the case of market milk and market cream, whether or not such market milk or market cream is used in the processing or manufacture of any dairy product, means the applicable minimum price of the market milk or market cream, if any, payable by distributors to producers pursuant to stabilization or marketing plans in effect pursuant to Chapter 2 (commencing with Section 61801) of this part. The definition of "cost of raw product," as applied to sales on a bid basis to public agencies or institutions, is, however, applicable only to market milk or market cream which is utilized for class 1 purposes, as such purposes are defined in Chapter 2 of this part.

Evidence of cost, based on audits or surveys, made in accordance with generally accepted cost accounting procedures, constitutes prima facie evidence of such cost at the time of the commission of the unfair practice which is described in this section. The director shall establish by regulations pursuant to Section 61341 the procedures which shall be considered as "generally accepted cost accounting procedures." Such procedures are those which are found by the director to accurately determine actual costs.

61385. Any false statement or representation which is knowingly made, by any wholesale customer or consumer, or anyone that is acting on the behalf of either, to any distributor or manufacturer, or any representative of a distributor or manufacturer, that a competitor of such distributor or manufacturer has offered or is offering to sell, or is selling milk, cream, or any dairy product to the wholesale customer or consumer at a lower price than such manufacturer or distributor has offered or is offering to sell, or is selling it, or that the competitor has offered or is offering to do, or is doing any of the

business practices which are declared by this article to be unfair and unlawful is an unfair practice.

61386. The making or renewal of any money loan to any wholesale customer is an unfair practice.

61387. Refrigeration facilities may be furnished by a distributor to a retail store or other wholesale customer, only to the extent that they are reasonably necessary for the preservation of frozen dairy products which are distributed by the distributor on a rental basis for reasonable compensation as determined by the director after conducting a survey. Such compensation shall provide for interest on investment, reasonable depreciation and cost of repairs and maintenance during the normal life of such facilities.

61388. All equipment, including refrigeration facilities, may be sold to retail stores or other wholesale customers. Such sales may be made for cash or on a conditional sales contract. Any contract shall provide for a payment of at least one-third cash and the balance to be paid on monthly installments for a term not to exceed 18 months. The prices prescribed in such conditional sales contract shall include interest at current rates, and shall include installation or maintenance for the life of the contract if the distributor agrees to perform or cause to be performed such service.

61389. The selling of any new equipment by a distributor or ice cream manufacturer to any customer or individual at a price except the printed retail list price of the equipment manufacturer, jobber, or their agent and at terms which are different than the printed retail terms of such equipment manufacturer or jobber or agent is prohibited.

61390. Solicitation by, or collusion or joint participation between or among, any manufacturer, distributor, producer, wholesale customer, retail store, consumer, or any representative of any of them, to commit any of the unfair practices which are prescribed in this article, or the use of any misrepresentation, threat, intimidation, or boycott to effectuate the commission of such unfair practices, makes any person that participates in such unfair practices subject to the penalties of this chapter.

Article 5. Price Filing

61411. Every distributor in any marketing area shall file with the director schedules and any amendments to the schedules which set forth the prices at which each such distributor is selling, offering, or agreeing to sell in such marketing area any of the following: market milk; market cream; buttermilk; flavored milk drinks; bottled milk drinks which are sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; cottage cheese; eggnog; sour cream dressing, and yogurts.

Price filing is not required for any other dairy product.

61412. Prices which are filed pursuant to Section 61411 shall be filed in such office of the director as he shall designate. Such prices shall not become effective until the seventh day after filing.

61413. Evidence of any sale of, or offer or agreement to sell, such market milk, market cream, or any such dairy product by a distributor at less than the prices filed with the director by such distributor pursuant to the provisions of this article is prima facie proof of a violation of this article.

Offers and agreements to sell, as used in this section, include offers and agreements which are conditional, or which shall become effective, upon the filing thereafter of amended prices by the distributor that makes such offer.

61414. Upon receipt of such filings or amendments, the director shall forthwith date, file, and index them in such manner that the information shall at all times be kept current and be readily available to any interested person that desires to inspect them.

61415. Any other distributor in the marketing area may meet any such prices so filed if such distributor files with the director a schedule of prices which do not exceed the prices so met by him within 24 hours after meeting them.

Article 6. Records

61441. Every distributor or manufacturer of milk, cream, or any dairy product shall keep all of the following records:

(a) A record of all milk, cream, or dairy products received, detailed as to location, names and addresses of suppliers, prices paid, and deductions or charges made, and the use to which such milk or cream was put.

(b) A record of the quantity of each kind of milk or dairy product which is manufactured and the quantity and price of milk or any dairy product which is sold.

(c) A record of the wastage or loss of milk or any dairy product.

(d) A record of the items of handling expense.

(e) A record of all refrigeration facilities which are rented or furnished for storage purposes to any wholesale customer, which shows the types and sizes of the refrigeration facilities, the location of such facilities, and the original or duplicate original of any agreement which covers rentals which are charged for them.

(f) A record of all conditional sales of equipment or other property, the location of such property, and the original or duplicate original of all conditional sales contracts which pertain to the equipment or the property.

(g) A record of all moneys which were loaned prior to August 4, 1943 to wholesale customers, the terms and conditions of such loans, and the original evidence of the indebtedness based on such loans.

(h) Such other records as the director may deem necessary for the proper enforcement of this chapter.

61442. Every distributor shall keep a full and complete record of all milk, cream, or dairy products sold, classified as to kind and grade of milk, cream, or dairy product, that shows where it was sold, and the amount which was received for it.

61443. The director shall have access to, and may enter at all reasonable hours, any place where any dairy product is being processed, bottled, stored, kept, or sold, or where the books, papers, records, or documents pertaining to any transaction which relates to any dairy product is kept. He may inspect and copy such books, papers, records, or documents in any place within the state.

61444. Any record or report which is made to the director pursuant to any provision of this article is confidential and shall not be divulged except if necessary for the proper determination of any court proceeding or hearing before the director.

Article 7. Investigations and Hearings

61471. The director may, upon his own motion, or shall, upon the receipt of any verified complaint, investigate any transaction which involves the violation of any provision of this chapter by any person. The director may call and conduct a hearing in furtherance of such investigation.

61472. If a verified complaint is received by the director, he shall cause a copy of the complaint, together with a notice of time and place of hearing of such complaint, to be served personally or by mail upon such person. Such service shall be made at least 10 days before the hearing.

61473. The hearing shall be held in the city or place in which is situated the business location of the person that is complained of, or in which the transaction complained of is said to have occurred.

61474. The person complained of shall, at least three days prior to the date fixed for the hearing, serve upon the complaining party and file with the director a verified answer to all the allegations which are contained in the complaint.

61475. At the time and place which is appointed for such hearing the director shall hear the parties to such complaint, and shall enter in the office of the director at Sacramento a decision dismissing such complaint or specifying the facts which are established on such hearing. A copy of such decision shall be furnished to each of the respective parties to it.

61476. The director may do any of the following:

(a) Administer oaths and take testimony thereunder

(b) Issue subpoenas which require the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles, or instruments.

(c) Compel the disclosure by such witnesses of all facts which are known to them relative to the matters under investigation.

61477. Any party that disobeys any order or subpoena of the director is guilty of contempt and shall be certified to the superior court of the state, in and for the county wherein such contempt occurs, for punishment for such contempt in accordance with Sections 11180 to 11191, inclusive, of the Government Code.

61478. Any act of the director pursuant to any provision of this chapter may be reviewed by any court of competent jurisdiction.

Article 8. Manufacturers' Fees

61501. Every manufacturer that is subject to the provisions of this chapter shall pay to the director on all milk fat contained in the ice cream mix and ice milk mix which is manufactured by him, a fee of two mills ($0.002) per pound milk fat.

The fee is a maximum fee. The director may fix such fee at a less amount, and may adjust such fee from time to time, whenever he finds that the cost of administering this chapter can be defrayed with such below-maximum fee. The amount of the fee shall be paid to the director on or before the 30th day following the last day of the month in which the mix was manufactured. The amount so received by the director shall be paid into the Department of Agriculture Fund.

61502. Any manufacturer's fee which is payable pursuant to Section 61501 is a debt of the manufacturer and is due and payable to the director upon the date set forth in Section 61501. If such manufacturer does not pay such fee upon the required date, the director may file a complaint against such manufacturer in a state court of competent jurisdiction for the collection of such fee.

If any manufacturer does not pay to the director the fees which are provided for in Section 61501, on or before the date which is specified in the section, the director may add to such unpaid fees an amount not exceeding 10 percent of such unpaid fees to defray the cost of enforcing the collection of such unpaid fees.

Article 9. Disposition and Use of Funds

61531. Any money in the Department of Agriculture Fund which was derived under this chapter and Chapter 2 (commencing with Section 61801) of this part may be expended for the administration and enforcement of any or all of the provisions of such chapters, notwithstanding any other provision of law which limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of such chapters separately.

Article 10. Actions and Penalties

61571. The violation of any provision of this chapter is a misdemeanor which is punishable by a fine not less than fifty dollars ($50) and not exceeding five hundred dollars ($500) or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment. The amount of penalty which is assessed pursuant to this section on each count of violation shall be based upon the nature of the violation and the seriousness of the effect of such violation upon effectuation of the purposes and provisions of this chapter.

61572. Any person that violates any provision of this chapter is liable civilly in an amount not less than fifty dollars ($50) and not exceeding five hundred dollars ($500) for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. The amount of penalty which is assessed pursuant to this section on each count of violation shall be based upon the nature of the violation and the seriousness of the effect of such violation upon effectuation of the purposes and provisions of this chapter. Any sum which is recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

61573. The director may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any order which is made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residences, or places of business may be in several counties and the violations separate and distinct. Any proceeding which is brought pursuant to this section shall be governed in all other respects by the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

Chapter 2. Stabilization and Marketing of Fluid Milk and Fluid Cream

Article 1. Definitions

61801. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

61802. "Board" means any advisory board which is created as authorized in this chapter.

61803. "Bulk fluid milk" or "bulk fluid cream," means fluid milk or fluid cream, respectively, as defined in this code, which has not been pasteurized or packaged in bottles, cartons, dispenser cans, or other consumer packages, and is handled or delivered, in bulk, in tanks, cans, or other bulk containers.

For this purpose, skim milk or cream which has been preheated or pasteurized not more than once, as provided in Sec-

tion 34004 or 34005 of this code, and is handled or delivered in bulk, is not pasteurized.

61804. "Consumer" means any person that purchases fluid milk, fluid cream, or any dairy product for consumption.

61805. "Dairy product" includes any product which is manufactured from milk or any derivative or product of milk.

61806. "Distributor" means any person that purchases or handles fluid milk or fluid cream for processing, manufacture, or sale. It includes brokers and agents and the nonprofit cooperative associations described in Article 2 (commencing with Section 61831) of this chapter in the transactions in which such article provides that the associations are distributors. It does not, however, include any of the following:

(a) Any retail store that is not actively and directly engaged in processing and packaging fluid milk or fluid cream.

(b) Any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not actively and directly engaged in processing and packaging fluid milk or fluid cream.

(c) Any person that is owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream.

(d) Any producer that delivers fluid milk or fluid cream only to a distributor.

(e) Any person as to any transaction where such person purchases processed and packaged fluid milk or fluid cream, but does not thereafter physically handle such fluid milk or fluid cream for sale. "Physically handle," as used in this subdivision, means (1) to refrigerate, store, or assemble individual order allotments at a fixed, established business location prior to transportation on regularly operated routes for sales of fluid milk or fluid cream on such routes to wholesale customers or directly to consumers at their homes or places of work, or (2) to transport in a mobile vehicle or unit which is regularly operated on routes predominately for sales of fluid milk or fluid cream on such routes to wholesale customers or directly to consumers at their homes or places of work.

61807. "Fluid cream" means cream, as defined in this code, and any combination of cream and milk, or any fluid product of milk or cream which is sold under any trade name whatsoever, which complies with all of the following requirements:

(a) Is not packaged in hermetically sealed containers.

(b) Contains more than 11.6 percent milk fat.

(c) Conforms to the health and sanitary regulations of the place where it is sold or disposed of for human consumption.

61808. "Fluid milk" means any and all whole or concentrated milk that is produced in conformity with applicable

health regulations for market milk of the place where such milk is consumed.

61809. "Fluid skim milk" means skim milk, as defined in this code, that is derived from market milk and conforms to the health and sanitary regulations of the place where sold or disposed of for human consumption.

61810. "Marketing area" is any area within this state which is declared to be such in the manner that is prescribed in this chapter.

61811. "Minimum retail prices" means the minimum prices at which fluid milk or fluid cream, or both, shall be sold by distributors and retail stores to consumers.

61812. "Minimum wholesale prices" means the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores. It also includes subdistributor prices, as defined in Section 61819, and the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores, restaurants, confectioneries, and other places for consumption on the premises. It does not, however, include the prices at which fluid milk or fluid cream, or both, shall be sold by any distributor to any retail store which is owned or operated by such distributor or the prices at which fluid milk or fluid cream, or both, shall be sold in bulk by any distributor to any other distributor.

61813. "Packaged fluid milk" or "packaged fluid cream" means fluid milk or fluid cream, respectively, which is packaged in cartons, bottles, dispenser cans, or other consumer packages for sale to wholesale customers, retail customers, or consumers.

61814 "Person" means any individual, firm, corporation, partnership, trust, incorporated or unincorporated association, nonprofit cooperative association, nonprofit corporation, or any other business unit or organization.

61815. "Producer" means any person that produces fluid milk from five or more cows or goats in conformity with the applicable health regulations of the place in which it is sold, and whose bulk fluid milk or bulk fluid cream is received or handled by any distributor or any nonprofit association of producers. It includes the nonprofit cooperative associations described in Article 2 (commencing with Section 61831) of this chapter in the transactions in which such article provides that the associations are producers.

61816. "Producer-distributor" means any person that is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor is a producer in any transaction which involves the delivery of bulk fluid milk or bulk fluid cream which was produced by him to a distributor, or any nonprofit cooperative association of producers and is a distributor in any transaction which involves the purchase by him of fluid milk or fluid cream, the pasteurization or packaging of fluid milk or fluid cream, or the

sale or delivery of packaged fluid milk or packaged fluid cream to any person.

61817. "Retail store" means any person that owns or operates a retail grocery store, restaurant, confectionery, or other similar business, where fluid milk or fluid cream is sold to the general public for consumption off the premises.

61818. "Stabilization and marketing plan" means any plan which is formulated and made effective by the director within the legislative standards which are provided by this chapter. It includes, among other things, the establishing of prices to be paid by distributors for any or all of the various classes of fluid milk or fluid cream.

61819. "Subdistributor prices" means the prices at which fluid milk or fluid cream, or both, shall be sold, other than in bulk, by distributors to other distributors.

Article 2. Nonprofit Cooperative Associations

61831. For the purposes of this chapter, a nonprofit cooperative association which is organized and existing under Chapter 1 (commencing with Section 54001) of Division 20 of this code, that acts for producers, including members and any nonmembers of the association, to whom it accounts on a patronage basis, is a producer in any of the following transactions:

(a) Any transaction which involves its receipt or handling of bulk fluid milk or bulk fluid cream, which was produced or delivered by such producers.

(b) Any transaction which involves the sale or delivery of bulk fluid milk or bulk fluid cream to any producer, distributor, or manufacturer, or other nonprofit cooperative association of producers.

(c) The receipt by it of payment for bulk market milk, bulk market cream, or any bulk dairy product which was produced or delivered by such producers

(d) Any transaction in connection with accounting to such producers for the proceeds derived from the sale or marketing of bulk fluid milk or bulk fluid cream, or packaged fluid milk or packaged fluid cream.

61832. For the purposes of this chapter, a nonprofit cooperative association which is organized and existing under Chapter 1 (commencing with Section 54001) of Division 20 of this code, that acts for producers, including members and any nonmembers of the association, to whom it accounts on a patronage basis, is a distributor in any transaction which involves the receipt by it of fluid milk or fluid cream from any person other than a producer to whom it accounts on a patronage basis and in any transaction which involves the pasteurization of bulk fluid milk or bulk fluid cream or the packaging of it in bottles, cartons, dispenser cans, or other consumer packages, or the sale or delivery of packaged fluid milk or packaged fluid cream.

61833. A nonprofit cooperative association accounts to producers on a patronage basis when it accounts to each producer for his share of the net proceeds derived from the marketing operations of the association, according to quantity and quality of fluid milk and fluid cream furnished to the association for marketing and according to any marketing pools and quotas established by the association.

Article 3. Classes of Fluid Milk

61841. Fluid milk may be classified for the purposes of this chapter as provided in this article.

61842. Class 1 comprises:

(a) Any fluid milk, fluid skim milk, or fluid cream that is supplied to consumers as market milk, market skim milk, or market cream or concentrated milk.

(b) Any combination of market milk, market skim milk, and market cream, or any market milk which is not sterilized and packaged in hermetically sealed containers.

(c) Any other dairy product in which the use of market milk or any components or derivatives of market milk is required by, or pursuant to, the provisions of this code.

(d) Any fluid milk, fluid skim milk, fluid cream, milk fat, or milk solids not fat which is used in the standardizing or fortifying of market milk or any dairy product which is defined in this section as class 1.

(e) Any product which is required by any regulations adopted by the director pursuant to Article 2 (commencing with Section 36631), Chapter 1, Part 3, Division 15 of this code to be made from market milk or any components or derivative of market milk.

61843. Class 2 comprises any fluid milk, fluid skim milk, or fluid cream which is used in the manufacture of any product for which a definition and standard is prescribed in Division 15 (commencing with Section 32501) of this code, except any such product which is included in class 1 or class 3.

61844. Class 3 comprises all fluid milk, fluid skim milk, or fluid cream, which is used in the manufacture of butter, cheese other than cottage cheese, dried milk, dried skim milk, nonfat dry milk solids, defatted milk solids, dried buttermilk, or any product for which no definition and standards are prescribed in Division 15 (commencing with Section 32501) of this code.

61845. If the director establishes a temporary definition and standards for any new milk product pursuant to Article 2 (commencing with Section 36631), Chapter 1, Part 3, Division 15 of this code he shall assign such new product to that class under this article which includes the most nearly comparable product as determined by the director. Any product which is required by any regulation of the director adopted pursuant to Article 2, Chapter 1, Part 3, Division 15 of this code to be

made from market milk, or any components or derivatives of market milk, shall, however, be included within class 1.

Article 4. General Provisions

61871. The production and distribution of fluid milk and of fluid cream and the dissemination of accurate, scientific information as to the importance of milk and other dairy products in the maintenance of a high level of public health, is hereby declared to be a business affected with a public interest. The provisions of this chapter are enacted in the exercise of police powers of this state for the purpose of protecting the health and welfare of the people of this state.

61872. The Legislature hereby declares all of the following:

(a) Fluid milk and fluid cream are necessary articles of food for human consumption.

(b) The production and maintenance of an adequate supply of healthful milk of proper chemical and physical content, free from contamination, is vital to the public health and welfare, and the production, transportation, processing, storage, distribution, or sale of fluid milk and fluid cream in this state is an industry affecting the public health and welfare.

(c) Unfair, unjust, destructive, and demoralizing trade practices have been carried on, and are now being carried on, in the production, marketing, sale, processing, or distribution of fluid milk and fluid cream, which constitute a constant menace to the health and welfare of the inhabitants of this state and tend to undermine sanitary regulations and standards of content and purity, however effectually such sanitary regulations may be enforced.

(d) Health regulations alone are insufficient to prevent disturbances in the milk industry which threaten to destroy and seriously impair the future supply of fluid milk, and to safeguard the consuming public from future inadequacy of a supply of this necessary commodity.

(e) It is the policy of this state to promote, foster, and encourage the intelligent production and orderly marketing of commodities which are necessary to its citizens, including milk, and to eliminate speculation, waste, improper marketing, unfair and destructive trade practices, and improper accounting for milk which is purchased from producers.

61873. It is recognized by the Legislature that conditions within the milk industry of this state are such that it is necessary to establish marketing areas wherein different prices and regulations are necessary, and for that purpose the director shall have the administrative authority, with such additional duties as are herein prescribed, after investigation and public hearing, to prescribe such marketing areas and modify the same when advisable or necessary.

61874. The foregoing statements in this article of facts, policy, and application of this chapter are hereby declared a matter of legislative determination.

61875. The purposes of this chapter are to do all of the following:

(a) Provide funds for administration and enforcement of this chapter, by assessments to be paid by producers of fluid milk or fluid cream, or both, and from licenses which are issued to distributors in the manner which is prescribed in this chapter.

(b) Authorize and enable the director to prescribe marketing areas and to determine prices to producers for fluid milk or fluid cream, or both, which are necessary due to varying factors of costs of production, health regulations, transportation and other factors in such marketing areas of this state. The cost to distributors within any marketing area, for fluid milk or fluid cream shall be uniform with all other distributors purchasing fluid milk and fluid cream of similar grade or quality under like terms and conditions.

(c) Authorize and enable the director to formulate stabilization and marketing plans subject to the limitations which are prescribed in this chapter with respect to the contents of such stabilization and marketing plans and to declare such plans in effect for any marketing area.

(d) Enable the dairy industry, with the aid of the state, to correct existing evils, develop and maintain satisfactory marketing conditions, and bring about and maintain a reasonable amount of stability and prosperity in the production and marketing of fluid milk and fluid cream and provide means for carrying on essential educational activities.

61876. It is the intent of the Legislature that the powers which are conferred in this chapter shall be liberally construed.

61877. Nothing in this chapter permits or authorizes the development of conditions of monopoly in the production or distribution of fluid milk or fluid cream. In the establishment of the terms and conditions under which fluid milk and fluid cream shall be purchased from producers, and under which distributors and retail stores shall sell and distribute fluid milk or fluid cream, such terms and conditions shall be those which will, in the several localities and markets of the state, and under the varying conditions of production and distribution, insure an adequate and continuous supply of pure fresh wholesome fluid milk and fluid cream to consumers of the fluid milk and fluid cream at fair and reasonable prices.

61878. The Legislature hereby declares that this chapter is intended to formulate a comprehensive scheme for the regulation of marketing and distribution of fluid milk and fluid cream. If, however, any provision of, or addition or amendment to, this chapter, either as originally enacted in 1935 at the 51st Regular Session of the California Legislature, or as amended, added to, recodified, or reenacted at any subsequent session of the California Legislature, should be held to be unconstitutional, the unconstitutionality of such provision does not affect any other provision of this chapter.

61879. If any article, section, subdivision, sentence, clause, or phrase of any provision of this chapter is for any reason held to be unconstitutional, such decision does not affect the validity of the remaining provisions of this chapter. The Legislature hereby declares that it would have enacted each article, section, subdivision, sentence, clause, or phrase of this chapter irrespective of the fact that one or more other articles, sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Article 5. Exceptions

61901. No provision of this chapter, or of any stabilization and marketing plan which is formulated by the director pursuant to this chapter, is any limitation upon the right of any distributor or producer-distributor, including any nonprofit cooperative association of producers which association is also a distributor, by reason of the form or nature of the legal entity under which such distributor conducts business, to sell or distribute fluid milk, fluid cream, or any dairy product at prices or upon terms and conditions according to, and within, the several methods of distribution, at or subject to which the fluid milk, fluid cream, or dairy product lawfully may be sold or distributed by any other distributor.

This section does not make lawful or permit the payment by any such distributor to a producer for fluid milk, fluid cream, or the milk fat or fluid skim milk of such components of fluid milk or fluid cream, at prices less than the minimum prices which are prescribed in the applicable stabilization and marketing plan.

61902. No amendment of any provision of this chapter shall have the effect of terminating or invalidating any minimum prices for fluid milk or fluid cream, or both, which is established by the director pursuant to this chapter prior to the effective date of such amendment, or any minimum wholesale or minimum retail prices as modified to reflect changes in minimum prices paid by distributors to producers as provided in Section 62418. The director shall, however, establish minimum prices pursuant to the provisions of such amendment at the earliest practicable date after the effective date of such amendment.

Article 6. Administration

61931. The director shall enforce the provisions of this chapter and of any stabilization and marketing plan which is initiated pursuant to the provisions of this chapter. The director shall adopt regulations for the proper administration and enforcement of the provisions of this chapter.

61932. The director shall have and may exercise any or all the powers which are conferred by the Government Code upon the head of a department of the state with respect to hearings and investigations under this chapter.

61933. The director is the instrumentality of this state for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent which is expressed in this chapter, and is hereby vested with the administrative authority which is described in this chapter.

61934. For the purposes of enforcing the provisions of this chapter, the director may investigate any and all transactions between producers and distributors, between nonprofit cooperative associations and producers, among distributors or between distributors and retail stores, between distributors and consumers, or between retail stores and consumers. For that purpose, the director shall have access to, and may enter at all reasonable hours, any place where milk is being stored, bottled, or manufactured, where milk or any milk product is being bought, sold, or handled, or where the books, papers, records or documents which relate to such transactions are kept. He may inspect and copy such books, papers, records, or documents in any place within the state.

61935. The director may issue licenses to distributors and require the registration of producers.

61936. The director may formulate any stabilization and marketing plan as prescribed in this chapter and declare it effective after public hearing and reasonable notice by mail or otherwise to all producers and distributors of record with the director, that are affected by such plan.

61937. A full and accurate record of business or acts performed, or of testimony taken, by the director pursuant to this chapter shall be kept and placed on file in the office of the director.

61938. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of the transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during such period.

61939. In addition to the compilation of information which pertains to fluid milk and fluid cream from the reports that are required by this chapter, the director shall collect, assemble, compile, and distribute statistical data relative to fluid milk, fluid cream, other milk and milk products, and such other information as may relate to the dairy industry and the provisions of this chapter.

61940. Any order of the director made pursuant to this chapter which substantially affects the rights of any interested party may be reviewed by any court of competent jurisdiction. Any such action shall be commenced within 30 days after the effective date of the order which is complained of, or within 30 days after the injurious effect which is complained of becomes reasonably apparent.

61941. The director may confer, enter into agreements, or otherwise arrange with the constituted authorities of this state, other states, or agencies of the United States with

respect to plans which relate to the stabilization and distribution of fluid milk and fluid cream within this state or as between this state and other states or the United States, and may exercise his powers pursuant to this chapter to effectuate and enforce such plans.

61942. All money which is received by the director pursuant to this chapter shall be paid monthly into the State Treasury to the credit of the Department of Agriculture Fund.

61943. If the director determines that it is probable that one or more factors or conditions which affect prices of fluid milk, fluid cream, and fluid skim milk have changed on a relatively uniform basis throughout two or more marketing areas, he may consolidate the hearings on the matter of price changes for such areas. No price change shall be made as a result of such a consolidated hearing unless it is uniform throughout the areas which are affected.

61944. If the director conducts a survey of the costs of production of fluid milk or fluid cream, or both, in any marketing area, which does not include the costs of production of all of the producers for the area, the director shall, upon request, supply the names and addresses of the producers whose costs were included in such survey to any interested party as a matter of public record.

Article 7. Distributors' Licenses

61971. As used in this article, "milk plant" means any place, structure, or building where a distributor receives fluid milk or fluid cream and weighs, tests, standardizes, pasteurizes, homogenizes, separates, bottles, or packages such fluid milk or fluid cream. It does not, however, include a place, structure, or building which is used for the purpose of receiving, weighing, or testing fluid milk or fluid cream which is to be diverted or delivered to the milk plant of the distributor that receives fluid milk or fluid cream which milk plant is licensed and bonded pursuant to this chapter.

61972. The licenses which are provided for in this article are required for each distributor. For the purposes of this article, each subsidiary milk plant or branch milk plant, whether under one ownership or not, shall be considered as an individual distributor.

61973. The provisions of this article with respect to licenses do not apply to any retail store.

61974. A distributor shall not deal in fluid milk or fluid cream unless such distributor first obtains a license from the director. The special license which is provided for in this article is in addition to any license which is required by Division 15 (commencing with Section 32501) of this code, or any law or ordinance of any county or municipality of this state.

61975. Applications for the license which is provided by this article shall be made on forms that are prescribed by the director, shall be accompanied by an application fee of three

dollars ($3), and shall state the name and address of the applicant and such details as to the nature of the applicant's business as the director may require. Such applicant shall further satisfy the director of his or its character, responsibility, and good faith in seeking to carry on the business stated in the application.

61976. Licenses shall be issued for a period of 12 months from the first day of each year or for the remainder of the calendar year from the date of issuance. Application for renewal of a license for the following year by a licensee, together with the application fee of three dollars ($3), shall be made prior to the expiration date of the license held. If it is not so made, the applicant shall pay an additional sum equal to 100 percent of the application fee before such license shall be issued.

61977. The director may refuse to grant any license if he is satisfied that any applicant, or any person that is connected with the applicant, has violated any of the following:

(a) This chapter or any stabilization and marketing plan which is formulated pursuant to this chapter.

(b) Any order of the director which establishes minimum wholesale and minimum retail prices for fluid milk or fluid cream which is formulated pursuant to this chapter.

(c) Any regulation which is duly adopted by the director pursuant to Section 61931.

61978. The director may also refuse to grant any license to a distributor if he is satisfied that the distributor has failed to pay for any fluid milk or fluid cream which was delivered to him at the time and in the manner specified in the contract with the producer.

61979. The proceedings to determine whether or not the director shall refuse to grant a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. and the director shall have all of the powers which are granted in such chapter.

61980. The decision may include an order refusing the license which is applied for, or affixing such other conditional and probationary orders as may be proper for the enforcement of any of the following:

(a) This chapter or any stabilization and marketing plan which is formulated pursuant to this chapter.

(b) Any order of the director which establishes minimum wholesale and minimum retail prices for fluid milk or fluid cream which is formulated pursuant to this chapter

(c) Any regulation which is duly adopted by the director pursuant to Section 61931.

61981. After any decision in favor of the issuance of a license which includes any conditional or probationary orders, if the person to whom the license is issued does not comply with any such orders, the director may suspend or revoke the license in accordance with the procedure which is provided in Article 27 (commencing with Section 62611) of this chapter.

Article 8. Distributors' Bonds

62001. As used in this article, "milk plant" means any place, structure, or building where a distributor receives fluid milk or fluid cream and weighs, tests, standardizes, pasteurizes, homogenizes, separates, bottles, or packages such fluid milk or fluid cream. It does not, however, include a place, structure, or building which is used for the purpose of receiving, weighing, or testing fluid milk or fluid cream which is to be diverted or delivered to the milk plant of the distributor that receives fluid milk or fluid cream which milk plant is licensed and bonded pursuant to this chapter.

62002. The bonds which are provided for in this article are required for each distributor. For the purposes of this article, each subsidiary milk plant or branch milk plant, whether under one ownership or not, shall be considered as an individual distributor.

62003. Every distributor before purchasing any fluid milk or fluid cream from a producer shall execute and deliver to the director a surety bond, which is executed by the applicant as principal and by a surety company that is qualified and authorized to do business in this state as surety. The minimum amount of the bond shall be based upon the average daily quantity of fluid milk or fluid cream that is purchased by the distributor during any calendar month during a license year.

The minimum amount of the bond shall be as follows:

(a) One thousand dollars ($1,000) for any distributor that purchases an average daily quantity of fluid milk of less than 100 gallons.

(b) Two thousand dollars ($2,000) for any distributor that purchases an average daily quantity of at least 100 gallons but less than 200 gallons.

(c) Three thousand dollars ($3,000) for any distributor that purchases an average daily quantity of at least 200 gallons but less than 300 gallons.

(d) Five thousand dollars ($5,000) for any distributor that purchases an average daily quantity of 300 gallons or more.

The same bond requirements apply to purchases of fluid cream, except that for the purposes of computation of the required bond, 10 gallons of fluid cream shall be deemed to be the equivalent of 100 gallons of fluid milk.

62004. If any distributor so increases his purchases of fluid milk or fluid cream during the license year that such purchases exceed the amount for which the distributor is bonded, such distributor shall forthwith post such additional bond as may be required to comply with this article.

62005. The bond required by Section 62003 shall be upon a form which is approved by the director, and shall be conditioned upon the payment in the manner that is required by this chapter, of all amounts which are due to producers

for fluid milk and fluid cream that is purchased by such licensee or applicant during the license year. It shall be to the state in favor of every producer of fluid milk and fluid cream.

62006. If a distributor fails to pay any producer or producers for fluid milk or fluid cream in the manner which is required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such distributor, together with the amounts which are due and owing to them and each of them by such distributor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. The producer need only verify that he is owed an amount by the distributor. The actual amount may be as ascertained pursuant to this article.

62007. After determining the claims of the producer-creditors, the director shall bring an action on the bond on behalf of such producer-creditors.

62008. Upon any action being commenced upon the bond, the director may require the filing of a new bond and immediately upon a recovery in any action upon such bond the failure of a distributor to file a new bond in either case within 10 days after notice from the director constitutes grounds for the revocation or suspension of the license of such distributor.

62009. If recovery upon the bond is not sufficient to pay all of the claims as finally determined and adjudged by the court, any such amount recovered shall be divided pro rata among the producer-creditors.

62010. The failure of any distributor that purchases fluid milk or fluid cream from producers to execute and deliver the bond as provided and required in this article is a violation of this chapter. The failure of any such distributor to post any additional bond as may be required to comply with any provision of this chapter is also a violation of this chapter.

Article 9. Unfair Practices

62041. The unfair practices which are described in this article apply to every distributor whether or not a stabilization and marketing plan is in effect in the area in which the distributor is licensed or carries on his business.

62042. The payment, allowance, or acceptance of any secret rebate, secret refund, or unearned discount by any person, whether in the form of money or otherwise, is an unfair practice.

62043. The giving of any milk, cream, dairy product, service, or article of any kind, except to a bona fide charity, for the purpose of securing or retaining the fluid milk, fluid cream, or fluid skim milk business of any customer is an unfair practice.

62044. The payment, gift, or the offer or promise of any payment or gift, of money or other thing of value, directly or

indirectly, or through any agent or other intermediary, to any person with the purpose or design of inducing such person to become or remain the wholesale customer of any distributor is an unfair practice.

62045. The payment, gift, or the offer or promise of any payment or gift, of money or other thing of value by any person, directly or indirectly, or through any agent or other intermediary, to any distributor or producer, or the acceptance by any distributor or producer of such payment or gift or thing of value is an unfair practice if it is any of the following:

(a) For the purpose of inducing a distributor or producer to enter into a new contract, or to renew, extend, or modify an existing contract, for the purchase of fluid milk by a distributor from a producer.

(b) As a condition upon which a distributor will enter into a new contract, or renew, extend, or modify an existing contract for the purchase of fluid milk from a producer.

(c) For the purpose of enabling a distributor to pay to a producer, or a producer to receive from a distributor, less than the minimum class usage prices which are established by the director to be paid by distributors to producers for fluid milk.

62046. The extension to certain customers of any special price or service which is not made available to every customer that purchases fluid milk, fluid cream, or fluid skim milk of like quantity under like terms and conditions is an unfair practice.

62047. The false or misleading advertising, as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code, of any fluid milk, fluid cream, or fluid skim milk is an unfair practice.

62048. Except as otherwise provided in Section 62050, the purchase of any fluid milk in excess of 200 gallons monthly from any producer unless a written contract, which complies with all of the requirements which are prescribed by this section, has been entered into with such producer is an unfair practice.

The contract shall include all of the following:

(a) The amount of fluid milk which is to be purchased for any period.

(b) Except as otherwise provided in this subdivision, the minimum quantity of such milk which is to be paid for as class 1, if any is to be purchased for class 1 purposes. The quantity shall be stated in pounds of milk, pounds of milk fat, or gallons of milk, unless the price which is to be paid for such class 1 milk is established separately for the milk fat and skim milk which is contained in such milk. If it is, the quantity which is to be paid for as class 1 shall be stated in pounds of milk, pounds of milk fat, or gallons of milk, or both in pounds of milk fat and pounds of skim milk separately.

In any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk to be paid for as class 1.

The minimum quantity of milk which is to be paid for as class 1 shall be not less than 70 percent of the total quantity provided in the contract to be purchased at a milk products plant, and not less than 60 percent of the total quantity of milk fat, or the total quantity of skim milk components, but not necessarily both, provided in the contract to be purchased at a country plant, as defined by the director in stabilization and marketing plans.

(c) The price to be paid for all milk which is received.

(d) The date and method of payment for such fluid milk, which shall be that payment shall be made for approximately one-half of the milk delivered in any calendar month not later than the first day of the next following month and the remainder not later than the 15th day of that month.

(e) The charges for transportation if hauled by the distributor.

(f) A proviso that no milk which is received within the total quantity provided by the contract to be purchased for any period shall be paid for at less than the minimum price for fluid milk that is used for class 2.

The contract may contain such other provisions as are not in conflict with this chapter. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution.

62049. The production of fluid milk in excess of amounts provided to be purchased under contracts executed pursuant to Section 62048 shall be voluntary on the part of the producer and shall not be a condition, oral or written, of execution or renewal of any such contract.

62050. Section 62048 does not apply to the purchase of fluid milk which is necessary to meet an unanticipated increase in demand or an unanticipated shortage in the supply of a distributor if both:

(a) The quantity of fluid milk so purchased from any one producer does not exceed 1,000 gallons in any one month.

(b) A complete record of all such purchases is kept by the distributor and the price paid for such milk by the distributor is not less than the price which is established in the applicable stabilization and marketing plan for the usage to which such milk is applied.

62051. The purchasing, processing, bottling, transporting, delivering, or otherwise handling in any marketing area of any fluid milk, fluid cream, or fluid skim milk which is to be, or is, sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at

less than the minimum wholesale and minimum retail prices which are effective in such marketing area is an unfair practice.

62052. The payment by a distributor to any producer, including any nonprofit cooperative association acting as a producer, or the receipt by a producer, including any nonprofit cooperative association acting as a producer, from a distributor, of a lesser price for any fluid milk, fluid cream, or fluid skim milk which is distributed to any person, including any agency of federal, state, or local government which is located upon property within the geographical limits of any marketing area, for less than the minimum prices which are established by the director to be paid by distributors to producers for fluid milk, or the milk fat and skim milk contained in it, or fluid cream or fluid skim milk for the marketing area is an unfair practice.

62053. The failure of any distributor to pay for fluid milk or fluid cream which is delivered to him at the time and in the manner which is specified in the contract with the producer is an unfair practice.

62054. The provisions of Sections 62041, 62042, 62043, 62046, 62047, 62048, 62049, 62050, 62051, and 62052 with respect to fluid milk apply whether or not such fluid milk is received by the distributor as whole milk, or as skim milk and fluid cream, or either, or as any other derivatives of such fluid milk which are reconstituted into such fluid milk, fluid cream, or fluid skim milk for market usage, and whether or not a fluid cream plan has been established for the marketing area.

Article 10. Marketing Areas

62081. The director shall designate marketing areas which he deems necessary or advisable to effectuate the purposes of this chapter, and in which he finds the conditions affecting the production, distribution, and sale of fluid milk, fluid cream, and fluid skim milk are reasonably uniform.

62082. The director may establish additional areas, or modify areas previously established, if he deems the establishment or modification of such areas necessary or advisable to effectuate the purposes of this chapter.

62083. If the director finds, after a public hearing in and for each particular marketing area under consideration for consolidation, that conditions of production and distribution are reasonably uniform in two or more such marketing areas in which stabilization and marketing plans and minimum wholesale and minimum retail prices are in effect, he may consolidate the areas.

If there is a sales stimulation and consumer educational program in effect in one or more of the areas under consideration for consolidation, the existence of such a program shall not prevent the consolidation. If the areas are consolidated, the program may remain in effect until the date of termination

of the program in that part of the consolidated area where the program was in effect prior to the consolidation. If the period the program is to remain in effect is extended, it shall be effective in the entire consolidated marketing area.

Article 11. Local and Regional Producer Advisory Boards

62111. Except as otherwise provided in Section 62113, the director may, if he deems such board necessary or advisable, appoint:

(a) A local advisory board for any marketing area which is established as prescribed in this chapter to assist and advise him in matters which pertain to the production and marketing of fluid milk or to the operation of a stabilization and marketing plan.

(b) A regional advisory board, if he deems such board necessary or advisable to represent several marketing areas which are adjacent to each other and wherein production conditions and costs are reasonably uniform.

62112. Except as otherwise provided in Section 62113, the director shall appoint:

(a) A local advisory board, if a majority of the producers individually, or through any nonprofit agricultural cooperative marketing association which is authorized by its members to so petition, request the establishment of such board.

(b) A regional advisory board, if in each marketing area which is involved a majority of producers that supply such marketing areas individually, or through any nonprofit agricultural cooperative marketing association which is authorized by its members to so petition, requests that such a board be established.

62113. The director shall not establish any local or regional advisory board pursuant to this article if he finds that the assessments which are collected pursuant to Article 24 (commencing with Section 62521) of this chapter from the marketing area are insufficient to cover the costs of such local or regional advisory board.

No regional advisory board shall be set up to include any marketing area which on September 7, 1955 was operating under a local advisory board, unless by petition as provided for in this article or through public hearing, producers of such marketing area request that they be represented by a regional advisory board.

62114. If the director receives a qualified petition for a local advisory board, he may investigate the possibility of establishing a regional advisory board covering the marketing area from which the petition was received and the adjacent marketing areas, by holding one or more public hearings for the purpose of establishing whether or not a majority of producers supplying the marketing areas proposed to be included in such region desire such regional advisory board.

62115. A local advisory board which is established pursuant to this article shall consist of seven members who shall be producers that supply fluid milk to the particular marketing area. A regional advisory board may consist of any number of members who are producers that supply fluid milk to any of the marketing areas in the region, but shall consist of not less than one member from each such marketing area in the region.

62116. The term of office of each member of a regional advisory board or a local advisory board shall be two years.

62117. The director may remove any member from a local or a regional advisory board if he finds, after a hearing, that such member is guilty of nonfeasance or malfeasance in office.

62118. The director may appoint a member to fill any vacancy on a local or a regional advisory board.

62119. Each regional advisory board and each local advisory board may meet in regular session each month, and each member shall be allowed twelve dollars ($12) per diem and mileage at the rate of nine cents ($0.09) per mile for attending such regular meetings, and any other meeting or conference which is called or authorized by the director within or outside of the boundaries of this state.

62120. Any regional or local advisory board may, with the previous approval of the director, employ such personnel as may be necessary in the performance of its duties and shall adopt regulations for its conduct. Each such board shall submit a budget of its expenses to the director for his approval.

The funds to be used for the maintenance of each such board shall be paid from the proceeds of assessments and licenses which are paid to the director under the plan of any area which is represented upon verified claims that are presented by the board to the director. A regional or local advisory board shall not incur any expenses except those for per diem and mileage, unless the expenses are approved by the director.

62121. Regional and local advisory boards shall review with the director the methods which are to be used in determining producer costs, and aid the director in the selection of the level of production which is necessary to meet the requirements of Sections 62212 and 62411 with respect to producer price minimums.

62122. For purposes of developing uniformity of administration as between marketing areas in which producer advisory boards have been appointed, the director shall call together representatives of regional and local advisory boards from time to time to advise him as to the relationships in producer costs among the marketing areas, and may designate such representatives as the statewide committee of producer advisory boards.

Article 12. Local Marketing and Distribution Advisory Boards

62151. The director may, if he deems such board necessary or advisable, appoint a local advisory board for any marketing area which is established pursuant to this chapter to assist and advise him in matters which pertain to the marketing, distribution, and sale of fluid milk or fluid cream or both.

62152. Except as otherwise provided in Section 62153, a local advisory board shall consist of nine members, who shall be residents of, or engaged in business within, the marketing area for which they are appointed by the director, four of whom shall be persons whose major interest is the distribution, marketing or sale of fluid milk or fluid cream, or both, one producer-distributor, two retail storekeepers, one person active in the restaurant business or a person representing restaurants, and one person, representative of the consuming public, who has no connection with the milk or cream business.

62153. In any marketing area where organized labor is the collective bargaining agent of milk plant employees, the director may, upon recommendation of a majority of the board members, add a representative of organized labor to the local advisory board.

62154. The term of office of each member shall be two years, unless the plan is terminated before such term expires.

62155. The director may remove any member from a local advisory board if he finds, after hearing, that such member is guilty of nonfeasance or malfeasance in office.

62156. The director may appoint a member to fill any vacancy on a local advisory board.

62157. A local advisory board may meet in regular session each month, and each member shall be allowed ten dollars ($10) per diem and mileage at the rate of five cents ($0.05) per mile for attending such regular meetings.

62158. The board, or any member, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of this state. A local advisory board may, with the previous approval of the director, employ such personnel as may be necessary in the performance of its duties and shall adopt regulations for its conduct. Each such board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of fees and licenses paid to the director under the plan upon verified claims presented by the board to the director. A board shall not incur any expenses, except those for per diem and mileage, unless approved by the director.

Article 13. Formation and Adoption of Stabilization and Marketing Plans

62181. Except as otherwise provided in Section 62182, the director shall, prior to the formulation of a stabilization and marketing plan for fluid milk for any marketing area, conduct a public hearing in the area for the purpose of determining whether or not the formulation of a stabilization and marketing plan for fluid milk for such area is desired by producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area and that both:

(a) Represent not less than 65 percent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area.

(b) Produce not less than 65 percent of the total volume of the fluid milk which is produced for the marketing area by all such producers.

62182. A hearing need not, however, be held if a petition requesting a stabilization and marketing plan is presented to the director by the producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and that both:

(a) Represent not less than 65 percent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area.

(b) Produce not less than 65 percent of the total volume of the fluid milk which is produced for the marketing area by all such producers.

62183. If the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan for fluid milk for such area and issue a notice of public hearing upon the plan which is formulated to all producers and distributors of record with the department that may be subject to the provisions of such plan.

62184. The notice of the hearing may be effected by mail, or by publication pursuant to Section 6062 of the Government Code in the area which is designated. It shall specify the time and place of such hearing, which shall not be prior to 10 days from the mailing, or from the final publication of such notice. If no daily newspaper of general circulation is published in the area which is designated, publication pursuant to Section 6066 of the Government Code shall be considered proper publication of notice.

62185. At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by the director whether the plan proposed will accomplish the purposes of this chapter.

62186. If, after the public hearing, the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards which are prescribed in it, he shall issue an order to all producers and distributors of

record with the department and subject to the provisions of such plan, declaring such plan in effect within 45 days from the date of such hearing.

62187. A distributor that is subject to the provisions of any stabilization and marketing plan shall not purchase milk from any producer that does not comply with this chapter and such plan.

62188. No stabilization and marketing plan shall involve a limitation upon the production of fluid milk, fluid cream, or fluid skim milk.

Article 14. Mandatory Provisions

62211. Each stabilization and marketing plan shall contain provisions for prohibiting producers, distributors, and retail stores from engaging in the unfair practices which are applicable to them that are set forth in Article 9 (commencing with Section 62041) of this chapter.

62212. Each stabilization and marketing plan shall contain provisions whereby the director designates and prescribes, or provides methods for designating or prescribing, minimum prices to be paid by distributors to producers, for fluid milk in the various classes.

The prices so designated or prescribed shall be in a reasonable and sound economic relationship with the price of manufacturing milk.

In determining such economic relationship, the director shall take into consideration all of the relevant factors in such relationship, including, but not limited to, all of the following:

(a) The reasonableness and economic soundness of manufacturing milk prices in relation to the costs of producing manufacturing milk.

(b) The additional costs of producing and marketing fluid milk over and above costs of producing and marketing manufacturing milk.

(c) Current and prospective supplies of fluid milk in relation to current and prospective demands for such fluid milk for all purposes.

In designating and prescribing, or in providing methods for designating or prescribing, such prices, the director shall also take into consideration all of the purposes, policies, and standards contained in Sections 61871, 61872, 61875, 61876, 61877, 62414, and 62415.

The director shall also find that such prices will insure consumers an adequate and continuous supply of pure, fresh, wholesome milk at fair and reasonable prices, including a reasonable estimate of the additional supply which is needed to provide for normal fluctuations in production and in consumer demand for fluid milk, cream, and skim milk for such marketing area.

62213. Each stabilization and marketing plan shall contain provisions whereby the director designates and prescribes, or provides methods for designating or prescribing, minimum prices to be paid by distributors to producers for fluid milk which is received by a distributor in one marketing area and separated in that area into fluid cream and fluid skim milk when such fluid cream, fluid skim milk, or both, are transported for utilization into another marketing area or into a locality in which no stabilization or marketing plan is in effect. This section does not, however, affect the provisions of this chapter which relate to the establishment of minimum wholesale and minimum retail prices for fluid cream.

62214. Subject to the provisions of Section 62412, each stabilization and marketing plan shall contain provisions whereby the director shall provide methods for the establishment of minimum prices for fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, received within a marketing area regardless of whether such fluid milk, fluid cream, or the milk fat is, or fluid skim milk components of such fluid milk or fluid skim milk are, subsequently sold or distributed within or without such marketing area within the jurisdiction of this state, and may contain such provisions whether or not such fluid milk, fluid cream, or the milk fat is, or fluid skim milk components of such fluid milk or fluid skim milk are, subsequently sold or distributed without the jurisdiction of this state.

62215. Each stabilization and marketing plan shall provide all of the following:

(a) For the establishment of prices for fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, whether or not such fluid milk, fluid cream, or the milk fat is, or fluid skim milk components of such fluid milk or fluid skim milk are, subsequently sold or distributed in another marketing area within this state where a stabilization and marketing plan is in effect.

(b) That producers shall be paid not less than the minimum prices which are established for the marketing area wherein such fluid milk, fluid cream, or the milk fat is, or fluid skim milk components of such fluid milk or fluid skim milk are, ultimately sold or distributed.

(c) That if such fluid milk, fluid cream, or the milk fat is, or fluid skim milk components of such fluid milk or fluid cream are, subsequently sold or distributed in any place within the jurisdiction of this state where no stabilization and marketing plan is in effect, such fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, shall be paid by the distributor to the producer at not less than the average of prices which are paid by distributors, whose plants are located within such area, to producers for fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk. If, however, no

plants are located within such area, the price which shall be paid by the distributor to the producer shall not be less than the average of prices which are paid by distributors to producers for fluid milk, fluid cream, or fluid skim milk, or the milk fat or fluid skim milk components of such fluid milk, at the plants in the nearest marketing areas adjacent to the area where such fluid milk, fluid cream, or the milk fat is, or fluid skim milk of such fluid milk or fluid skim milk are, sold or distributed, as established by the stabilization and marketing plans in effect in such adjacent marketing areas.

62216. Any stabilization and marketing plan for fluid cream established by the director in any marketing area prior to September 7, 1955, is continued in effect, and may be amended or terminated only as provided in Article 19 (commencing with Section 62381) of this chapter.

62217. No amendment of this article terminates or invalidates any provision of any stabilization and marketing plan which has been established by the director prior to the effective date of such amendment. Each such plan shall, however, be brought into conformity with such amendment at the earliest practicable date after the effective date of such amendment.

Article 15. Optional Provisions Generally

62241. Each stabilization and marketing plan may contain provisions which require distributors to report to each producer from whom fluid milk is secured all of the following:

(a) The volume of fluid milk which is received from such producer in pounds of milk.

(b) The milk fat test of such milk.

(c) The amount of fluid milk in milk fat pounds which is paid for in the several classes.

(d) The prices which are paid for the various classes for each month.

62242. Each stabilization and marketing plan may contain provisions which authorize any distributor that purchases fluid milk under contract from any producer to pool such milk for producer payment purposes in accordance with such contracts, irrespective of whether such milk is actually and physically received at the same milk products plant or diverted, in accordance with such plan. Such provisions may do any of the following:

(a) Provide that fluid milk or fluid cream, or both, that is received from producers by milk products plants under the same ownership, may be pooled for purposes of payment to producers.

(b) Provide that if a distributor pools fluid milk, fluid cream, or both, as provided in subdivision (a), the distributor shall allocate, among all producers that participate in the class 1 usage, transportation savings which are applicable to fluid milk, fluid cream, or both, not actually transported between

the plant of first receipt and one or more other plants subject to the pool, and used for class 1, and may pay to producers shipping fluid milk, fluid cream, or both, directly to a plant subject to the pool a price for usage of such fluid milk, fluid cream, or both, for class 1, which price represents the average of minimum producer prices payable by that particular plant for such class 1 usage.

62243. The director may establish minimum prices to be paid by distributors to producer-distributors for milk which is not used by the purchasing distributor as class 1 milk. Such provisions may provide that such milk, if used in classes other than class 1 by the purchasing distributor, may be paid for at the minimum prices which are established by the director for such other usage but which shall not be less than the prices as found by the director to be paid by manufacturing milk plants in, or adjacent to, the area which use milk for similar purposes. Such prices shall remain in effect only for the period during which, as determined by the director, there is a surplus of producer-distributor milk.

62244. Each stabilization and marketing plan may further provide for maximum charges for plant processing and transportation service on the fluid milk, fluid cream and fluid skim milk, or milk fat, or fluid skim milk components which are transported to the area where sold. The stabilization and marketing plan may enumerate the applicable maximum charges, and may establish individual charges for each function enumerated. In establishing any such maximum charges for such transportation services, the director shall base such maximum charges upon the rates which are charged for actual or reasonably similar services by highway carriers, as the term "highway carriers" is defined in Section 3511 of the Public Utilities Code.

62245. If any contract between a distributor and a producer for the purchase of any fluid milk, fluid skim milk, or fluid cream provides that the charges for the hauling of it shall be paid, in whole or in part, by the producer, and such hauling is done by the distributor either directly or through an agent or by any person that contracts with, or is designated by, such distributor for such hauling, the director may, and upon the written request of the producer or the written request of any association representing the producer shall, investigate the rates, terms, and conditions which are involved in such hauling in order to determine whether such rates, terms and conditions are in compliance with Section 62244.

If the director determines that such rates, terms, and conditions are not in compliance with Section 62244, he shall determine, within the standards which are prescribed in Section 62244, the maximum charges on account of such hauling that will comply with Section 62244 with respect to such purchase of fluid milk, fluid skim milk, or fluid cream.

Article 16. Equalization Pools

62271. Each stabilization and marketing plan may contain provisions whereby the director designates, or prescribes methods to provide, uniform prices to be paid to every producer that supplies fluid milk to any distributor for pasteurization purposes in the marketing area involved by pooling the returns of all such fluid milk. An equalization pool shall not be established unless the director, after hearing, determines that the establishment of such pool is desired by producers that both:

(a) Supply distributors with not less than 65 percent of the total volume of fluid milk which is used for pasteurization purposes.

(b) Represent not less than 65 percent of the total number of such producers.

A hearing is not, however, necessary if 65 percent, by volume and production, of such producers petition the director in writing to establish such equalization pool as a part of the plan.

62272. If the director finds that an equalization pool is necessary to carry out this chapter, he shall make provision for it. The director may designate the local advisory board for the marketing area as his agency to operate the equalization pool and may permit such local board to employ a pool manager and such other necessary personnel and to incur such expenses incidental to the operation of the pool as the director finds are necessary.

The director may require distributors to make reports to the pool manager at such intervals and in such detail as he finds is necessary for the operation of the pool. Such reports shall be kept confidential as to any individual distributor but shall be available to the director or his agents and the pool manager, and such employees of the pool as are necessary to the operation of the equalization pool.

62273. Every distributor that purchases any fluid milk from any producer for pasteurization purposes shall deduct from payments due such producer at such time and in such manner such sums as the director determines are sufficient to insure uniform prices to all producers that are subject to the provisions of the equalization pool, irrespective of the usage of such fluid milk by the distributor.

62274. Every distributor shall make, in addition to the deductions which are prescribed in Section 62273, such additional deductions per pound of milk fat as the director finds are necessary to pay all expenses which are incidental to the operation of the equalization pool, including the establishment of a reserve account to insure prompt payments to producers.

62275. The deductions which are prescribed in this article are in addition to any other deductions which are prescribed by this chapter.

62276. A pooling program shall not prevent any distributor from paying premiums for quality if all producers that

supply fluid milk of like quality to such distributor are paid similar premiums, nor shall any pooling program prohibit the paying of different prices to producers which are based on differentials in transportation or adjustments or deductions which are made by a cooperative association of producers to its members, including the blending of proceeds which are received from the sale of fluid milk by such cooperative in other markets.

Article 17. Sales Stimulation and Consumer Educational Programs

62301. Each stabilization and marketing plan may contain provisions which authorize sales stimulation or consumer educational programs to be formulated and administered to increase the consumption of fluid milk and fluid cream, or other dairy products Such programs shall be carried on without reference to a particular brand or trade name. No such sales stimulation or consumer educational program shall be carried on which makes use of false or unwarranted claims on behalf of such products or which disparages the quality, value, sale, or use of any fluid milk or fluid cream or any other agricultural commodity which is authorized by law to be marketed within such marketing area.

62302. Before any stabilization and marketing plan may provide for a sales stimulation and consumer educational program, one of the following is necessary:

(a) Not less than 65 percent of the total number of producers, including members of producers' cooperative marketing associations, whose major interest in fluid milk is in the production of fluid milk for the marketing area and that produced not less than 65 percent of the total volume of fluid milk produced by such producers for and sold in the area in a representative period to be determined by the director shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan for such marketing area.

(b) Not less than 65 percent of the total number of distributors and that distribute not less than 65 percent of the total volume of fluid milk for consumption in the marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan.

62303. For the purpose of determining the number of producers that are required by subdivision (a) of Section 62302 to petition the director for the establishment of a sales stimulation and consumer educational program:

(a) The director shall consider as producers, other than members of a cooperative marketing association, the producers for whom contracts are required to be filed with the director by Section 62048.

(b) The director shall consider as producers, with respect to producers that are members of a cooperative marketing

association, all of such producers whose major interest is in the production of fluid milk for marketing through such cooperative marketing association in such marketing area.

62304. If the production of any producer is shipped, handled, or distributed in such manner that the marketing area in which such producer has his major interest cannot be ascertained by the director with reasonable certainty, such marketing area shall be conclusively deemed by the director to be that marketing area in which is located the milk plant where such production is first received by any distributor or by any cooperative marketing association.

62305. In determining whether a petition has been signed by the required number of producers in accordance with subdivision (a) of Section 62302, the director shall consider the approval of any nonprofit agricultural cooperative marketing association which is authorized by its members so to petition, as being the petition of the producers that are members of, or stockholders in, such nonprofit agricultural cooperative marketing association.

62306. If the sales stimulation and consumer educational program is requested by distributors, the petition shall bear all of the following:

(a) The signatures of the petitioners and their addresses.

(b) The approximate daily volume of fluid milk in gallons and milk fat pounds which the petitioners handle and the type of product which they distribute.

(c) The estimated cost of the program each month.

(d) The number of months the program is to continue in operation.

62307. Before a program may be instituted a public hearing shall be called by the director. The procedure for the public hearing shall be the same as required for the institution of a stabilization and marketing plan for fluid milk. At such public hearing testimony and evidence shall be taken to determine all of the following:

(a) The necessity of such a program

(b) The estimated costs of the program.

(c) The time during which the program is to be continued.

(d) Such other matters as are necessary in the institution of the program.

62308. If, after public hearing and consideration of the testimony and evidence presented at the hearing, the director finds that a sales stimulation and consumer educational program will tend to effectuate the purposes of this chapter, he shall issue an order making effective such program. The order shall contain all of the following:

(a) The number of months the program shall continue in operation.

(b) The rate of assessment per pound milk fat or per gallon to be paid by those petitioning for the program.

(c) The names, addresses, and business locations of the persons who are appointed to administer the program.

(d) Any other provisions which are necessary and incidental to the operation of the program.

62309. The persons named in the order to administer the program shall be selected by the director in the following manner and in the following number:

(a) If the program was instituted by producers, the director shall name not less than five representative producers nor more than nine representative producers from nominations made at the public hearing by the petitioners.

(b) If the program was instituted by distributors, the director shall name not less than five representative distributors nor more than nine representative distributors from nominations made at the public hearing by the petitioners.

(c) If the program was instituted by both producers and distributors, the director shall name not less than three representative producers nor more than five representative producers from nominations made at the public hearing by the petitioning producers and not less than three representative distributors nor more than five representative distributors from nominations made at the public hearing by petitioning distributors. An equal number of producers and distributors shall, however, be named by the director to administer the program.

62310. Distributors that are also producers are eligible to nomination for service on, and may be named by the director to serve on, the committee to administer any program for which they will be required to pay assessments.

62311. Persons selected by the director to administer the program who resign or become ineligible to serve shall be succeeded by persons selected by the director from nominations made at the public hearing or from persons nominated at a nomination meeting which is called by the director to receive nominations for persons eligible to serve. If such a nomination meeting is held, notice of such meeting shall be mailed to each person that is eligible to petition for the program as provided for in Section 62302.

62312. If a vacancy occurs on any committee which is appointed to administer a sales stimulation and consumer educational program, the director shall appoint another person from the list of persons who were nominated at the public hearing. If there is no person on such list who is eligible and willing to accept such appointment, then the director shall hold a nomination meeting within the marketing area for the purpose of receiving nominations, and the director shall appoint one of the persons so nominated.

A notice of any such nomination meeting shall be mailed by the director to all producers of record with the department that are eligible to sign a petition for such a program. If the program was initiated both by producers and distributors, such notice shall also be mailed to all distributors of record that are eligible to sign such petition for such marketing area.

62313. Except as otherwise provided in this section, all programs shall be administered by the persons named in the order of the director which makes the program effective, and shall be administered subject to the approval of the director. If the persons appointed by the director to administer an order pursuant to Section 62308 request that the Dairy Council of California supervise the administration of the program, and the director approves, the Dairy Council of California shall supervise the administration of the program.

62314. Upon the termination of any program, if there are any obligations arising thereunder, the final accrual or ascertainment of which requires further acts by any producer or distributor, by the persons who are appointed to administer the program, or by the director, the power or duty to perform such further acts continues, notwithstanding such termination.

62315. A sales stimulation and consumer educational program which is instituted by producers shall be financed by all producers supplying fluid milk to the marketing area. Such program, if instituted by distributors, shall be financed by all distributors that supply fluid milk to the marketing area. If such program is instituted by both producers and distributors, both producers and distributors shall finance the program equally.

62316. If the program is instituted by producers, the director may require producers to pay assessments of not more than five mills ($0 005) per pound of milk fat or, if the program is instituted upon a gallonage basis, not more than eighteen mills ($0 018) for each 10 gallons of fluid milk which is received by distributors, including the production of distributors that are also producers.

62317. If the program is instituted by distributors, the director may require distributors to pay assessments of not more than five mills ($0 005) per pound of milk fat or, if the program is instituted upon a gallonage basis, not more than eighteen mills ($0.018) for each 10 gallons of fluid milk, which is received by distributors, including the production of distributors that are also producers.

62318. If the program is instituted by both producers and distributors, the director may require both producers and distributors to pay assessments for the purpose of providing funds for formulating, administering, and carrying on such program. The assessments to be paid by distributors shall not exceed five mills ($0.005) per pound milk fat or, if the program is instituted upon a gallonage basis, not more than eighteen mills ($0.018) for each 10 gallons of fluid milk which is received by the distributors, including the production of distributors that are likewise producers. Assessments of not more than five mills ($0.005) per pound milk fat or, if the program is instituted upon a gallonage basis, not more than eighteen mills ($0.018) for each 10 gallons of fluid milk which is produced by producers and received by dis-

tributors, shall likewise be paid by producers. The combined assessments shall not, however, exceed 10 mills ($0.010) per pound milk fat or, if the program is instituted upon a gallonage basis, not more than 36 mills ($0.036) for each 10 gallons of fluid milk which is received from producers and processed by distributors for distribution in the marketing area in the form of whole milk, fluid cream, or manufactured dairy products which are derived from fluid milk.

62319. In determining the assessments which are payable under Sections 62316, 62317, and 62318, there shall be excluded from such computations all fluid milk which is sold to retailers or consumers outside the marketing area in which such program is effective and any other fluid milk which the director shall determine is sold to such persons or under such circumstances that the sale, distribution, or consumption of such fluid milk is not influenced or affected by such program.

62320. Sections 62316, 62317, and 62318 apply only to programs which are instituted under this article on or after September 9, 1953. The assessments for any program in effect under this article prior to that date shall continue to be as provided in such program unless and until modified as provided in Article 18 (commencing with Section 62351) of this chapter.

62321. All amounts which are required to be paid to the director pursuant to this article by producers or distributors shall be paid to the director on or before the 30th day following the last day of the month during which such fluid milk was received by distributors. Every distributor that receives milk from any producer in any area where the provisions of this article are in effect which authorize the director to require payments from producers, shall deduct and pay to the director such payments which are provided for pursuant to this article from the payments which are due for such distributor to such producer for fluid milk.

62322. Except as otherwise provided in Section 62323, any money which is received by the director pursuant to this article shall be deposited in the Department of Agriculture Fund in the State Treasury allocated to each separate marketing area from which it is collected and it shall be disbursed only for the purposes which are specified, subject to the approval of the director.

Any money which is received by the director in excess of the amount that is required for any program shall be made available for the administration of the provisions of this chapter.

62323. If the Dairy Council of California is selected to administer any program, any money which is, or has been, received by the director pursuant to this article for the program shall be deposited and expended in the same manner as provided in Sections 64259 to 64261, inclusive.

Article 18. Amendment and Extension of Sales Stimulation and Consumer Educational Programs

62351. Any sales stimulation and consumer educational program which is, or has been, instituted pursuant to Article 17 (commencing with Section 62301) of this chapter, may be amended to change the amount of the assessments, or to extend the period during which the program is to remain in effect, in the manner which is provided in this article.

62352. The persons administering a sales stimulation and consumer educational program may make application to the director for a referendum on the question of changing the amounts of the assessments under the program, or the question of extending the period the program is to remain in effect, or on both such questions.

If the application relates to a change in the assessments, it shall state the maximum amounts to which the assessments are to be changed. If the application relates to the extension of a program, it shall specify the date to which the program is to be extended. The maximum assessments shall in no event exceed those which are specified in Sections 62316, 62317, and 62318.

62353. Upon receipt of such an application, the department shall prepare a ballot in substantially the form which is prescribed by this section:

Ballot

"_____ Marketing Area—Sales Stimulation and Consumer Educational Program"

If the application is for a change in the amounts of the assessments under the program the ballot shall contain substantially the following:

"Shall the assessments under this program be increased from _____ mills to _____ mills per pound milk fat (or from _____ mills to _____ mills for each 10 gallons)? Yes _____. No _____."

If the application is for an extension of the period during which the program is to continue the ballot shall contain substantially the following:

"Shall the termination date of the program be extended from _____, 19___, to _____, 19___? Yes _____. No _____."

If the application is for both a change in the amounts of the assessments and an extension of the effective period of the program the ballot shall contain both questions.

Below the question or questions shall appear blanks for the signature and address of the producer, distributor, or producer-distributor.

62354. The ballots shall be mailed to each person that is eligible to petition the director for the institution of the program pursuant to the provisions of Section 62302.

62355. The ballots shall contain or be accompanied by instructions to the persons that are eligible to vote as to how to mark the ballots. The instructions shall contain a statement that in order to be counted the ballots are required to be received by the department not later than a date which is specified in such instructions. The date shall be determined by the department, but shall not be less than 30 days after the mailing of the ballots by the department.

62356. Upon the expiration of the period during which ballots may be received, the department shall determine the result. If the program affects producers only, the affirmative vote of not less than 65 percent of the producers that are eligible to vote pursuant to Section 62302 and voting on a question is required in order that the change may be made effective.

If the program affects distributors only, the affirmative vote of not less than 65 percent of the distributors voting on the question is required in order that the change may be made effective.

If the program affects both producers and distributors, the affirmative vote of not less than 65 percent of the producers eligible to vote and voting and of not less than 65 percent of the distributors voting is necessary.

62357. If the director determines that a sufficient vote has been cast in the affirmative upon any question which is submitted pursuant to this article, he shall, by order, declare the change in the program effective. A change in the rates of assessments shall become operative for the assessments for the next month following the date of the order which declares the change effective.

Article 19. Amendment or Termination of Stabilization and Marketing Plans

62381. The director may amend or terminate any stabilization and marketing plan, after notice and public hearing as prescribed in Article 13 (commencing with Section 62181) of this chapter, if he finds that such plan is no longer in conformity with the standards which are prescribed in, or will not tend to effectuate the purposes of, this chapter.

62382. A hearing on the amendment or termination of a stabilization and marketing plan may be held upon the motion of the director and shall be held upon receipt of a petition which is signed by producers, or by the board of directors of any nonprofit agricultural cooperative marketing association which is authorized by its members to so petition. Such petition shall represent not less than 55 percent of the total number of all producers and not less than 55 percent of the total production of all producers that are eligible to petition the director for the formulation of such a plan.

Article 20. Establishment of Minimum Prices to Be Paid Producers

62411. The director may prescribe minimum prices to be paid by distributors in accordance with a stabilization and marketing plan for fluid milk and classify such milk according to usage by distributors, pursuant to the provisions of this chapter.

62412. If the director establishes a stabilization and marketing plan for fluid milk, the director shall prescribe minimum prices to be paid by distributors for fluid cream, fluid skim milk, or milk fat, or fluid skim milk components of such fluid milk, under such a stabilization and marketing plan. The director shall establish minimum prices to be paid by distributors for class 1 usage of fluid milk upon a milk-fat and milk-solids-not-fat basis.

62413. In the establishment of the minimum prices for one or more of the respective classes of fluid milk, separate prices may be established for any of the following:

(a) The milk fat which is contained in such milk

(b) The skim milk which is contained in such milk.

(c) A combination of the milk fat and the skim milk which is contained in such milk.

62414. In designating and prescribing, or providing methods for designating and prescribing, minimum prices to be paid by distributors to producers for class 2 or class 3 fluid milk, fluid skim milk, or fluid cream, the director may take into consideration all relevant economic factors, including, but not limited to, both of the following:

(a) The relative market values of the various products which are involved.

(b) The market price of other milk which may be used for the same purposes that are set forth in such respective classes.

62415. A distributor shall not pay any producer less than the applicable price which is established for the usage to which the fluid milk, fluid skim milk, or fluid cream that is purchased from him is applied or any price which is lower than that which is established in the applicable stabilization and marketing plan for class 3 usage.

62416. The prices which are established for fluid milk, fluid skim milk, and fluid cream for class 2 or class 3 usage shall be such as will return to the fluid milk producers that supply the marketing area, after all transportation, handling, and other charges against the producers are subtracted, not less than the prices which are received for manufacturing milk, delivered at the ranch where it is produced, by the manufacturing milk producers that supply manufacturing milk to those milk products plants the manufacturing milk prices paid by which are taken into consideration in establishing the class 2 and class 3 prices in the applicable stabilization and marketing plan. The prices which are so established may, however, be lower prices than are required by this section if

the director makes a written finding which is based upon evidence and testimony that is adduced at a public hearing that the establishment of such lower prices is necessary to effectuate the purposes and policies of this chapter and includes in such finding a statement of the reasons for making it. Each such finding shall be incorporated in the applicable stabilization and marketing plan.

62417. Subject to the provisions of Section 62412, in determining the minimum prices to be paid by distributors to producers for the several class usages for a marketing area, the director may establish prices for fluid milk, fluid cream and fluid skim milk, milk fat, or fluid skim milk components of such fluid milk. Any such minimum prices which are established by the director are applicable to all fluid milk, fluid cream and skim milk, or milk fat which is or fluid skim milk components of such fluid milk which are, utilized in such marketing area, in accordance with the several class usages of such fluid milk or such components of such fluid milk regardless of the area of origin.

62418. If the director holds a public hearing for the purpose of considering whether or not the minimum prices for fluid milk to be paid to producers by distributors should be modified in order to comply with this chapter, the director may also hold a public hearing for the sole purpose of considering the effect of any such proposed change in the prices to be paid to producers by distributors upon the minimum wholesale and minimum retail prices then in effect. Following the hearing, the director may modify the minimum wholesale and minimum retail prices to the extent which is necessary to reflect any such modifications in prices to be paid to producers by distributors without the necessity of considering or making findings at that time upon the factors, other than the cost of fluid milk to distributors, specified in Sections 62479 and 62487. The hearings which are authorized in this section may be consolidated pursuant to the applicable provisions of Section 61943.

Article 21. Sales to United States

62431. Each person that submits a bid for the sale to an agency of the United States Government of fluid milk or any milk product which utilizes class 1 fluid milk shall file with the director, at the same time such bid is submitted, a complete copy of such bid and the following certification:

"The undersigned certifies that in sales by the undersigned to agencies of the United States Government, pursuant to the attached bid, of fluid milk or milk products utilizing class 1 fluid milk, as such class 1 fluid milk is defined in Chapter 2 (commencing with Section 61801), Part 3, Division 21 of the Agricultural Code, the undersigned is complying with all California statutes and regulations pertaining to the establishment and enforcement by

the California Director of Agriculture of minimum prices to be paid producers for such class 1 fluid milk."

All bids and certifications which are filed pursuant to this section shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceeding or hearing before the director.

Article 22. Special Provisions for Frozen Milk or Cream

62441. Each distributor that purchases fluid milk, fluid milk for fluid cream, or both, from any producer for the purpose of freezing and holding in cold storage the market cream, or the concentrated market cream which is derived from it, as authorized in Section 35752, shall pay to producers not less than the minimum price for class 2 milk as provided in the stabilization and marketing plan in the area in which such purchases are made, and shall keep a record of all such lots of fluid milk or fluid milk for fluid cream which is received from the producer.

62442. If such market cream or concentrated market cream is subsequently sold in class 1 and the class 1 price which is established in the stabilization and marketing plan that is applicable to the area where such market cream or concentrated market cream is sold exceeds the price which is paid for the fluid milk or fluid milk for fluid cream which is established in the stabilization and marketing plan, or both, the distributor shall pay to the producer the difference between the class 2 and the class 1 price, less the cost of storage of such market cream or concentrated market cream.

Article 23. Minimum Wholesale and Retail Prices

62471. Pursuant to the declaration and statements of facts, policy, and purposes which are set forth in this chapter, the director may prescribe and enforce minimum wholesale and minimum retail prices for fluid milk, or fluid cream, or both, as set forth in this article, and enforce the provisions of this article.

62472. In every marketing area in which a stabilization and marketing plan for fluid milk is now or hereafter in effect pursuant to the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid milk, including pasteurized concentrated milk, and low fat milk, pursuant to the provisions of this article.

In every marketing area in which the director has, under a stabilization and marketing plan for fluid milk, prescribed minimum prices which are to be paid by the distributors for fluid cream or fluid skim milk, or both, the director may designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid cream or fluid skim milk, or both, pursuant to the provisions of this article.

Unless the context otherwise requires or indicates, the term "fluid milk," as used in this chapter, includes both of the following:

(a) Fluid skim milk in the application of this chapter to any marketing area in which the director has exercised his discretion to designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid skim milk.

(b) Low fat milk.

62473. In order to meet changes and variations in economic conditions which affect the distribution of fluid milk within a marketing area and to facilitate the consolidation or modification of marketing areas to include within each such area all contiguous territory in which conditions of production of fluid milk are reasonably uniform, the director may establish minimum wholesale and minimum retail prices pursuant to this chapter upon a zone basis within the boundaries of a marketing area. Such zones may be established only after a public hearing and shall be established only upon the basis of cost differentials in the distribution of fluid milk between the zones which are so established within a marketing area as such cost differentials are determined by cost surveys.

62474. A subdistributor price shall be established for each marketing area and if fluid milk or fluid cream, or both, is purchased, other than in bulk, by one distributor from another distributor for sale in a marketing area other than the marketing area where purchased the price paid shall not be less than the minimum subdistributor price for the marketing area in which the fluid milk or fluid cream, or both, is ultimately sold. Subdistributor prices may vary from the minimum prices which are established for sales by distributors to other wholesale customers.

The director may, through regulations adopted pursuant to Section 61931, clarify and apply the definition of "distributor" under Section 61806 for purposes of determining the transactions in fluid milk which are subject to subdistributor prices, including variations in such prices based upon quantity purchases.

62475. In determining minimum wholesale prices and minimum retail prices in any marketing area, the director shall first make an investigation in such marketing area to establish such facts as are necessary to permit him to carry out the intent of this article within the standards which are prescribed in this article.

In making such investigation, the director may examine the books and records of distributors and retail stores in such marketing area and shall hold one or more public hearings, take testimony, and may subpoena witnesses.

62476. All testimony which is received at such hearings shall be under oath. Notice of any hearing which is held by the director pursuant to this article shall be given by the director to every distributor and retail store in such marketing area

whose name appears upon the records of the department or that files a request for notice of such hearings with the department, by mail or by publication for the time and in the manner which is prescribed in Section 62184.

62477. At the time of giving such notice of any hearing, the director shall mail with the notice to each person to whom such notice is required to be given, a written statement which shows all of the following:

(a) Whether such hearing is held at the instance of the director or in response to written request.

(b) The purpose and scope of such hearing.

(c) A summary of changes in economic factors to the extent such changes have been ascertained by the director in connection with the hearing prior to the giving of the notice of the hearing.

(d) The proposed minimum prices for fluid milk, fluid cream, or both, together with any other provisions which the director then has under consideration, or may then propose to establish, for such marketing area, which are based upon such investigation, cost surveys, or examinations, or a statement that the director has not, prior to giving notice of the hearing, formulated any such proposed minimum prices or other provisions.

62478. A record of any hearing which is held by the director, pursuant to this article, shall be made and filed in the office of the director. It shall, at all times, be available to inspection by any interested person.

62479. In addition to any other matters which are required to be taken into consideration by the director, he shall, in determining minimum wholesale and minimum retail prices for fluid milk or fluid cream, or both, for any marketing area, take into consideration all of the following economic factors which are operative in such marketing area:

(a) The quantities of fluid milk or fluid cream, or both, which are distributed in such marketing area.

(b) The quantities of fluid milk or fluid cream, or both, which are normally required by consumers in such marketing area.

(c) The estimated purchasing power of consumers in such marketing area.

(d) The cost of fluid milk or fluid cream, or both, in such marketing area to distributors and retail stores, which in all cases shall be, respectively, the prices paid by distributors to producers and the minimum wholesale prices, as established pursuant to this chapter.

(e) The reasonably necessary cost of handling fluid milk or fluid cream, or both, which is incurred by distributors, including all costs of hauling, processing, selling, and delivering and reasonable return on necessary capital investment, for each of the several methods of distribution which are used in such marketing area in accomplishing such hauling, processing, selling, and delivery, excluding costs which are not reasonably

necessary to efficient operation, as such costs are determined by impartial cost surveys, or examination of the books and records, or both, of all, or such portion of the distributors in such marketing area as are reasonably determined by the director to be sufficiently representative to indicate the reasonably necessary costs of sufficient efficient distribution for such marketing area.

(f) The estimated amount of the available capacity for processing and distributing fluid milk or fluid cream, or both, of distributors in such marketing area and the estimated extent to which such available capacity is being used by such distributors.

(g) The reasonably necessary cost of handling fluid milk or fluid cream, or both, which is incurred by retail stores, as such costs are determined by impartial cost surveys, or examination of the books and records, or both, of such portion of the retail stores in such marketing area as are reasonably determined by the director to be sufficiently representative to indicate such costs of all retail stores in such marketing area. In determining such costs which are incurred by retail stores which handle commodities in addition to fluid milk or fluid cream, or both, the director shall determine the cost of doing business for each such representative retail store and for such purpose shall consider all costs and expenses of doing business, including depreciation on inventory and equipment. In the absence of satisfactory evidence to the contrary, the cost of handling such fluid milk or fluid cream, or both, shall be presumed to be the same percentage as the cost of doing business of such retail store in conducting its entire business.

62480. In determining minimum wholesale and minimum retail prices for any marketing area, the prices which are paid by distributors to producers as established pursuant to this chapter shall also be considered as the cost of fluid milk, fluid skim milk, or fluid cream to any association of producers, or other cooperative association, incorporated or unincorporated, which is engaged in the distribution of fluid milk, fluid skim milk, or fluid cream.

62481. The director shall take into consideration the reasonably necessary cost of handling fluid milk or fluid cream, or both, which is incurred by distributors in hauling, processing, selling, and delivering to restaurants, confectioneries, or other places for consumption on the premises in which it is required by law that service to customers be made from the original container or from milk-dispensing devices which have been approved for such use by the director in accordance with Section 34591. In fixing the minimum wholesale price to be paid distributors by such persons, the director shall take into consideration such legal requirements and other reasonably necessary factors and distribution costs peculiarly affecting service to such persons. If the director reasonably determines that such reasonably necessary factors and costs require that the minimum wholesale prices to be paid distributors by such

persons vary from the minimum prices which are established for other wholesale customers, the prices which are established to be paid by such persons may vary accordingly. The prices which are established to be paid by such persons for milk which is sold in containers that are designed for use in milk-dispensing devices which are approved for such use by the director pursuant to Section 34591 may vary from any of the minimum wholesale prices referred to in this article if the director reasonably determines that the necessary factors and costs involved in such sales require that these prices vary from any of the minimum wholesale prices which are referred to in this section.

62482. Minimum wholesale price schedules for fluid milk, fluid cream, or both, which are established by the director, may provide for quantity discounts. Such discounts shall be no more than those which give full effect to cost differences in respect to single deliveries of varying quantities of fluid milk, fluid cream, or both, to wholesale customers.

62483. Minimum retail price schedules for fluid milk, fluid cream, or both, which are established by the director for home delivery, may provide for either quantity discounts or delivery service charges. Such discounts or service charges shall be no more than those which give full effect to cost differences in respect to the home delivery of single orders of varying quantities of fluid milk, fluid cream, or both, to retail consumers.

62484. Minimum retail price schedules for fluid milk, fluid cream, or both, which are established by the director for retail stores may provide for quantity discounts. Such discounts shall be no more than those which give effect to store handling cost differences in the sale of single orders of varying quantities of fluid milk, fluid cream, or both, to retail consumers.

62485. The director shall make, or cause to be made, such cost surveys or examinations, or both, as are necessary in order to enable him to determine any changes in costs, and in accordance with the provisions of this article, after notice and public hearing which is called and held in the same manner as is prescribed in Sections 62475, 62476, 62477, and 62478, shall amend any minimum wholesale or minimum retail price which is established pursuant to the provisions of this chapter if he finds that any such price is no longer in conformity with the standards which are prescribed for it, or will not tend to effectuate the purposes of this chapter.

62486. Following the hearings, investigation, surveys, or examinations which are authorized by this article, the director shall establish minimum wholesale and minimum retail prices for such marketing area for the distributors in such marketing area, and minimum retail prices for retail stores in such marketing area.

62487. The minimum wholesale and minimum retail prices shall be sufficient, but not more than reasonably sufficient, to

cover costs, as such costs are described in Section 62479, for each of the several methods of distribution, and reasonable return upon necessary capital investment, as shown to the director by the facts which are available to the director from the hearings, investigation, surveys, or examinations for such marketing area which are required in this chapter. The director shall declare such prices effective in the same manner as that which is prescribed in this chapter for declaring producer prices effective unless the director determines from credible evidence that any prices which are established as set forth in this article will not, or would not, conform to and effectuate the legislative declarations, purposes, and intent set forth in this chapter. If he so determines, he shall instead establish minimum wholesale or minimum retail prices which are higher or lower than those which are sufficient to cover the costs and reasonable return on capital investment, without limitations based upon the cost of individual distributors and retail stores which are described in subdivisions (e) and (g) of Section 62479, upon the condition that he shall determine in his judgment and shall find in writing with respect to such higher or lower minimum prices both:

(a) That such minimum prices will tend to maintain in the business of distributing fluid milk and fluid cream, or both, such reasonably efficient retail stores and distributors of fluid milk and fluid cream, or both, in such marketing area as the director finds are necessary to insure to consumers in such marketing area sufficient distribution facilities to supply the quantity of fluid milk or fluid cream, or both, required by such consumers without requiring such consumers to pay more for their supplies of such fluid milk or fluid cream, or both, than is necessary to maintain adequate and efficient distribution facilities in such marketing area.

(b) That such minimum prices will not tend to induce or authorize the development of unfair trade practices, unfair competition, conditions of monopoly or combinations in restraint of trade, and that such minimum prices will tend to encourage the orderly and efficient marketing of fluid milk or fluid cream, or both.

62488. A distributor shall not sell to any retail store, restaurant, confectionery, or other place for consumption on or off the premises, or to any consumer, and a retail store, restaurant, confectionery, or other place for consumption on or off the premises, shall not purchase from any distributor or sell to any consumer, any fluid milk or fluid cream, or either of them, at less than the prices which are established by the director pursuant to the provisions of this article.

62489. The use, or attempted use, of any method, device, or transaction by which any distributor sells or offers or agrees to sell to any retail store, restaurant, confectionery, or other place for consumption on or off the premises, or to any consumer, or any retail store, restaurant, confectionery, or other place for consumption on or off the premises buys or

offers or agrees to buy from any distributor, or sells or offers or agrees to sell to any consumer, fluid milk or fluid cream, or both, at a price less than that established by the director pursuant to the provisions of this article, is prohibited whether such method, device, or transaction applies directly to fluid milk, fluid cream, or both, or applies to, or is used in connection with, the sale or handling of any commodity, product, or article. Prohibited methods, devices, or transactions include, but are not limited to, any one or more of the following:

(a) Discounts, rebates, free services, or advertising allowances.

(b) Leases of refrigeration or other equipment.

(c) Gifts.

Payments, allowances, or credits which are made or given for, or in connection with, the return of containers or other property, unless such payment, allowance, or credit is a repayment of a deposit or charge, in excess of the price which is established by the director pursuant to the provisions of this article, which is paid by a wholesale customer, or by a consumer, for the return of such containers or other property.

62490. A distributor, or retail store, restaurant, confectionery, or other place for consumption on or off the premises shall be considered to have violated the provisions of Section 62488 or 62489 if it engages in such violation directly or through an agent, employee, or subsidiary or affiliated company or corporation.

For purposes of this section, subsidiary or affiliated company or corporation includes, but is not limited to, companies or corporations controlled by the distributor, or retail store, restaurant, confectionery, or other place for consumption on or off the premises, directly or indirectly through ownership of issued capital stock or otherwise.

62491. The director, pursuant to this section, may suspend the minimum wholesale prices or the minimum retail prices, or both, which are in effect in any marketing area or zone at any time that he determines that such minimum prices do not conform to and effectuate the legislative declarations, purposes, and intent set forth in this chapter.

The director shall give prompt notice by mail of any such suspension in the manner which is prescribed for such notices in Section 62476. Such suspension shall not become effective before the fifth calendar day following the day on which the director gives such notice of suspension.

The director shall thereupon, and within 15 days following the day on which the director gives such notice of suspension, hold one or more public hearings in the marketing area which is affected, in the manner which is prescribed in Sections 62475, 62476, 62477, and 62478. Following such hearings, and any other investigation, surveys, or examinations which are conducted by the director in connection with such hearings, the director may reinstate in such marketing area the minimum prices theretofore suspended, or, if no such action is taken,

shall establish different minimum prices, pursuant to the requirements of this chapter.

This section does not apply to stabilization and marketing plans. Any such plan may be amended or terminated only as provided in Article 19 (commencing with Section 62381) of this chapter.

62492. The director shall terminate the minimum wholesale and minimum retail prices in effect in any marketing area without notice or hearing at any time that there ceases to be a stabilization and marketing plan in force and effect in such marketing area.

Article 24. Distributors' Fees

62521. Every distributor that purchases or handles fluid milk or fluid cream from producers, including the distributor's own production, if any, shall pay a fee of four mills ($0.004) per pound milk fat on all such milk fat which is used for Class 1 purposes and a fee of two mills ($0.002) per pound milk fat on all such milk fat which is used for Class 2 purposes, except on such milk fat which is subject to a payment of a fee required by Section 61501 of this code.

The amount of the fee shall be paid to the director on or before the 30th day following the last day of the month in which such fluid milk or fluid cream was received.

62522. Every distributor that is subject to the provisions of any stabilization and marketing plan made effective by this chapter, shall deduct as an assessment from payments made to producers for fluid milk, fluid cream, or both, including the distributor's own production, the sum of four mills ($0.004) per pound milk fat on all milk fat contained in fluid milk, fluid cream, or both, for all milk fat used for Class 1 purposes and the sum of two mills ($0.002) per pound milk fat for all milk fat used for Class 2 purposes.

The amount of the assessments which are so deducted shall be paid to the director on or before the 30th day following the last day of the month during which such fluid milk or fluid cream was received.

62523. The director may fix the rate of assessments which are required by Section 62522 and the fees which are required by Section 62521 at a less amount, and may adjust the rate of assessment which is required by Section 62522 and the fees which are required by Section 62521, from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenues derived from such lower assessment rates and lower fees.

62524. Any fee or assessment which is payable pursuant to any provision of this article is a debt of the person by whom such fee or assessment is payable and shall be due and payable to the director upon the date set forth in Section 62522. If such person does not pay such fee or assessment upon the required date, the director may file a complaint against such person in a

state court of competent jurisdiction for the collection of such fee or assessment.

If any such person does not pay to the director the fees or assessments provided for in this article, on or before the date which is specified in Section 62522, the director may add to such unpaid fees or assessments an amount not exceeding 10 percent of such unpaid fees or assessments to defray the cost of enforcing the collection of such unpaid fees or assessments.

Article 25. Testing, Weighing and Sampling

62551. The director shall supervise the milk fat and milk solids not fat testing and the weighing and sampling of fluid milk which is delivered to distributors.

62552. He may allocate from the funds which are derived pursuant to Articles 7 (commencing with Section 61971), 8 (commencing with Section 62001), and 22 (commencing with Section 62521) of this chapter such sum for any fiscal year, not exceeding sixty-seven thousand dollars ($67,000), which shall be used exclusively for the supervision and checking the correctness of the milk fat, milk solids not fat, and bacteriological tests and the weighing and sampling of all fluid milk which is delivered to distributors in accordance with the stabilization and marketing plans which are established pursuant to the provisions of this division.

Article 26. Reports and Statistics

62581. All such distributors shall make and file with the director at least once each month such reports as the director may require to enable him to enforce the provisions of this chapter.

62582. Every distributor that purchases fluid milk or fluid cream from a producer shall make and keep for one year a correct record which shows in detail all of the following with reference to the handling, sale, or storage of such fluid milk or fluid cream:

(a) The name and address of the producer.

(b) The date the fluid milk or fluid cream was received.

(c) The amount of fluid milk or fluid cream which was received.

(d) The official butterfat test of the fluid milk or fluid cream if it was purchased on a butterfat basis.

(e) The usage of the fluid milk or fluid cream.

(f) Evidence of payment for the fluid milk or fluid cream which was purchased.

(g) Such further records as the director may require.

62583. Any record or report which is made to the director pursuant to the provisions of this article is confidential and shall not be divulged except if necessary for the proper determination of any court proceedings or hearing before the director.

Article 27. Suspension or Revocation of Licenses

62611. The director may revoke or suspend, as the case may require, any license which is issued pursuant to this chapter, if he is satisfied that any licensee or any person who is connected with the licensee has violated any provision of any of the following:

(a) This chapter or any stabilization and marketing plan which is formulated pursuant to the provisions of this chapter.

(b) Any order of the director which establishes minimum wholesale and minimum retail prices for fluid milk or fluid cream which is formulated pursuant to the provisions of this chapter.

(c) Any regulation which is duly adopted by the director pursuant to Section 61931.

The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the director shall have all the powers which are granted in such chapter.

62612. The director may also revoke or suspend any license of a distributor if he is satisfied that the distributor has not paid for any fluid milk or fluid cream which was delivered to him at the time and in the manner which is specified in the contract with the producer.

62613. The decision may include an order revoking or suspending the license which is held by the licensee, or affixing such other conditional and probationary orders as may be proper for the enforcement of this chapter or any provision of any stabilization and marketing plan formulated pursuant to the provisions of this chapter, or of any order of the director which establishes minimum wholesale and minimum retail prices for fluid milk or fluid cream which is formulated pursuant to the provisions of this chapter, or of any regulation which is duly adopted by the director pursuant to Section 61931.

62614. After any decision which includes any conditional or probationary orders, if the respondent does not comply with any such orders, the director may suspend or revoke the license in accordance with the procedure which is provided in this article.

62615. Whenever the director is satisfied, either by investigation or after hearing, that a distributor is unable to pay for any fluid milk or fluid cream, or both, purchased from any producer, and is further satisfied that to permit the distributor to continue to purchase and receive any fluid milk or fluid cream, or both, from producers would be likely to cause serious and irreparable loss to producer-creditors and other producers, the director may thereupon and forthwith shorten the time for hearing that is provided for in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and thereupon may issue an order to show cause why the license of such distributor should

not be forthwith suspended or revoked. The time of notice of the hearing shall not, however, be less than five days. At such hearing the distributor that is proceeded against shall be ordered to show cause why the license should not be suspended or revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors and producers from whom the distributor has been and is receiving any fluid milk or fluid cream, or both. Following such hearing, the decision of the director shall become effective at his discretion.

The hearing, in the case of such emergency, may be called upon written notice which is served personally or by mail on the distributor that is involved. It may be held at the nearest office of the director or at such place as may be most convenient in the discretion of the director for the attendance of all of the parties that are involved.

Article 28. Actions and Penalties

62641. The violation of any provision of this chapter, or of any provision of any stabilization and marketing plan or any order of the director which establishes minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or of any of the unfair practices set forth in this chapter or of any regulation duly adopted by the director pursuant to Section 61931, is a misdemeanor.

62642. Any person that violates any provision of this chapter or of a stabilization and marketing plan or any order of the director which establishes minimum wholesale and minimum retail prices for fluid milk or fluid cream or any regulation which is adopted by the director pursuant to Section 61931 shall be liable civilly in the sum of five hundred dollars ($500) for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction.

62643. The director may bring an action to enjoin the violation, or the threatened violation, of any provision of this chapter, or of any order made pursuant to this chapter, in the superior court in the county in which such violation occurs or is about to occur. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residence, or place of business, may be in several counties and the violations separate and distinct. Any proceeding which is brought pursuant to this section shall be governed in all other respects by the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

CHAPTER 3. MARKETING OF EDIBLE NUTS

Article 1. Contract Requirements

62801. Except as otherwise provided in Section 62803, every contract for the sale of edible nuts which are not in actual existence or ready for immediate delivery shall be in writing and shall state the full purchase price which is to be paid in accordance with the terms of the contract. It shall state the price in a definite sum and, if the price is to be paid upon the basis of units of weight or measure, shall specify or describe such unit and state the full unit price.

62802. Any purchaser of edible nuts which are delivered pursuant to a contract in violation of this article is liable to the seller for the reasonable value of such nuts as of time of delivery and, in addition, is liable to the seller for a penalty of twice the reasonable value of such nuts.

62803. This article is not applicable to any contract between any member of any cooperative agricultural marketing association, which is operating under, and by virtue of, the laws of this state, any other state, the District of Columbia, or the United States, and the cooperative agricultural marketing association.

Article 2. Records

62831. The commissioner of each county, under the supervision of the director, shall enforce this article insofar as it relates to the keeping of the records which are required to be kept by this article.

62832. Every person that purchases English walnuts or almonds for purposes of processing or resale from any person, except a licensed dealer, broker, commission merchant, agricultural cooperative, or wholesaler, shall keep a record of the name and address of the person from whom each lot of such walnuts or almonds was purchased. If such walnuts or almonds are delivered to the purchaser by motor vehicle, the purchaser shall record either the license number of the vehicle or the driver's license number of the person who makes delivery of each lot of such nuts.

62833. The record and statement required to be made by this article shall be kept for one year from the date of purchase or delivery, whichever is later, and shall be made available for inspection upon request by any peace officer.

62834. Any violation of this article is a misdemeanor.

DIVISION 22. MARKETING ADVISORY AND PROMOTIONAL AGENCY LAWS

CHAPTER 1. THE DAIRY COUNCIL OF CALIFORNIA LAW

Article 1. Short Title and Definitions

64001. This chapter shall be known as the Dairy Council of California Law.

64002. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

64003. "Council" means the Dairy Council of California.

64004. "Cream" means that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force.

64005. "Dairy products" includes milk and any derivative of milk which is in natural, processed, or manufactured form, or which constitutes a part of another article, commodity, or product.

64006. "Fiscal year" means the period from July 1 in any one year to and including June 30th of the following year.

64007. "Handler" means any person that, as owner, agent, or broker, purchases, or otherwise acquires possession or control of, milk fat from a producer, in the form of unprocessed milk or cream, or in any other unprocessed form, for the purpose of processing it.

64008. "Manufacturing milk" means milk which is included within that term as defined by Section 32509.

64009. "Market milk" means milk which is included within that term as defined by Section 32510.

64010. "Milk" means the lacteal secretion which is obtained from the udders of cows.

64011. "Milk fat" means the fat of milk.

64012. "Or" and "and," may be construed as interchangeable, as the context may require

64013. "Person" means an individual, corporation, partnership, trust, association, cooperative association, and any other business unit or organization.

64014. "Processing" means separating, standardizing, pasteurizing, sterilizing, evaporating, condensing, canning, bottling, packaging, or otherwise preparing milk fat in milk, cream, or skim milk for market, or of using it to manufacture or produce any dairy product "Processing" does not, however, include separating by a producer, on the dairy where the milk is produced nor shall milk so separated be deemed to have been processed. Placing bulk milk, cream, or skim milk in cans for transportation to a handler from the dairy is not canning as that term is used in this section.

64015. "Producer" means any person that produces milk fat and sells it, or delivers possession or control of it, to a

handler, in the form of unprocessed milk or cream, or in any other unprocessed form.

64016. "Producer-handler" means any person that produces milk fat and uses such production, or any part of it, for processing. For the purposes of this chapter, except as hereinafter otherwise provided, a producer-handler is a producer in any transaction which involves the delivery of unprocessed milk fat produced by him to another handler, and is a handler with respect to milk fat produced by him or received from another producer, and processed by such producer-handler.

64017. "Skim milk" is milk from which a substantial part of the milk fat has been removed.

Article 2. General Provisions

64041. It is hereby declared, as a matter of legislative determination, that the provisions of this chapter are enacted in the exercise of the police power of this state for the purposes of protecting and furthering the public health and welfare. It is further declared that the dairy industry of this state is affected with a public interest, in that, among other things:

(a) The production, processing, manufacture, and distribution of milk and other dairy products constitute a paramount industry of this state which not only provides substantial and required revenues for the state and its political subdivisions, and employment and a means of livelihood for many thousands of its population, but also furnishes essential foods that are vital to the public health and welfare.

(b) The stabilization, maintenance, and expansion of the dairy industry of California, and of the state, nationwide, and foreign markets for its products, are necessary to assure the consuming public an adequate supply of foods which are indispensable in a proper human diet, to protect, for the state and its political subdivisions, a necessary source of tax revenue, to provide and maintain an adequate standard of living for a great segment of the population of this state, to maintain proper wage scales for those engaged in the dairy industry, and to maintain existing employment.

(c) The essentiality of milk and other dairy products in a proper human nutrition and to the maintenance of a high level of public health is such as to require that the public be made thoroughly aware thereof, and be protected against misrepresentation and deception, by the dissemination of accurate and scientific information relative to the healthful qualities of dairy products, their various classifications and the food values and industrial and medicinal uses thereof, the methods, care and precautions necessary to their proper production, processing, manufacture, and distribution, and the necessary costs and expenses thereof, and the necessity and desirability on the part of the public of using and consuming dairy products of the highest standards of quality.

64042. The purposes of this chapter are as follows:

(a) To enable the dairy industry with the aid of the state, to develop, maintain, and expand the state, nationwide, and foreign markets for dairy products which are produced, processed, or manufactured in this state, and the use and consumption of such dairy products therein.

(b) In aid, but not in limitation, of this purpose, to authorize and enable the director to formulate and effectuate, directly or in cooperation with other agencies and instrumentalities hereinafter specified, sales stimulation and consumer, or other, educational programs designed to increase the use and consumption of milk and other dairy products.

(c) To provide funds for the administration and enforcement of this chapter by fees to be paid by producers and handlers of dairy products, in the manner which is prescribed in this chapter.

64043. This chapter shall be liberally construed. If any section, sentence, clause, or part of this chapter is, for any reason, held to be unconstitutional or invalid, such decision does not affect the remaining portion of this chapter but such unconstitutional or invalid provision is separable from the valid parts of this chapter.

Article 3. Administration

64071. The director shall administer and enforce this chapter, and may exercise any or all of the administrative powers which are conferred by Sections 11180 to 11191, inclusive, of the Government Code upon a head of a department. In order to effectuate the declared purposes of this chapter, the director may contract to carry out the declared intent and purposes of this chapter.

64072. The director shall, from records of the department or any other reliable source, maintain a list of producers of manufacturing milk, producers of market milk, producer-handlers, and handlers.

Article 4. Dairy Council of California

64101. There is in the state government the Dairy Council of California which consists of 25 members, who shall be citizens and residents of this state. The membership of the council shall be as follows:

(a) Eleven members shall be actually engaged in the production of milk, or shall represent producers that are actually engaged in the production of milk. These 11 members are the producer members of the council.

(b) Eleven members shall be handlers of dairy products. These 11 members are the handler members of the council.

(c) Three members shall be producer-handlers that produce a major portion of the milk which is used in the dairy products which are handled by them.

64102. Insofar as it is practicable, the proportion of the producer members that produce market milk and the proportion of such members that produce manufacturing milk, and the proportion of the handler members that handle market milk and the proportion of such members that handle manufacturing milk shall be the same as the proportions in which market milk and manufacturing milk are produced in this state as shown by the most recently available records of the department. This requirement shall not, however, operate to remove from office any member of the council.

64103. Officials or members, otherwise qualified, of corporations, associations, and other business units, which are actually engaged in business as producers, producer representatives, handlers, or producer-handlers of dairy products, are eligible to be members of the council.

64104. The terms of office of the members of the council shall be three years. Appointments shall be made so that the terms of eight members shall expire at the end of one year, eight at the end of two years, and nine at the end of three years.

64105. Any vacancy occurring during the unexpired term shall be filled by the director for the unexpired term from the list of eligible nominees from the nominations received by him pursuant to Section 64108. The director may remove any member of the council for cause deemed sufficient by him and upon such removal there shall be a vacancy which shall be filled in the manner as provided in this section for the unexpired term.

64106. During the month of October of each year, the director shall prepare and mail nomination forms to all producers of manufacturing milk, producers of market milk, producer-handlers, and handlers for the purpose of receiving from them nominations of members of the council. Forms shall be mailed to the list provided for in Section 64072.

64107. The director shall determine the time permitted to file nominations, which shall not exceed 30 days.

64108. Every producer whose major interest in the dairy business is in the production of market milk may nominate a nominee for each membership on the council which is to be filled by a producer of the same kind. Every producer whose major interest in the dairy business is in the production of manufacturing milk may nominate a nominee for each membership on the council which is to be filled by a producer of the same kind Every producer-handler that produces a major portion of the milk used in the dairy products handled by him may nominate a nominee for each producer-handler membership on the council. Each handler may nominate a nominee for each handler membership on the council.

Producer representatives may be nominated in the same manner as provided in this section, except that to be eligible for appointment, the producer representative shall furnish to the director a resolution in writing which shows the official

action of the board of directors of the organization he represents so nominating him.

64109. Promptly after termination of the time which is allowed by the director for filing nominations, the director shall make the required number of appointments.

64110. A majority of the members of the council shall constitute a quorum for the transaction of all business, including the election of officers.

64111. The council shall select from its number, to serve at its pleasure, a chairman and vice chairman who together with at least three, and not more than five, other members selected by the council shall constitute the executive committee of the council. The executive committee shall have and exercise such powers of the council as the council may delegate to it.

64112. The council shall have two regular meetings in each year at times and places fixed by the council. The times for regular meetings shall be fixed so that there shall be an interval of at least four calendar months between such meetings. The council may meet in special meetings at any time and place at the call of the chairman. The executive committee shall have four regular meetings each year at times and places fixed by it, and may meet in special meetings at any time and place at the call of the chairman.

64113. All meetings of the council shall be open and public. Written notice of the time and place of each regular or special meeting of the council, or of any committee of it, shall be mailed by the manager employed by the council at least seven days before the date of such meeting to each member of the council or of the committee and to any interested person that so requests.

64114. The appointed members of the council shall receive ten dollars ($10) per day for each day spent in actual attendance at the meetings or on the business of the council and shall be reimbursed for necessary traveling and other expenses which are incurred in the performance of their official duties.

64115. No member of the council, except a member of the executive committee, shall receive compensation for more than 10 days' service per year. No member of the executive committee shall receive compensation for more than three days' service per month.

64116. The members of the council who are duly appointed by the director, including employees of such council, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the council. All salaries, expenses, costs, obligations, and liabilities which arise out of the administration and enforcement of this chapter are payable only from funds which are collected pursuant to the provisions of this chapter.

64117. The director may require any employee or agent of the council to give a fidelity bond which is executed by a surety company that is authorized to do business in this state in favor of the director, in such sum, and containing such

terms and conditions, as the director may prescribe. The cost of any such fidelity bond shall be paid from the funds which are collected pursuant to this chapter.

Article 5. Powers and Duties

64151. The duties of the council are advisory, except as to those duties which may be delegated to it by the director. The council may, subject to the approval of the director, exercise any of the following powers:

(a) To recommend to the director administrative regulations which relate to the administration and enforcement of this chapter.

(b) To investigate all matters which affect the administration of this chapter, and to report violations of it to the director.

(c) To employ and, at its pleasure, discharge a manager and such clerical help and other employees as it deems necessary, and to prescribe their duties and powers and fix their compensation.

(d) To contract with, or employ, and, at its pleasure, discharge, such advertising experts, advertising agencies, and advertising agents as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation.

(e) To establish offices and incur expenses incidental thereto.

(f) To recommend to the director the making of such advertising contracts and other agreements as may be necessary to promote the sale of dairy products on either a local, state, national, or international basis.

(g) To cooperate with any other local, state, or national commission, organization, or agency, whether voluntary or created by state or national law, and engaged in work or activities similar to the work and activities of the council, and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint campaigns of research, education, and advertising. In matters of research, the council shall, however, cooperate with organizations of recognized professional standing which are adequately equipped with facilities for the research which is contemplated.

(h) To recommend to the director the institution and promotion of scientific research to develop or discover, or both to develop and discover, the health, food, therapeutic, dietetic, and industrial uses of milk and its products and derivatives.

(i) To cooperate with other public and private agencies which are engaged in similar work or activities in order to avoid or minimize any overlapping or duplication of work or conflict.

64152. The council, from time to time, shall formulate and transmit to the director statements of its contemplated or recommended activities during periods which shall be specified in such statements.

64153. The statements shall comply with all of the following requirements:

(a) Be based on and made after an investigation by the council of the necessities of the dairy industry, the extent of the public interest, necessity, and convenience to be served by such contemplated activities the extent and probable cost of research, education, publicity, and advertising pursuant to this chapter during such periods, the estimated cost of administering this chapter, the probable milk fat production in this state during the months in such periods on which fees pursuant to this chapter will be based, and the revenues from such fees computed on such production.

(b) Describe the programs of research, education, publicity, and advertising, relative to different dairy products which are contemplated or recommended by the council.

(c) Set forth the amounts which are deemed necessary and proposed to be allocated by the director to effectuate such programs and to perform his administrative duties pursuant to this chapter, which shall include reasonable amounts for contingencies.

(d) Be in such form and detail as the director, in the reasonable exercise of his judgment, deems necessary to adequately show whether or not the activities are warranted by the facts which are disclosed by the statements and investigations and are authorized by this chapter.

64154. If the activities which are recommended by the council and are described in the statements are warranted by the facts which are disclosed by the statements and are authorized by this chapter, the director shall approve the activities, in writing, within 20 days after each of the statements has been submitted to him. If he refuses or fails to give such approval within such period, he shall notify the council promptly of his refusal or failure to approve the activities and give his reasons, specifically, for such refusal or failure.

Contemplated or recommended expenditures for political contributions, for lobbying, or for entertainment are not warranted by any facts which are disclosed by the statements nor authorized by this chapter.

64155. The council shall keep accurate books, records, and accounts of all its transactions, dealings, contracts, agreements, funds, and expenditure, which shall at all times be open to inspection and audit by the department and shall be open to inspection by the public during regular office hours. Any ballot which is filed with the director pursuant to this chapter is confidential and shall not be divulged except when necessary for the proper determination of any court proceedings or hearing before the director.

64156. The council annually shall call and hold a series of joint meetings of producers, producer-handlers, and handlers, that are engaged in business as such in this state, at such times and places in the state as the council shall determine will give a reasonable opportunity to every such producer, producer-handler, and handler to attend one of the meetings, for the purpose of informing them of the activities of the council. Notice of each of such meetings shall be given by publishing notice of the meeting in a newspaper of general circulation which is published in the capital of the state, and in any other newspaper as the director determines is necessary to give reasonable notice of the meeting to producers, producer-handlers, and handlers of dairy products in the general area in this state in which the meeting is to be held. The notice of the meeting shall set forth the time, place, and purpose of the meeting.

64157. The council shall prepare, annually, and make available to all producers, producer-handlers, and handlers of dairy products that request them, summarized statements of the activities in which it has been engaged in the previous annual period, and of the activities in which it proposes to engage in the ensuing annual period.

Article 6. Research, Advertising, Publicity, and Education Campaigns

64181. The director shall conduct one or more campaigns of research, advertising, publicity, and education designed to accomplish the following purposes, among others:

(a) Increase the consumption of dairy products.

(b) Gather, publicize, and diffuse accurate and scientific information which shows the importance of the use and consumption of milk, cream, and other dairy products in relation to the public health, economy, and diet, and proper nutrition of children and adults.

(c) Study means and methods employed in producing, processing, manufacturing, marketing, and distributing dairy products in order to comply with the sanitary and other regulations imposed by municipalities, this state or the United States.

(d) Gather and disseminate information regarding the high standards which are observed and imposed to insure pure and wholesome dairy products and the harmful effects on the public health which result from a breakdown in the stability of the dairy industry, the factors and conditions peculiar to the dairy industry which tend to cause an unbalanced production, the price of milk, cream, and other dairy products in relation to the cost of other items of food in a balanced diet, and the factors which tend to promote increased consumption of dairy products, stabilize the industry, and foster a better understanding and more efficient cooperation among producers, per-

sons that are engaged in the handling, processing, and marketing of dairy products, and the consuming public.

64182. In each fiscal year such amount of the money which is received under this chapter as is determined by the council shall be expended or allocated for research in the discovery and development of uses for milk, milk products, and byproducts of milk.

The council shall select the research projects to be carried on from time to time. Insofar as practicable, such projects shall be carried out by the College of Agriculture of the University of California, pursuant to contract entered into between the regents of the university and the director. If, however, the council determines that the college has no facilities for a particular project or that some other recognized research agency has better facilities for it, the project may be carried out by such other research agency, pursuant to contract with the council.

64183. No advertising or sales promotion program which is conducted or sponsored by the director shall make any false or unwarranted claim, or disparage the quality, value, use, or sale of any commodity which is authorized by law to be marketed in this state, nor shall any such program be conducted with reference to a brand or trade name.

Article 7. Records and Reports

64221. Every handler and producer-handler shall keep complete and accurate records of all milk fat which such handler or producer-handler purchases, or possession or control of which he acquires from any producer in the form of unprocessed milk, cream, or in any other unprocessed form. A producer-handler shall include his own production in such records. Every handler and producer-handler shall also keep complete and accurate records of all milk fat which he utilizes for processing.

64222. Such records shall be:

(a) In such form and contain such information, relevant to the purposes of this chapter, as the director may, by order or regulation, prescribe.

(b) Preserved for a period of two years.

(c) Open to inspection at any time on the request of the director.

64223. The director may, by order or regulation require every such handler and producer-handler to file with him returns which give the information, or any part of the information, in the records, which the first handlers are required to keep pursuant to this article. The returns shall be on forms which are prescribed and furnished by the director.

Article 8. Financial Provisions

64251. Each producer and each producer-handler shall pay a fee of five mills ($0.005) per pound, or fraction of a pound,

of milk fat on all milk fat which he produces in this state during the months of October and May in each fiscal year and sells or delivers in unprocessed form to a handler, or possession or control of which he gives to a handler. The fees shall be collected by the first handler that purchases, or otherwise acquires possession or control of, such milk fat by deducting the fee from any payment which is due the producer for milk, cream, or milk fat in any other form. Each producer-handler shall, in addition, pay the same fee on his own production which he uses for processing. For the purposes of this section, a handler that sells unprocessed milk fat, of which he has the right to possession or control by contract or otherwise, to another handler, and delivers said milk fat in unprocessed form to such other handler or causes such milk fat to be delivered to such other handler directly from the producer, is the first handler of such milk fat.

64252. Each handler in this state, including each producer-handler, shall pay a fee of five mills ($0.005) per pound, or fraction of a pound, of milk fat on all unprocessed milk fat which is purchased by such handler or producer-handler from a producer, or possession or control of which such handler or producer-handler acquires from a producer during the months of October and May in each fiscal year. Each producer-handler shall include in such payment the same fee computed on his own production which he uses for processing.

64253. All untested milk and cream purchased in bulk and not tested for milk fat content shall be deemed to weigh and test as follows:

(a) Milk, eight and six-tenths pounds per gallon, milk fat content 4 percent.

(b) Cream, eight pounds per gallon, milk fat content 32 percent.

(c) Any fractional or greater measurement shall be on the above basis.

64254. The fees which are prescribed in Sections 64251 and 64252 shall be paid to the director by handlers or producer-handlers, as the case may be, not later than November 30 and June 30 of each fiscal year.

64255. To the amount of fees which are unpaid when due, there shall be added a penalty of 10 percent.

64256. The director, by action prosecuted by him, may recover any fees which have been or should have been collected pursuant to this article by any handler or producer-handler on milk fat of producers or on a producer-handler's own production or any fees on milk fat which such handler or producer-handler has purchased, or possession or control of which was acquired by him, or which such handler or producer-handler has produced and used for processing, together with all penalties which may have accrued pursuant to this chapter.

64257. If any handler or producer-handler does not make adequate returns, when required, the director shall estimate the amount of delinquency from the records of the depart-

ment, or from any other source of information which is available. In any action by the director to recover fees pursuant to this chapter, a certificate of the director which shows the amount determined by the director to be required to be paid by the person that is required to pay the fees is prima facie evidence of the delinquency of the amount which is shown.

64258. Any money which is collected by the director pursuant to this chapter shall be deposited in a bank or other depository which is approved by the Director of General Services. Funds which are so collected shall be deposited and disbursed in conformity with appropriate regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 925.6 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of General Services and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State Treasury to the credit of the "State Dairy Products Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this section.

64259. Any money which is collected by the director pursuant to this chapter is hereby appropriated to the department to carry out the duties which are imposed upon the director and the council pursuant to this chapter. The appropriation which is made in this section is exempt from the operation of Section 16304 of the Government Code. The money which is collected by the director pursuant to this chapter shall be disbursed by the director only for the necessary expenses incurred by the council and the director to carry out the purposes of this chapter, including the payment of refunds which are authorized pursuant to this chapter. The director may disburse such funds in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which such funds are derived.

64260. Any money which is deposited by the director pursuant to Section 64258, which the director determines is available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes such moneys may also be combined with funds determined by the director to be available for investment pursuant to Section 58939 of this code.

64261. Any increment which is received from investment, reinvestment, or deposit of money pursuant to Section 64260 shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions

of this article or may bill the director for the costs and the director shall pay the costs from moneys collected pursuant to this chapter.

64262. The director, after consultation with the council, shall prepare an annual budget which sets forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties which are imposed upon them by this chapter. He shall prepare and submit to the board an annual statement, in reasonable detail, of his expenditures pursuant to this chapter.

Article 9. Additional Financial Provisions

64271. As used in this chapter, "class 1 milk" means fluid milk, fluid skim milk, and fluid cream that is supplied to consumers or used for the purposes specified in Section 61842 of this code.

64272. During each four-year period, following the original referendum in 1963, during which a more extensive campaign is authorized pursuant to Section 64277, every producer, handler, and producer-handler of such milk shall pay the additional fees which are prescribed by this article.

64273. During such period, each producer and producer-handler shall pay a maximum fee, for each month of the year other than the months of May and October, of three mills ($0.003) per pound of milk fat produced by him in the state, delivered by him to a handler and used as class 1 milk, including milk fat produced by a producer-handler and used by him as class 1 milk.

64274. During such period, each handler and producer-handler shall pay a maximum fee, for each month of the year other than the months of May and October, of three mills ($0.003) per pound of milk fat on all milk fat received from or handled for producers and used as class 1 milk, including milk fat produced by a producer-handler and processed by him for class 1 milk.

64275. The director shall determine the amount of the fees to be paid up to the maximum amount and shall determine the effective period for the fees.

64276. The fees which are imposed shall be the same for producers as for handlers. The fees authorized may be made effective only for those months of the year other than the months of May and October. The fees authorized shall be in addition to the fees authorized in Sections 64251 and 64252 for the months of May and October and shall be collected and handled in the same manner as provided in Article 8 (commencing with Section 64251 of this chapter), and shall be used to accomplish the purposes of this chapter.

64277. A more extensive campaign of research, advertising, publicity, and education may be continued for subsequent four-year periods in the manner provided in this article.

64278. Within 90 days after the termination of the third fiscal year of such campaign, or as soon thereafter as it may be done, the director shall prepare and mail to each producer, handler, and producer-handler of market milk for class 1 purposes a ballot or ballots and a self-addressed envelope. The ballot form shall be substantially as follows:

Ballot

Dairy Council of California

Continuation of Additional Fee for Handlers, Producers, and Producer-Handlers of Class 1 Milk

Shall handlers, producers, and producer-handlers of class 1 milk continue to pay an additional fee of not to exceed three mills ($0.003) per pound of milk fat for each month of the year except the months of May and October, to be collected upon the basis of milk fat of market milk for class 1 purposes for a further period of four fiscal years following the determination of this referendum?

Yes_____ No_____

_____

Signature of Handler, Producer, or Producer-Handler

_____

Address of Handler, Producer, or Producer-Handler

64279. The referendum shall be conducted by the director. The ballots shall contain or be accompanied by instructions to the persons eligible to vote as to how to mark the ballots. The instructions shall contain a statement that in order to be counted the ballots must be received by the department not later than a date specified in the instructions, which date shall be determined by the department but shall not be less than 30 days after the mailing of the ballots by the department.

64280. In the referendum each producer-handler of class 1 milk shall be eligible to vote both as a producer and as a handler.

64281. Upon the expiration of the period during which ballots may be received, the department shall determine the result. If the director finds that 65 percent or more of the total number of producers voting and 65 percent or more of the total number of handlers voting have assented to a continuation of the additional assessment, he shall make a finding to that effect and shall so notify each producer, producer-handler, and handler of class 1 milk fat. The fees imposed shall thereupon be collected with respect to the milk fat to which the fees are applicable for the additional four-year period.

64282. The Dairy Council and the director shall prepare or revise the annual budget provided for by this chapter, for each fiscal year during which a more extensive campaign of

research, advertising, publicity and education is authorized by producers, handlers, and producer-handlers of market milk for class 1 use, to provide for the more extensive campaign during that year.

Article 10. Violations and Penalties

64291. A person shall not use the same name, or a name so similar as to mislead the public into believing it is the same name, as the Dairy Council of California.

64292. Any violation of any provision of this chapter is a misdemeanor.

Chapter 2. California Beef Council Law

Article 1. Short Title and Definitions

64501. This chapter shall be known as the "California Beef Council Law."

64502. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

64503. "Beef" includes veal.

64504. "Beef products" includes veal products.

64505. "Council" means the California Beef Council.

64506. "Person" means an individual, corporation, partnership, trust, association, cooperative association, and any other business unit or organization.

64507. "Producer" means any person that is engaged in the business of raising, breeding, feeding, or growing cattle or calves for dairy production or for beef production.

Article 2. General Provisions

64531. It is hereby declared, as a matter of legislative determination, that the provisions of this chapter are enacted in the exercise of the power of this state for the purposes of protecting and furthering the public health and welfare. It is further declared that the cattle industry of this state is affected with a public interest, in that, among other things:

(a) The production, processing, manufacture, and distribution of beef and beef products constitute a paramount industry of this state which not only provides substantial and required revenues for the state and its political subdivisions, and employment and a means of livelihood for many thousands of its population, but also furnishes essential foods that are vital to the public health and welfare.

(b) The stabilization, maintenance, and expansion of the cattle industry of California, and of the state, nationwide, and foreign markets for its products are necessary to assure the consuming public an adequate supply of foods which are indispensable in a proper human diet, to protect, for the state and its political subdivisions, a necessary source of tax reve-

nue, to provide and maintain an adequate standard of living for a great segment of the population of this state, to maintain proper wage scales for those engaged in the cattle industry, and to maintain existing employment.

(c) The essentiality of beef and beef products in a proper human nutrition and to the maintenance of a high level of public health is such as to require that the public be made thoroughly aware thereof, and be protected against misrepresentation and deception, by the dissemination of accurate and scientific information relative to the healthful qualities of beef and beef products, their various classifications and the food values and industrial and medicinal uses thereof, the methods, care and precautions necessary to their proper production, processing, manufacture, and distribution, and the necessary costs and expenses thereof, and the necessity and desirability on the part of the public of using and consuming beef and beef products of the highest standards of quality.

64532. The purposes of this chapter are as follows:

(a) To enable the cattle industry, with the aid of the state, to develop, maintain, and expand the state, nationwide, and foreign markets for beef and beef products produced, processed, or manufactured in this state, and the use and consumption of such beef and beef products in such markets.

(b) In aid, but not in limitation, of the purpose in subdivision (a), to authorize and enable the director to formulate and effectuate, directly or in cooperation with other agencies and instrumentalities which are specified in this chapter, sales stimulation and consumer, or other, educational programs designed to increase the use and consumption of beef and beef products.

(c) Except as otherwise provided in Section 64673, to provide funds for the administration and enforcement of this chapter by voluntary contributions to be collected in the manner which is prescribed in this chapter.

64533. This chapter shall be liberally construed. If any section, sentence, clause, or part of this chapter is, for any reason, held to be unconstitutional or invalid, such decision does not affect the remaining portion of this chapter but such unconstitutional or invalid provision is separable from the valid parts of this chapter.

Article 3. Administration

64561. The director shall administer and enforce the provisions of this chapter, and may exercise any of the administrative powers which are conferred by Sections 11180 to 11191, inclusive, of the Government Code upon a head of a department. In order to effectuate the declared purposes of this chapter, the director may contract to carry out the declared intent and purposes of this chapter.

64562. Upon recommendations by the council the director may establish consistent with this chapter such regulations

which cover the administration and enforcement of this chapter as may be necessary to carry out the purposes and attain the objectives of this chapter.

64563. Upon the issuance of any regulations which affect this chapter, a copy of the regulations shall be posted on a bulletin board which shall be maintained by the director in his office. A copy of such regulations shall also be published in a newspaper of general circulation published in Sacramento, California, and in any other newspaper which the director may prescribe. No regulation shall become effective until five days after the date of such posting and publication. The director shall mail a copy of the notice of the issuance of the regulations to every person that is directly affected by the regulations whose name and address may be on file in the office of the director and to every person who files in the office of the director a written request for such notice.

Article 4. California Beef Council

64591. There is in the state government the California Beef Council which consists of 19 members and 19 alternates, all of whom shall be citizens and residents of this state and producers.

The director shall appoint to the council six range cattlemen, six cattle feeders, and seven dairymen nominated as producers as hereinafter provided for, giving due regard to proper geographic distribution. This requirement shall not, however, operate to remove from office any member of the council. As soon as feasible after September 20, 1963, the director shall classify the present members of the council and shall adopt a schedule for new appointments to the council so that, as present terms of office of members expire, the vacancies will be filled with producers in the classifications and numbers specified in this section. Subject to the provisions of this section and of Section 64592, present members of the council shall be eligible for reappointment.

64592. The terms of office of the members and alternates of the council shall be three years, except as provided in this section. The first appointments made under this chapter shall be so made that the terms of six members and their alternates shall expire at the end of one year, six members and their alternates shall expire at the end of two years, and seven members and their alternates shall expire at the end of three years.

Any vacancy which occurs during the unexpired term shall be filled by the director for the unexpired term from the eligible nominees. No council member or alternate shall serve more than two consecutive three-year terms. Service as an alternate does not disqualify a person to then serve two such terms as a member, and a member who was appointed for a one- or two-year term may serve two additional three-year terms.

The director may remove any member of the council or alternate for cause and upon such removal there is a vacancy which

shall be filled in the manner as provided for the unexpired term.

64593. Prior to October 1 of each year, the director shall call for nominations of producers that are engaged in business as such in this state. The director, whenever he deems it necessary, shall obtain additional nominations for membership on the council from producers. Every producer may nominate a nominee for membership on the council. Members and their alternates shall be appointed from the lists of those persons nominated for membership on the council.

64594. Notice of a call for nominations shall be given by the director by publishing a notice of it in a newspaper of general circulation which is published in the capital of the state and in any other newspaper or by such other means as the director determines is necessary to give reasonable notice of such nominations to producers in the state.

64595. The notice shall state that nominations made by mail to the director at his office in Sacramento, which sets forth the name, address, citizenship, and type of producer of each of the proposed nominees, and bears the signature and address of the nominator, if received by the director, within the time designated by him, will be considered by the director.

64596. A majority of the members of the council shall constitute a quorum for the transaction of all business, including the election of officers.

64598. The council shall select annually from its number, to serve at its pleasure, a chairman and vice chairman who, together with five other members selected annually by the council, shall constitute the executive committee of the council. The executive committee shall have and exercise such powers of the council as the council may delegate to it.

64599. The council shall have two regular meetings in each year at times and places which are fixed by the council. The times for regular meetings shall be fixed so that there is an interval of at least four calendar months between such meetings. The council may meet in special meetings at any time and place at the call of the chairman or upon the written request of five members of the council. The executive committee shall have two regular meetings each year at times and places which are fixed by it, and may meet in special meetings at any time and place at the call of the chairman or on call of a majority of the members of the executive committee.

64600. The members of the council shall receive ten dollars ($10) per day for each day spent in actual attendance at the meetings or on the business of the council and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their official duties.

64601. No member of the council, except a member of the executive committee, shall receive compensation for more than 10 days' service per year. No member of the executive committee shall receive compensation for more than three days'

service per month, except the chairman who may receive compensation for not more than 10 days per month.

64602. The director may require any employee or agent of the council to give a fidelity bond, executed by a surety company which is authorized to do business in this state, in favor of the director, in such sum, and containing such terms and conditions, as the director may prescribe. The cost of all such fidelity bonds of employees or agents of the council shall be paid from the funds which are collected pursuant to this chapter.

64603. No member or employee of the council shall be held responsible individually to any person for liability on any contract or agreement of the council. All salaries, expenses, costs, obligations, and liabilities which arise out of the administration and enforcement of this chapter are payable only from funds which are collected pursuant to the provisions of this chapter.

64604. An alternate member of the council shall sit as a regular member of the council if the member for whom he is an alternate fails for any reason to attend any meeting of the council. He shall be compensated and reimbursed in the same manner and to the same extent as a regular member when so serving and when so serving has all the powers, duties, liabilities, and immunities of the member in whose place he is serving, except that the alternate to the chairman or vice chairman shall not succeed to the functions of these offices.

Article 5. Powers and Duties

64631. The duties of the council shall be advisory, except as to those duties which may be delegated to it by the director. The council may, subject to the approval of the director, exercise any of the following powers which may be delegated to the council by the director:

(a) To recommend to the director administrative regulations which relate to the administration and enforcement of this chapter.

(b) To investigate all matters which affect the administration of this chapter, and to report violations of it to the director.

(c) To employ and, at its pleasure, discharge a manager and such clerical help and other employees as it deems necessary, and to prescribe their duties and powers and fix their compensation.

(d) To contract with, or employ, and, at its pleasure, discharge such other persons as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation.

(e) To establish offices, and incur expenses incidental thereto.

(f) To make such contracts and other agreements as may be proper to promote the sale of beef and beef products on either a local, state, national, or international basis.

(g) To cooperate with any other local, state, or national commission, organization, or agency, whether voluntary or created by state or federal law, and engaged in work or activities similar to the work and activities of the council, and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint programs of education, research, publicity, and advertising. In matters of research, however, the council shall cooperate with organizations of recognized professional standing which are adequately equipped with facilities for the research which is contemplated.

(h) To recommend to the director the institution and promotion of scientific research to develop or discover, or both, the health, food, therapeutic, dietetic, industrial, or other uses of beef and its products.

Funds may be allocated to agencies not specifically or solely engaged in carrying on research or promotion for beef, if the council and the director are satisfied that such allocations will be beneficial to the California beef industry, and will tend to effectuate the declared purposes of this chapter.

64632. The council shall keep such books, records, and accounts of all its transactions, dealings, contracts, agreements, funds, and expenditures as it deems necessary. Such books, records, and accounts shall at all times be open to inspection and audit by the director.

64633. A member, alternate agent, or employee of the council shall not do any of the following:

(a) Appear before any legislative committee of the state or federal government as a representative of the council unless requested to do so by such committee.

(b) Lobby in any manner as a representative of the council.

64634. None of the funds which are collected pursuant to this chapter shall be used for political contributions.

64635. The council shall prepare annually, summarized statements of the activities in which it has been engaged in the previous annual period, and of the activities in which it proposes to engage in the ensuing annual period. Such statements shall be made available to all producers that request them.

Article 6. Education, Research, or Public Information Programs

64661. The director shall conduct, or may cause the council to conduct, programs of education, research, or public information, which are designed to accomplish the following purposes, among others:

(a) Increase the consumption of beef and beef products.

(b) Gather, publicize, and diffuse accurate and scientific information which shows the importance of the use and consumption of beef and beef products in relation to the public health, economy, and diet, and proper nutrition of children and adults.

(c) Study means and methods which are employed in producing, processing, manufacturing, marketing, and distributing beef and beef products in order to comply with the sanitary and other regulations which are imposed by municipalities, this state, and the United States

(d) Gather and disseminate information regarding the high standards which are observed and imposed to insure pure and wholesome beef and beef products.

(e) Gather and disseminate information regarding the harmful effects on the public health resulting from the breakdown or instability of the cattle industry, the factors and conditions peculiar to the cattle industry which tend to cause an unbalanced production, the price of beef and beef products in relation to the cost of other items of food in a balanced diet.

(f) Gather and disseminate information regarding the factors which tend to promote increased consumption of beef and beef products, stabilize the industry, and foster a better understanding and more efficient cooperation among producers and the consuming public

64662. No program or activity which is conducted or sponsored pursuant to this chapter shall make false or unwarranted claims, or disparage the quality, value, use, or sale of any commodity authorized by law to be marketed in this state, nor shall any such program be conducted with reference to a private brand or trade name which refers to beef or a beef product.

Article 7. Mandatory Promotion and Research Program

64671. Whenever a petition is presented to the director which has been signed by 3,000, or more, of the state's producers, not more than six months prior to its presentation to the director, the director shall conduct a referendum among producers to ascertain whether producers favor the carrying on of a mandatory promotion and research program for beef as prescribed in Section 64661. At the time any person starts to circulate such a petition, he shall notify the director of such action. The director shall establish the period of time during which such referendum shall be conducted which shall be not less than 30 days nor more than 90 days.

64672. The director shall count and tabulate the ballots received, and announce the results at the close of the referendum period If the director finds from the ballots cast that 35 percent, or more, of all producers, as established by the director's list, have voted and that 65 percent or more of the producers voting in such referendum favor carrying on such a promotion and research program, the director shall declare the program a mandatory promotion and research program.

64673. If the promotion and research program is declared to be mandatory, Section 64695 shall be of no further force or

effect and the purpose expressed in subdivision (c) of Section 64532 shall be to provide funds by fees, rather than voluntary contributions.

64674. If the director finds that the required numbers of producers voting in the referendum have not voted in favor of carrying on the mandatory promotion program, the director shall declare this result and shall instruct the council to carry on the current program.

64675. If the promotion and research program does not receive the required favorable vote, another referendum shall not be petitioned for until after the expiration of a period of two years from the close of the period of the referendum which failed.

Article 8. Financial Provisions

64691. In order to carry out the programs and administer the activities which are conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and, except as otherwise prescribed in Section 64695, collected from the seller at the same time that brand inspection fees are collected as provided in Article 9 (commencing with Section 21281), Chapter 6, Division 10 of this code. Such fee shall not, however, be charged upon any of the following:

(a) Hides, skins, or reduction animals.

(b) Any cattle that are transported for purposes other than for sale or slaughter and without a change of ownership.

(c) Any animal which is less than three months of age.

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

64692. The fee which is required by Section 64691 shall be paid for each head of cattle which originates in any other state and which is slaughtered in this state unless it is specifically excepted by Section 64691. If the fee is not otherwise paid, it shall be collected from the purchaser or slaughterer.

64693. If the person for whom the inspection was made does not remit the fees which are due within 90 days of the date of inspection, such person is, whether or not a complaint has been filed against him, subject to an amount not to exceed 10 percent of such unpaid assessment, or ten dollars ($10) whichever is greater, to defray the cost of enforcing the collection of such unpaid fees.

Any person that does not remit any fees which are due when the fees are called for by the director is liable civilly in an amount not to exceed the cost of the total amount of fees and the cost of the civil suit for each and every case in which he does not so pay such fees. A civil suit, or any amount which is recovered in such suit, is not affected by any exemption which is made after the fee becomes due pursuant to Section 64691.

64694. The fees which are collected pursuant to this article shall be forwarded to the director at the same time and in the

same manner as the inspection fees which are provided for in Article 9 (commencing with Section 21281) of Chapter 6 of Division 10 of this code. The director shall reimburse, from any money which is collected pursuant to this section, the Bureau of Livestock Identification and any other bureaus or agencies of the state for any additional expenses which are incurred by them in the administration or enforcement of this chapter.

64695. Except as otherwise provided in Section 64673, any person that is subject to the fee which is required by Section 64691 may file in writing with the director a request for exemption from such fee. Upon the receipt of such request, an exemption certificate shall be issued to the person requesting it. The certificate shall be effective for the remainder of the fiscal year in which it is issued and the following fiscal year unless canceled upon the request of the holder of the certificate.

At the time the fee which is required by Section 64691 is to be collected, the person that is subject to payment may present the exemption certificate, or such evidence of it as the director may prescribe. Upon such presentation, the fee which is otherwise required shall not be collected.

64696. All money which is collected by the director pursuant to this chapter shall be deposited in any bank, or other depository which is approved by the Director of General Services, allocated to the purposes of this chapter only, and disbursed by the director only for the necessary expenses which are incurred by the council and the director in carrying out the purposes and provisions of this chapter. Money which is so collected shall be deposited and disbursed in conformity with appropriate auditing regulations which are prescribed by the director. The expenditure of such money is exempt from the provisions of Sections 925.6 and 16304 of the Government Code.

All such expenditures by the council and the director shall be audited at least once every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after completion of the audit to the Governor, the Director of Agriculture, and the State Controller.

64697. Money which is deposited by the director pursuant to Section 64696 may be invested and reinvested by the State Treasurer in any of the securities described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes, such money may also be combined with funds which are determined by the director to be available for investment pursuant to Section 58939 of this code. Any increment which is received from such investment, reinvestment, or deposit shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount

equal to the reasonable cost incurred in carrying out the provisions of this section or may bill the director for the costs and the director shall pay the costs from money which is collected pursuant to this chapter.

64698. The director, after consultation with the council, shall prepare an annual budget which sets forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties which are imposed upon them by this chapter. He shall also prepare and submit to the council an annual statement, in reasonable detail, of his expenditures pursuant to this chapter.

64699. The director may receive funds in such amounts as he may deem necessary to defray the initial expenses in making effective this chapter. The director shall reimburse those persons from whom said funds are received in the amounts received from any funds which are received by the director pursuant to Section 64691.

64700. The director may accept contributions to advance the purposes of this chapter. If requested by the donor, such contributions shall be segregated and separately maintained for the use of the council.

64701. Any inspector who is described in Section 20010 may accept voluntary contributions on behalf of the director. Such contributions may be supplementary to, or in lieu of, collections which are provided in Article 8 (commencing with Section 64691) of this chapter.

The inspector shall give a receipt for such contributions and shall transmit them to the director in accordance with regulations which may be adopted by the director.

Article 9. Termination

64731. The provisions of this chapter shall continue to be operative permanently except as provided in this article.

64732. A referendum among the state's producers shall be conducted by the director in any of the following cases:

(a) Whenever the director, on his own motion or at the request of the council, determines that it is no longer in the best interest of the state to continue the existence of the council and the programs established and maintained pursuant to this chapter.

(b) Upon the receipt by the director of a petition for such a referendum signed by 3,000 of the state's producers that signed the petition not more than six months prior to its presentation to the director. No one who holds a current exemption certificate may petition to terminate or participate in the referendum.

In either such event, the director shall thereupon prepare and mail to each producer as shown in the records of the department a ballot form and self-addressed envelope.

64733. The ballot form shall be substantially as follows:

BALLOT

California Beef Council Law

Termination of Council and Program

Shall the existence of the California Beef Council and the programs established and maintained under the California Beef Council Law (Chapter 2 (commencing with Section 64501) of Division 22 of the Agricultural Code) be discontinued and terminated?

YES _____ NO _____

_____

Signature of Producers

64734. If upon the count of the ballots the director finds that 30 percent, or more, of all producers established by the director's list have voted and that 51 percent, or more, of the total number of producers voting have assented to the discontinuance and termination of the council and the programs which are established and maintained pursuant to this chapter, the director shall make a finding to that effect and declare the existence of the council and the programs which are established and maintained pursuant to this chapter discontinued and terminated at the end of the fiscal year in which the referendum is conducted.

64735. If upon a count of the ballots the director finds that less than 51 percent of the total number of producers voting have assented to such discontinuance and termination, he shall make a finding to that effect and the council and programs which are established and maintained pursuant to this chapter shall continue to remain in full force and effect.

64736. On the expiration of this chapter pursuant to this article, the council shall remain in existence for the purpose of furnishing the director with a complete record of its outstanding financial obligations, accrued and to accrue. The director shall pay from the money deposited and disbursed as provided in Section 64696 such obligations and any obligations incurred by the director and the department under the terms and provisions of this section. Any money which remains shall be retained by the director to defray the expenses of formulation, issuance, administration or enforcement of any subsequent program for beef promotion. If no such program is undertaken within a period of three years from the date of termination of this chapter, such money shall be withdrawn from the approved depository and paid into the State Treasury, allocated to the Department of Agriculture Fund for use by the director in carrying out the hide and brand provisions of this code, when appropriated by the Legislature.

SEC. 3. Chapter 89, Statutes of 1939 is repealed.

SEC. 4. Any section of any act, enacted by the Legislature at its 1967 Regular Session prior or subsequent to the enactment of this act, which amends, adds, or repeals a section of the Agricultural Code of 1933 or of Chapter 89, Statutes of 1939, or of the Agricultural Code as proposed by this act, shall prevail over this act.

SEC. 5. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 16

An act making an appropriation for assistance to local agencies for care of crippled children.

[Approved by Governor March 20, 1967. Filed with Secretary of State March 21, 1967.]

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

SECTION 1. There is hereby appropriated from the General Fund to the Department of Public Health for services to physically handicapped children the sum of five hundred seventy-four thousand three hundred ninety-six dollars ($574,396), to be allocated as follows:

(a) In augmentation of Item 342 of the Budget Act of 1966, the sum of three hundred thousand dollars ($300,000) for allocation to counties and cities and counties to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria, in accordance with the provisions of Section 249 through 271 of the Health and Safety Code, and the provisions of Item 342 of the Budget Act of 1966.

(b) In augmentation of Item 347 of the Budget Act of 1966, the sum of two hundred seventy-four thousand three hundred ninety-six dollars ($274,396) for assistance to local agencies to be expended for the treatment of physically handicapped minors by physical and occupational therapy to be provided in special schools and classes with assignment of therapists based on the number of children requiring therapy, in accordance with the provisions of Item 347 of the Budget Act of 1966.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 17

An act to repeal Section 6362 of the Business and Professions Code, to amend Sections 70 and 1180 of the Civil Code, to amend Sections 134, 165, 179, 400, 751a, 942, 956a, the heading of Chapter 2 (commencing with Section 963) of Title 13 of Part 2, and Sections 988t, 1108, 1264.5, 1264.6, and 1953.06 of, to amend and renumber Sections 48, 53, 57, and 61.4 of, and to add Section 71 to, the Code of Civil Procedure, to amend Sections 13440 and 23456 of the Education Code, to amend Sections 31, 6403, 10219, 20115, 25302, 25304, the heading of Article 2 (commencing with Section 25330) of Chapter 3 of Division 13, and Sections 25330, 25331, and 25338 of, and to add Section 25302.5 to, the Elections Code, to amend Section 300 of the Evidence Code, to amend Sections 3020, 10237, 10239, 11508, 14886, 21026.2, 68072, 68105, 68121, 68200, 68201, 68500.5, 68504, 68507, 68510, 68540, 68540.5, 68543, 68543.5, 68548, 68701, 68702, 68840, 68890, 68891, 68895, 68903, 68926, 68927, 68928, the heading of Chapter 4 (commencing with Section 69102) of Title 8, and Sections 69104, 69105, 69107, 69140, 69141, 69143, 69154, 69508, 71141, 72631, 75002, 75060, 75083, 75101, and 75102 of, to amend and renumber Sections 69102, 69102.5, 69103, and 69103.5 of, to add Section 68540.7 to, and to repeal Sections 68120, 68122, 68804, Article 3.6 (commencing with Section 68920) of Chapter 3 of Title 8, Sections 69108, 69110, 69142, Chapter 4.5 (commencing with Section 69300) of Title 8, Sections 69500, 69500.1, 69501, 69587, 69597, 71142, 71146, and 72603 of, the Government Code, to amend Sections 5950, 5955, and 6600 of the Labor Code, to amend Section 395.3 of the Military and Veterans Code, to amend Sections 808, 1241, 1243, 1265, 1471, 1475, 1506, 1507, 1552.2, and 4112, and to repeal Section 4113 of the Penal Code, and to amend Sections 1240, 1630, and 2101 of the Probate Code, relating to the judiciary.

[Approved by Governor March 28, 1967. Filed with Secretary of State March 28, 1967.]

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

SECTION 1. Section 6362 of the Business and Professions Code is repealed.

SEC. 2. Section 70 of the Civil Code is amended to read:

70. Marriage may be solemnized by either a justice of the Supreme Court, justice of the courts of appeal, judge of the superior court, judge of the municipal court, judge of a justice court, priest or minister of the gospel of any denomination, of the age of 21 years or upwards.

SEC. 3. Section 1180 of the Civil Code is amended to read:

1180. The proof or acknowledgement of an instrument may be made at any place within this state before a justice or clerk

of the Supreme Court, a justice or clerk of any court of appeal or judge of a superior court.

SEC. 4. Section 48 of the Code of Civil Procedure is amended and renumbered to read:

42. Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the Supreme Court or the courts of appeal from sitting at any time.

SEC. 5. Section 53 of the Code of Civil Procedure is amended and renumbered to read:

43. The Supreme Court, and the courts of appeal, may affirm, reverse, or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, or direct a new trial or further proceedings to be had. In giving its decision, if a new trial be granted, the court shall pass upon and determine all the questions of law involved in the case, presented upon such appeal, and necessary to the final determination of the case. Its judgment in appealed cases shall be remitted to the court from which the appeal was taken.

SEC. 6. Section 57 of the Code of Civil Procedure is amended and renumbered to read:

44. Appeals in probate proceedings and in contested election cases shall be given preference in hearing in the courts of appeal, and in the Supreme Court when transferred thereto. All such cases shall be placed on the calendar in the order of their date of issue, next after cases in which the people of the state are parties.

SEC. 7. Section 61.4 of the Code of Civil Procedure is amended and renumbered to read:

41. The Supreme Court and the courts of appeal may transact business at any time.

SEC. 8. Section 71 is added to the Code of Civil Procedure, to read:

71. The process of superior courts shall extend throughout the state.

SEC. 9. Section 134 of the Code of Civil Procedure is amended to read:

134. No court, other than the Supreme Court and the courts of appeal, shall be open for the transaction of judicial business on any day specified or provided for as a holiday by Chapter 7 (commencing with Section 6700) of Division 7, Title 1 of the Government Code other than a special holiday or, in counties wherein county offices are, pursuant to ordinance, open for the transaction of county business on such election days, on a day on which an election is held throughout the state, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

Except as herein provided, justice courts shall always be open for the transaction of business

SEC. 10. Section 165 of the Code of Civil Procedure is amended to read:

165. The justices of the Supreme Court and of the courts of appeal, or any of them, may, at chambers, grant all orders and writs which are usually granted in the first instance upon an ex parte application, except writs of mandamus, certiorari, and prohibition; and may, in their discretion, hear applications to discharge such orders and writs.

SEC. 11. Section 179 of the Code of Civil Procedure is amended to read:

179. Each of the justices of the Supreme Court and of any court of appeal and the judges of the superior courts, shall have power in any part of the state, and every municipal court judge and judge of a justice court shall have power within the county or city and county in which he is elected or appointed, to take and certify:

1. The proof and acknowledgment of a conveyance of real property, or of any other written instrument.

2. The acknowledgment of satisfaction of a judgment of any court.

3. An affidavit or deposition to be used in this state.

SEC. 12. Section 400 of the Code of Civil Procedure is amended to read:

400. When an order is made by the superior court granting or denying a motion to change the place of trial, the party aggrieved by such order may, within 10 days after service of a written notice of the order, or within such additional time not exceeding 20 days as the court may within the original 10 days allow, petition the court of appeal for the district in which the court granting or denying the motion is situated for a writ of mandate requiring trial of the case in the proper court. The petitioner shall file a copy of such petition in the trial court immediately after the petition is filed in the court of appeal. The court of appeal may stay all proceedings in the case, pending judgment on the petition becoming final. The clerk of the court of appeal shall file with the clerk of the trial court, a copy of any final order or final judgment immediately after such order or judgment becomes final.

SEC. 13. Section 751a of the Code of Civil Procedure is amended to read:

751a. Whenever any person who by any conveyance, judgment or decree has received or taken, or who hereafter receives or takes, the title to, or any interest in, or lien upon real property in a certain name and thereafter has conveyed, or conveys, or has reconveyed, or reconveys, the same or any part thereof, or has satisfied, or satisfies, such lien in a name other than, or different from, the name under which title was received, or any interest or lien thereon was taken or where the

estate of a decedent has been probated under a name different from the name in which real property of such decedent stands of record, and the decree of distribution has been entered in such estate, or when any right, title or interest of any person in real property has been divested by a judgment or decree, or otherwise, under a name other than, or different from, the name under which title was received, the identity of such person, or persons or the identity of such decedent and the person in whose name the property stands of record, may be adjudicated and determined on petition of any subsequent owner or any distributee of the estate of such decedent or the successor in interest, of said property, or any part thereof, or of any interest therein. As many such persons as appear of record in the chain of title to the land described in the petition may be joined in one petition or proceeding.

The petition must be filed in the superior court of the county in which the land or some part thereof is situated and shall be verified as provided in this code for verification of a complaint. The petition may be substantially entitled "In the matter of the determination of the identity of _____" (naming all the persons sought to be identified), and may set forth:

1. A statement of petitioner's interest in the property as owner, part owner or distributee or successor in interest or otherwise.

2. A particular description of the petitioner's property.

3. The name or names of the person or persons sought to be identified, setting out the name and a reference to the record of the conveyance, judgment or decree under which title was received, and the name and a reference to the record of the conveyance whereby the title was conveyed, or a reference to the record of the judgment or decree or conveyance whereby the title was divested, or where an estate has been distributed, setting out the name under which the estate of a decedent has been probated and the name in which real property of such decedent stands of record, and that such names were and are the names of the same person, and that such conveyances or such decrees of distribution affect the title to petitioner's property.

4. A prayer that the identity of such persons be established.

The clerk must thereupon set the petition for hearing by the court and the petitioner must give notice thereof by causing notices of the time and place of hearing to be posted at the courthouse of the county where the proceeding is pending and in a conspicuous place on the property described, at least 10 days before the hearing. The special notice shall be substantially in the following form:

(Title of court and cause)

Notice is hereby given that _____ has filed a petition herein claiming to be the owner (or distributee) of the following described lands _____ (description) and praying that the identity of the following-named persons, in former convey-

ances (or judgments or decrees) to said lands or in decrees of distribution of said lands in probate be determined, to wit: _____ (names as J. Doe and John Doe); and that the time and place of hearing said petition has been set for _____ the _____ day of _____, 19___, at the hour of _____, ___m. of said day at the courtroom of said court in the city of _____, county of _____, State of California.

_____
Clerk

At any time before the date fixed for such hearing, any person interested in said property may answer said petition and deny any of the matters contained therein. At the time fixed for the hearing, or such time thereafter, as may be fixed by the court, the court must hear the proofs offered by the petitioner, and by any persons answering the same, and must make and enter a decree determining the identity of the person, or persons, set out in the petition in accordance with the proofs.

An appeal may be taken by any party aggrieved.

After the said decree has become final it shall constitute prima facie evidence of the matters thereby determined and it shall be presumed that the identity of the person or persons described in the decree is such as is stated in the decree. A certified copy of said decree shall be recorded in the office of the county recorder of every county in which any part of the land is situated.

SEC. 14. Section 942 of the Code of Civil Procedure is amended to read:

942. If the appeal be from a judgment or order directing the payment of money, it does not stay the execution of the judgment or order unless a written undertaking be executed on the part of the appellant, by two or more sureties, to the effect that they are bound in double the amount named in the judgment or order; that if the judgment or order appealed from or any part thereof be affirmed, or the appeal be dismissed, the appellant will pay the amount directed to be paid by the judgment or order, or the part of such amount as to which the judgment or order is affirmed, if affirmed only in part, and all damages and costs which may be awarded against the appellant upon the appeal, and that if the appellant does not make such payment within 30 days after the filing of the remittitur from the reviewing court in the court from which the appeal is taken, judgment may be entered on motion of the respondent in his favor against the sureties for such amount, together with the interest that may be due thereon, and the damages and costs which may be awarded against the appellant upon the appeal.

If the judgment or order appealed from be for a greater amount than two thousand dollars ($2,000), and the sureties do not state in their affidavits of justification accompanying the undertaking that they are each worth the sum specified in

the undertaking, the stipulation may be that the judgment to be entered against the sureties shall be for such amounts only as in their affidavits they may state that they are severally worth, and judgment may be entered against the sureties by the court from which the appeal is taken, pursuant to the stipulations herein designated.

When the judgment or order appealed from is made payable in a specified kind of money or currency, the judgment entered against the sureties upon the undertaking must be made payable in the same kind of money or currency.

If the undertaking in this section first provided for be executed on the part of the appellant by a corporate surety authorized to execute the same by Section 1056 of this code, such undertaking shall be sufficient in amount if the surety be bound in 1½ times the amount named in the judgment or order appealed from.

SEC. 15. Section 956a of the Code of Civil Procedure is amended to read:

956a. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the Supreme Court or a court of appeal may make findings of fact contrary to, or in addition to, those made by the trial court. Such findings may be based on the evidence adduced before the trial court either with or without the taking of evidence by the court of appellate jurisdiction, pursuant to such rules as the Judicial Council may prescribe.

The said courts of appellate jurisdiction may, for the purpose of making such findings or for any other purpose in the interest of justice, take, pursuant to such rules, additional evidence of or concerning facts occurring at any time prior to the decision of the appeal and may give or direct the entry of any judgment or order and make such further or other order as the case may require. This section shall be liberally construed to the end, among others, that wherever possible causes may be finally disposed of by a single appeal and without further proceedings in the trial court, except where the interest of justice requires a new trial.

SEC. 16. The heading of Chapter 2 (commencing with Section 963) of Title 13 of Part 2 of the Code of Civil Procedure is amended to read:

CHAPTER 2. APPEALS TO SUPREME COURT AND COURTS OF APPEAL

SEC. 17. Section 988t of the Code of Civil Procedure is amended to read:

988t. A court of appeal may order any case on appeal within the original jurisdiction of the municipal and justice courts in its district transferred to it for hearing and decision as provided by rules of the Judicial Council when the superior court certifies, or the court of appeal determines, that such

transfer appears necessary to secure uniformity of decision or to settle important questions of law.

No case in which there is a right on appeal to a trial anew in the superior court shall be transferred pursuant to this section before a decision in such case becomes final therein.

A court to which any such case is transferred shall have similar power to review any matter and make orders and judgments as the superior court by statute would have in such case, except as otherwise expressly provided and except that if the case was tried anew in the superior court, the reviewing court shall have similar power to review any matter and make orders and judgments as it has by statute in a case within the original jurisdiction of the superior court.

SEC. 18. Section 1108 of the Code of Civil Procedure is amended to read:

1108. Writs of review, mandate, and prohibition issued by the Supreme Court, a court of appeal, or a superior court, may, in the discretion of the court issuing the writ, be made returnable, and a hearing thereon be had at any time.

SEC. 19. Section 1264.5 of the Code of Civil Procedure is amended to read:

1264.5. If the defendant appeals from the judgment and the judgment is affirmed in a case coming under Section 1264.1, the plaintiff shall be entitled to have deducted from the principal of the judgment to be paid the net receipts of tolls collected or collectible from the date for the taking as specified in the judgment to the date on which the judgment of the reviewing court becomes final, on showing that prior to the date specified for said taking the plaintiff was able to pay the said judgment and offered to pay the same to the defendant, or into court for his benefit, in return for a waiver of the appeal. The term "net receipts" means the sum obtained by subtracting from the total amount of tolls collected or collectible the amounts actually and necessarily expended or incurred for operation and maintenance of said toll road or toll bridge during said period.

This section does not apply in those cases in which the plaintiff takes possession pending appeal pursuant to the provisions of Section 1254 or takes possession under the provisions of Section 14 of Article I of the Constitution.

SEC 20. Section 1264.6 of the Code of Civil Procedure is amended to read:

1264 6. To secure the deduction specified in Section 1264.5 the plaintiff must within 10 days after the remittitur is received from the reviewing court serve on the defendant and file in the superior court his motion to set for hearing the question of the deduction to be made. If, on the hearing of said motion, proof is made to the satisfaction of the court of plaintiff's ability to pay, and offer to pay, the judgment, as specified in Section 1264.5, the court shall grant the motion and shall fix a time for the determination of the amount to be deducted, which amount shall be determined by

the court sitting without a jury unless plaintiff or defendant on or before the date of the hearing of said motion to set files with the court a demand in writing for a jury, in which case the said amount shall be determined by a jury.

SEC. 21. Section 1953.06 of the Code of Civil Procedure is amended to read:

1953.06. If an appeal to a reviewing court has been taken in any action or special proceeding in any trial court in which the record has been subsequently lost or destroyed by conflagration or other public calamity and a transcript of such record has been filed in the reviewing court, any person interested in the action or special proceeding may obtain a certified copy of all or any portion of the transcript from the clerk of the reviewing court and may file such certified copy in the office of the clerk of the court from which the appeal was taken. Thereupon the certified copy may be made the basis of any further proceedings or processes in the trial court in such action or special proceeding to all intents and purposes as if the original record were on file.

SEC. 22 Section 13440 of the Education Code is amended to read:

13440. Either the employee or the governing board may appeal from the judgment.

SEC. 23. Section 23456 of the Education Code is amended to read:

23456. The Chief Justice of California is president of the board of directors.

SEC. 24. Section 31 of the Elections Code is amended to read:

31. "Judicial officer" means any justice of the Supreme Court, justice of a court of appeal, judge of the superior court, judge of a municipal court, or judge of a justice court.

SEC. 25. Section 6403 of the Elections Code is amended to read:

6403. Whenever it is made to appear by affidavit to the Supreme Court, a court of appeal, or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on, or in the printing of, an official primary election ballot, or that any wrongful act has been or is about to be done by any person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, the court shall order the officer or person charged with the error, wrong or neglect forthwith to correct the error, desist from the wrongful act or perform the duty, or show cause why he should not do so. Any person who fails to obey the order of the court shall be cited to show cause why he is not in contempt of court.

SEC. 26. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16 of Article VI of the Constitution, immediately

under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature," or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) Words designating the profession, vocation or occupation of the candidate, which shall not exceed three in number. The profession, vocation or occupation designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 27. Section 20115 of the Elections Code is amended to read:

20115. Any party aggrieved by the judgment of the court may appeal therefrom to the court of appeal, as in other cases of appeal thereto from the superior court. During the pendency of proceedings on appeal, and until final determination thereof, the person declared elected by the superior court shall be entitled to the office in like manner as if no appeal had been taken.

SEC. 28. Section 25302 of the Elections Code is amended to read:

25302. Except in the case of a judicial office filled in accordance with subdivision (d) of Section 16 of Article VI of the Constitution, every candidate for a judicial office, whether his declaration of candidacy is made personally or by sponsors, not more than 10 nor less than 5 days prior to the first

day on which his nomination papers may be circulated and signed or may be presented for filing, shall file in the office in which his nomination papers are required to be filed, a written and signed declaration of his intention to become a candidate for that office. This section shall apply to all judicial offices whether numerically designated or not.

SEC. 29. Section 25302.5 is added to the Elections Code, to read:

25302.5. A declaration of candidacy for election or a nomination by the Governor, made pursuant to subdivision (d) of Section 16 of Article VI of the Constitution, shall be filed with the officer charged with the duty of certifying nominations for publication in the official ballot.

SEC. 30. Section 25304 of the Elections Code is amended to read:

25304. In any county or any judicial district in which only the incumbent has filed nomination papers for the office of superior court judge, municipal court judge or justice court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 45 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent reelected.

SEC. 31. The heading of Article 2 (commencing with Section 25330) of Chapter 3 of Division 13 of the Elections Code is amended to read:

Article 2. Adoption of Subdivision (d) of Section 16 of Article VI of the Constitution

SEC. 32. Section 25330 of the Elections Code is amended to read:

25330. The voters of any county may adopt the provisions of subdivision (d) of Section 16 of Article VI of the Constitution of this state as applicable to the judge of the superior court of the county if a majority of the voters of the county, voting on the question of its adoption, vote in favor thereof

SEC. 33. Section 25331 of the Elections Code is amended to read:

25331. The provisions of subdivision (d) of Section 16 of Article VI may be adopted:

(a) In pursuance of an ordinance or resolution adopted by the board of supervisors of the county, declaring that the public interest requires the submission at an election of the proposal to adopt the provisions as applicable to the judge of the superior court of the county.

(b) In pursuance of a petition of voters of the county as provided in this article.

SEC. 34. Section 25338 of the Elections Code is amended to read:

25338. If the proposal is approved by a majority of the votes cast thereon, the board of supervisors shall file a certificate, signed by the chairman of the board and duly dated, with the Secretary of State, reciting that the proposal to adopt the provisions of subdivision (d) of Section 16 of Article VI of the Constitution as applicable to the judge of the superior court of the county was approved by a majority of the votes cast thereon at the election. Upon the filing of the certificate the provisions of subdivision (d) of Section 16 shall thereupon be applicable to the judge of the superior court of that county, and effective as to all vacancies in the office occurring after the date of filing of the certificate.

SEC. 35. Section 300 of the Evidence Code is amended to read:

300. Except as otherwise provided by statute, this code applies in every action before the Supreme Court or a court of appeal, superior court, municipal court, or justice court, including proceedings in such actions conducted by a referee, court commissioner, or similar officer, but does not apply in grand jury proceedings.

SEC. 36. Section 3020 of the Government Code is amended to read:

3020. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Chief Justice, Associate Justices of the Supreme Court, the presiding justice and associate justices of the courts of appeal, and the judges of the superior court are liable to impeachment for any misdemeanor in office.

SEC. 37. Section 10237 of the Government Code is amended to read:

10237. The Legislative Counsel shall prepare or assist in the preparation or amendment of legislative measures at the written suggestion of any judge of the Supreme Court, the courts of appeal, or of the superior courts of the state.

SEC. 38. Section 10239 of the Government Code is amended to read:

10239. A suggestion by a judge of the Supreme Court shall be filed with the clerk of that court. A suggestion by a judge of a court of appeal shall be filed with the clerk of that court. A suggestion by a judge of a superior court shall be filed with

the clerk of the court of appeal of the district within which the superior court is located.

SEC. 39. Section 11508 of the Government Code is amended to read:

11508. (a) The agency shall consult the office, and subject to the availability of its staff, shall determine the time and place of hearing. The hearing shall be held in San Francisco if the transaction occurred or the respondent resides within the First Appellate District, in the County of Los Angeles if the transaction occurred or the respondent resides within the Second or Fourth Appellate District, and in the County of Sacramento if the transaction occurred or the respondent resides within the Third or Fifth Appellate District.

(b) Notwithstanding subdivision (a):

(1) If the transaction occurred in a district other than that of respondent's residence, the agency may select the county appropriate for either district.

(2) The agency may select a different place nearer the place where the transaction occurred or the respondent resides.

(3) The parties by agreement may select any place within the state.

SEC. 40. Section 14886 of the Government Code is amended to read:

14886. The volumes shall be distributed as follows: to the Secretary and each Member of the Senate and to the Chief Clerk and each Member of the Assembly, 10 copies; to the Governor, 25 copies; to the Lieutenant Governor, 15 copies; to the Secretary of State, the Controller, the Attorney General, the Legislative Counsel, and the Treasurer, each 10 copies; to each member of the State Board of Equalization, five copies; to the director of each state department, two copies; to the two United States Senators from California and the members of the California congressional delegation, each one copy; to the Chief Justice and Associate Justices, each one copy; to the presiding justices and associate justices of the courts of appeal, each one copy; and copies as provided in Section 14901 of this code.

All other volumes shall be sold for such price as may be fixed by the department.

Any person who publishes or sells any publication whose title contains the words "State Blue Book," "California Blue Book," or any similar words which tend to confuse the publication with the State Blue Book authorized by this act is guilty of a misdemeanor.

SEC. 41. Section 21026.2 of the Government Code is amended to read:

21026.2. Within 30 days after the petition for rehearing is denied, or, if the petition is granted, within 30 days after the rendition of amended findings of fact on rehearing, any person affected thereby, including the retirement system, may apply to the Supreme Court or to the court of appeal of the

appellate district in which he resides, for a writ of review, for the purpose of inquiring into and determining the lawfulness of the findings of the appeals board.

SEC. 42. Section 68072 of the Government Code is amended to read:

68072. Rules for courts of record adopted by the Judicial Council or other authority shall take effect on a date to be fixed in the order of adoption. If no effective date is fixed, rules affecting the Supreme Court and courts of appeal shall take effect 60 days after their adoption, and rules affecting the superior courts, the municipal courts, or justice courts shall take effect 30 days after their adoption.

SEC. 43. Section 68105 of the Government Code is amended to read:

68105. Notwithstanding any other provision of law to the contrary, the Supreme Court, any court of appeal, any superior court, or any municipal court may appoint as an official phonographic reporter or as an official phonographic reporter pro tempore a person who has declared his intention to become a citizen and who is a certified shorthand reporter.

"A person who has declared his intention to become a citizen," as used in this section, means a person who has either (1) filed the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law or (2) filed an affidavit with the court, in the form prescribed by the court, that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. If the court determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke the appointment.

SEC. 44. Section 68120 of the Government Code is repealed.

SEC. 45. Section 68121 of the Government Code is amended to read:

68121. A confirmation by the Commission on Judicial Appointments, pursuant to subdivision (d) of Section 16 of Article VI of the California Constitution, is effective when filed in writing with the Secretary of State.

SEC. 46. Section 68122 of the Government Code is repealed.

SEC. 47. Section 68200 of the Government Code is amended to read:

68200. The annual salary of the Chief Justice of California is thirty-four thousand dollars ($34,000).

SEC. 48. Section 68201 of the Government Code is amended to read:

68201. The annual salary of each of the following judges is the amount indicated opposite the name of the office:

(a) Associate Justice of the Supreme Court, thirty-two thousand dollars ($32,000).

(b) Presiding justice or associate justice of a court of appeal division, thirty thousand dollars ($30,000).

SEC. 49. Section 68500.5 of the Government Code is amended to read:

68500.5. The annual salary of the Administrative Director of the Courts is thirty thousand dollars ($30,000) and shall be paid out of appropriations for the support of the Judicial Council. He shall have the same qualifications as required by Section 15 of Article VI of the Constitution for a judge of a court of appeal.

SEC. 50. Section 68504 of the Government Code is amended to read:

68504. Upon receiving information of the death, removal, or resignation of any justice of the Supreme Court or of the courts of appeal, or a judge of the superior court, the Secretary of the Judicial Council shall immediately give the Controller written notice of such death, removal, or resignation.

SEC. 51. Section 68507 of the Government Code is amended to read:

68507. The Secretary of the Judicial Council shall purchase and provide for the installation of the flag of the United States and the Bear Flag of California in all the courtrooms of the Supreme Court and the courts of appeal.

SEC. 52. Section 68510 of the Government Code is amended to read:

68510. No member of the Judicial Council shall receive any compensation for his services as such, but he shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such.

SEC. 53. Section 68540 of the Government Code is amended to read:

68540. (a) Whenever a judge of a superior court is assigned by the Chairman of the Judicial Council to sit in a superior court in another county, the county to which such judge is assigned shall reimburse the county in which such judge was selected as a superior court judge in an amount equal to the lending county's portion of the regular salary of such judge paid for the time he was serving in the other court.

(b) The state shall pay the same proportion of the extra compensation of a judge of a municipal or justice court, assigned to a superior court, that it pays of the salary of a judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

SEC. 54. Section 68540.5 of the Government Code is amended to read:

68540.5. Whenever a judge of a municipal court is assigned by the Chairman of the Judicial Council to sit in a municipal court in another county, the county to which such judge is assigned shall reimburse the county in which such judge was selected as a municipal court judge in an amount equal to the regular salary of such judge paid for the time he was serving in the other court.

SEC. 55. Section 68540.7 is added to the Government Code, to read:

68540.7. Any judge assigned to a court wherein a judge's compensation is greater than his own shall receive while sitting therein the compensation of a judge thereof. The extra compensation shall be paid in such manner as may be provided by law. Any judge assigned to a court in a county other than that in which he regularly sits shall be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment.

SEC. 56. Section 68543 of the Government Code is amended to read:

68543. The extra compensation and expenses for travel, board, and lodging of judges sitting in the Supreme Court and courts of appeal under assignments made by the Chairman of the Judicial Council shall be paid by the state.

SEC. 57. Section 68543.5 of the Government Code is amended to read:

68543.5. Whenever a judge retired as such under the Constitution or any law of the state is assigned to sit in a court, he shall be paid while so sitting the full compensation of a judge of the court to which he is assigned. Such compensation shall be chargeable for the period specified in Section 68547 the same as provided by law with respect to the compensation of a judge of the court to which he is assigned except that when chargeable to the state, such compensation is payable out of any appropriation for extra compensation of judges assigned by the Chairman of the Judicial Council.

If such compensation is greater than his retirement allowance, his retirement allowance shall be suspended so long as he receives such compensation. If such compensation is less than his retirement allowance, his retirement allowance shall continue to be paid while he receives such compensation but only in an amount equal to the difference between such compensation and the retirement allowance to which he would otherwise be entitled.

If a retired judge, other than a retired judge of a justice court, is assigned to sit in a court the transfers and deductions required by Sections 75102 and 75103 shall be made with respect to the compensation paid the judge while he is so assigned.

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the

assignment. Such expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a court of appeal, to the state.

(b) When the assignment is to a superior, municipal, or justice court, to the county.

SEC. 58. Section 68548 of the Government Code is amended to read:

68548. Each judge assigned by the Chairman of the Judicial Council to another court of a like or higher jurisdiction pursuant to Section 6, Article VI, of the State Constitution has no authority to refuse such assignment and shall forthwith accept such assignment and shall sit and hold court as so assigned.

SEC. 59. Section 68701 of the Government Code is amended to read:

68701. As used in this chapter, "commission" means the Commission on Judicial Qualifications provided for in Section 8 of Article VI of the Constitution, "masters" means special masters appointed by the Supreme Court pursuant to rules adopted by the Judicial Council, and "judge" means a judge who is the subject of an investigation or proceeding under Section 18 of Article VI of the Constitution.

SEC. 60. Section 68702 of the Government Code is amended to read:

68702. The commission may employ such officers, assistants, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred upon the commission and upon the masters, may arrange for and compensate medical and other experts and reporters, may arrange for attendance of witnesses, including witnesses not subject to subpena, and may pay from funds available to it all expenses reasonably necessary for effectuating the purposes of Section 8 and Section 18 of Article VI of the Constitution, whether or not specifically enumerated herein. The Attorney General shall, if requested by the commission, act as its counsel generally or in any particular investigation or proceeding. The commission may employ special counsel from time to time when it deems such employment necessary.

SEC. 61 Section 68804 of the Government Code is repealed.

SEC. 62. Section 68840 of the Government Code is amended to read:

68840. The Supreme Court shall appoint a Clerk of the Supreme Court who serves at its pleasure. In addition to the duties prescribed by law, the Clerk of the Supreme Court shall perform such duties as are required of him by the rules, orders, and practices of the court.

SEC. 63. Section 68890 of the Government Code is amended to read:

68890. The Supreme Court shall appoint the reporter of the decisions of the Supreme Court and of the courts of appeal and such other assistants as required. Each officer provided for

herein serves at the pleasure of the Supreme Court and, in addition to the duties prescribed by law, shall perform such duties as are required by the rules, orders, and practices of the Supreme Court.

SEC. 64. Section 68891 of the Government Code is amended to read:

68891. The annual salary of the reporter of the decisions of the Supreme Court and of the courts of appeal is nineteen thousand five hundred dollars ($19,500). The salaries of the assistants shall be established subject to approval of the Department of Finance as provided in Section 18004 of the Government Code. Each of the persons so appointed shall serve in full-time employment.

SEC. 65. Section 68895 of the Government Code is amended to read:

68895. Such opinions of the Supreme Court, of the courts of appeal, and of the appellate departments of the superior courts as the Supreme Court may deem expedient shall be published in the official reports. The reports shall be published under the general supervision of the Supreme Court.

SEC. 66. Section 68903 of the Government Code is amended to read:

68903. The Secretary of State may sell for official use only, at not less than cost, such copies of the bound volumes of the decisions of the Supreme Court and of the courts of appeal as have been purchased pursuant to Section 68901.

SEC. 67. Article 3.6 (commencing with Section 68920) of Chapter 3 of Title 8 of the Government Code is repealed.

SEC. 68. Section 68926 of the Government Code is amended to read:

68926. The fee for filing the record on appeal in a civil case appealed to a court of appeal is fifty dollars ($50) for each notice of appeal contained therein. The fee for filing a petition for a writ within the original civil jurisdiction of the Supreme Court or of a court of appeal is fifty dollars ($50). Such fees are in full for all services through the rendering of the judgment or the issuing of the remittitur or peremptory writ except the fee imposed by Section 68927.

SEC. 69. Section 68927 of the Government Code is amended to read:

68927. The fee for filing a petition for hearing in a civil case in the Supreme Court after decision in a court of appeal is twenty-five dollars ($25).

SEC. 70. Section 68928 of the Government Code is amended to read:

68928. The fee for copies of any record or document in the office of the Clerk of the Supreme Court or the clerk of a court of appeal is the prevailing commercial rate as determined by the clerk. The Supreme Court and each court of appeal may waive the charge for copies of opinions furnished to parties to the litigation and other interested persons.

SEC. 71. The heading of Chapter 4 (commencing with Section 69102) of Title 8 of the Government Code is amended to read:

CHAPTER 4. THE COURTS OF APPEAL

SEC. 72. Section 69102 of the Government Code is amended and renumbered to read:

69100. The state is divided into five court of appeal districts designated and constituted as follows:

(a) The Counties of San Francisco, Marin, Sonoma, Napa, Solano, Lake, Mendocino, Humboldt, Del Norte, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito shall constitute the First Appellate District.

(b) The Counties of San Luis Obispo, Santa Barbara, Ventura, and Los Angeles shall constitute the Second Appellate District.

(c) The Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Yolo, Placer, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Alpine, and Mono shall constitute the Third Appellate District.

(d) The Counties of Inyo, San Bernardino, Riverside, Orange, San Diego, and Imperial shall constitute the Fourth Appellate District.

(e) The Counties of Stanislaus, Tuolumne, Merced, Mariposa, Madera, Fresno, Kings, Tulare, and Kern shall constitute the Fifth Appellate District.

SEC. 73. Section 69102.5 of the Government Code is amended and renumbered to read:

69101. The Court of Appeal for the First Appellate District consists of four divisions having three judges each and shall hold its regular sessions at San Francisco.

SEC. 74. Section 69103 of the Government Code is amended and renumbered to read:

69102. The Court of Appeal for the Second Appellate District consists of five divisions having three judges each and shall hold its regular sessions at Los Angeles.

SEC. 75. Section 69103.5 of the Government Code is amended and renumbered to read:

69103. The Court of Appeal for the Third Appellate District consists of one division having three judges and shall hold its regular sessions at Sacramento.

SEC. 76. Section 69104 of the Government Code is amended to read:

69104. The Court of Appeal for the Fourth Appellate District consists of two divisions having three judges each. One division shall hold its regular sessions at San Diego and the other shall hold its regular sessions at San Bernardino.

SEC. 77. Section 69105 of the Government Code is amended to read:

69105. The Court of Appeal for the Fifth Appellate District consists of one division having three judges and shall hold its regular sessions at Fresno.

SEC. 78. Section 69107 of the Government Code is amended to read:

69107. Upon the creation of a new court of appeal district or division, the Governor shall appoint pursuant to subdivision (d) of Section 16 of Article VI of the Constitution three or more persons to serve as judges thereof as provided in the legislation creating the district or division. The judges of said district or division elected at the first general election at which they had the right to become candidates shall so classify themselves by lot that the term of office for at least one of them expires at the end of four years, at least one of them at the end of eight years, and at least one of them at the end of 12 years, and entry of such classification shall be made in the minutes of said district or division, signed by each of the judges thereof, and a duplicate thereof filed in the office of the Secretary of State.

SEC. 79. Section 69108 of the Government Code is repealed.

SEC. 80. Section 69110 of the Government Code is repealed.

SEC. 81. Section 69140 of the Government Code is amended to read:

69140. Each court of appeal shall appoint a clerk who serves at its pleasure. In addition to the duties prescribed by law, each clerk shall perform such duties as are required of him by the rules, orders, and practices of the appointing court. The officers provided for herein shall receive an annual salary as follows:

(a) Clerk of the First and Second Appellate Districts: eighteen thousand dollars ($18,000).

(b) Clerk of the Third, Fourth, and Fifth Appellate Districts: sixteen thousand five hundred dollars ($16,500).

SEC. 82. Section 69141 of the Government Code is amended to read:

69141. Each court of appeal may appoint and employ during its pleasure such phonographic reporters, assistants, secretaries, librarians, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Except as otherwise provided in this chapter, each such court may determine the duties and, subject to Section 18004 of the Government Code, fix and pay the compensation of all such officers and employees.

All salaries and expenses incurred under this section shall be paid from the funds appropriated for the use of such courts, when approved by order of the courts.

SEC. 83. Section 69142 of the Government Code is repealed.

SEC. 84. Section 69143 of the Government Code is amended to read:

69143. The clerk of each of the courts of appeal shall collect in advance the fees specified in Article 4 (commencing with Section 68926) of Chapter 3 of this title.

SEC. 85. Section 69154 of the Government Code is amended to read:

69154. All fees collected by the clerks of the courts of appeal shall be paid into the State Treasury to the credit of the General Fund. The provisions of Section 68846 relating to settlements by the Clerk of the Supreme Court are applicable to the clerks of the courts of appeal.

SEC. 86. Chapter 4.5 (commencing with Section 69300) of Title 8 of the Government Code is repealed.

SEC. 87. Section 69500 of the Government Code is repealed.

SEC. 88. Section 69500.1 of the Government Code is repealed.

SEC. 89. Section 69501 of the Government Code is repealed.

SEC. 90. Section 69508 of the Government Code is amended to read:

69508. The judges of each superior court having three or more judges, shall choose from their own number a presiding judge who serves as such at their pleasure. Subject to the rules of the Judicial Council, he shall distribute the business of the court among the judges, and prescribe the order of business.

SEC. 91. Section 69587 of the Government Code is repealed.

SEC. 92. Section 69597 of the Government Code is repealed

SEC. 93. Section 71141 of the Government Code is amended to read:

71141. Judges of the municipal court and justice court shall be elected at the general state election next preceding the expiration of the term for which the incumbent has been elected.

SEC. 94 Section 71142 of the Government Code is repealed.

SEC. 95. Section 71146 of the Government Code is repealed

SEC. 96. Section 72603 of the Government Code is repealed

SEC 97. Section 72631 of the Government Code is amended to read:

72631. The court coordinator shall make recommendations to the several presiding judges concerning the transfer of municipal court cases from one district to another under Section 402 of the Code of Civil Procedure and shall work in cooperation with the Judicial Council in arranging for the assignment of judges between districts under Section 6 of Article VI of the Constitution.

SEC. 98. Section 75002 of the Government Code is amended to read:

75002. "Judge" means a justice of the Supreme Court or of a court of appeal, or a judge of a superior court or municipal court. A judge or justice of any other court does not acquire status as a judge for the purposes of this chapter by reason of designation as a judge pro tempore of, or assignment by the Chairman of the Judicial Council to. any of the said courts.

SEC. 99. Section 75060 of the Government Code is amended to read:

75060. (a) Any judge who is unable to discharge efficiently the duties of his office by reason of mental or physical disability that is or is likely to become permanent may, with his consent and with the approval of the Governor or Acting Governor and the Chief Justice or Acting Chief Justice, be retired from office. The retirement shall be effective upon approval by the designated officers, except as provided in subdivision (b) of this section. A certificate evidencing such approval shall be filed with the Secretary of State. Upon the filing of the certificate, a successor shall be appointed to fill the vacancy.

(b) Any judge who dies after executing an application evidencing his consent and before the approval of both of the designated officers has been obtained shall be deemed to have retired on the date of his death if the designated officers, prior to the filling of the vacancy created by such judge's death, file with the Secretary of State their certificate of approval.

SEC. 100. Section 75083 of the Government Code is amended to read:

75083. Any judge retired pursuant to this chapter who is appointed by the Supreme Court or any court of appeal, or division thereof, to act as referee in any proceeding pending before any such court, shall be paid while so acting, in addition to his retirement allowance (taken without reduction on account of any election pursuant to Article 3.5 (commencing at Section 75070) of this chapter) the difference, if any, between such retirement allowance and the compensation of a judge of the court from which he retired.

When appointed to act as referee in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of such appointment.

Such extra compensation and expenses, if any, shall be chargeable to the state.

SEC. 101. Section 75101 of the Government Code is amended to read:

75101. The State Controller shall at the end of each month ascertain the aggregate amount of the annual salaries of all positions established by law as justices of the Supreme Court and of the courts of appeal and judges of the superior courts and municipal courts, and out of the State General Fund he shall transfer monthly commencing with the salaries for the month of July 1964 into the Judges' Retirement Fund a sum equal to 8 percent of one-twelfth of the aggregate amount of such salaries.

SEC. 102. Section 75102 of the Government Code is amended to read:

75102. The State Controller shall at the end of each month commencing with the salary for the month of July 1964 deduct 8 percent from the monthly salary of each Justice of the Supreme Court and of the courts of appeal and of the portion

paid by the state of the monthly salary of each judge of the superior court and shall cause this amount to be paid into the Judges' Retirement Fund.

SEC. 103. Section 5950 of the Labor Code is amended to read:

5950. Any person affected by an order, decision, or award of the appeals board may, within the time limit specified in this section, apply to the Supreme Court or to the court of appeal for the appellate district in which he resides, for a writ of review, for the purpose of inquiring into and determining the lawfulness of the original order, decision, or award or of the order, decision, or award following reconsideration. The application for writ of review must be made within 30 days after a petition for reconsideration is denied, or, if a petition is granted or reconsideration is had on the appeal board's own motion, within 30 days after the filing of the order, decision, or award following reconsideration.

SEC. 104. Section 5955 of the Labor Code is amended to read:

5955. No court of this state, except the Supreme Court and the courts of appeal to the extent herein specified, has jurisdiction to review, reverse, correct, or annul any order, rule, decision, or award of the appeals board, or to suspend or delay the operation or execution thereof, or to restrain, enjoin, or interfere with the appeals board in the performance of its duties but a writ of mandate shall lie from the Supreme Court or a court of appeal in all proper cases.

SEC. 105. Section 6600 of the Labor Code is amended to read:

6600. All orders, rules, regulations, findings and decisions of the division made or entered under this part may be reviewed by the Supreme Court and the courts of appeal within the time and in the manner specified in this chapter.

SEC. 106. Section 395.3 of the Military and Veterans Code is amended to read:

395.3. In the event that any public officer or employee has resigned or resigns his office or employment to serve or to continue to serve in the armed forces of the United States or in the armed forces of this state, he shall have a right to return to and reenter the office or employment prior to the time at which his term of office or his employment would have ended if he had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no authorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of his active service with the armed forces; provided, that such right to return and reenter upon the office or position shall not extend to or be granted to such public officer or employee, who shall fail to return to and reenter upon his office or position within 12 months after the first date upon which he could terminate or could cause to

have terminated his active service with the armed forces of the United States or of the militia of this state.

As used in this section, "public officers and employees" includes all of the following:

(a) Members of the Senate and of the Assembly.

(b) Justices of the Supreme Court and the courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.

(c) All other state officers and employees, whether or not within the state civil service, including all officers for whose selection and term of office provision is made in the Constitution and laws of this state.

(d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this state.

The right of reentry into public office or employment provided for in this section shall include the right to be restored to such civil service status as the officer or employee would have if he had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such officer or employee of his right to restoration as provided for herein.

This section shall be retroactively applied to extend the right of reentry into public office or employment to public officers and employees who resigned prior to its effective date.

This section does not apply to any public officer or employee to whom the right to reenter public office or employment after service in the armed forces has been granted by any other provision of law.

If any provision of this section, or the application of this section to any person or circumstance, is held invalid, the remainder of this section, or the application of this section to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 107. Section 808 of the Penal Code is amended to read:

808 The following persons are magistrates:

1. The judges of the Supreme Court.
2. The judges of the courts of appeal.
3. The judges of the superior courts.
4. The judges of the municipal courts.
5. The judges of the justice courts

SEC 108. Section 1241 of the Penal Code is amended to read:

1241. In any case in which counsel has been appointed by the Supreme Court or by a court of appeal to represent a party to any appeal or proceeding in a criminal matter, such counsel shall receive a reasonable sum for compensation and necessary expenses, the amount of which shall be determined by the court and paid from any funds appropriated for that purpose. Claim for the payment of such compensation and expenses shall be made on a form prescribed by the Judicial

Council and presented by counsel to the clerk of the appointing court. After the court has made its order fixing the amount to be paid the clerk shall transmit a copy of the order to the State Controller who shall draw his warrant in payment thereof and transmit it to the payee.

SEC. 109. Section 1243 of the Penal Code is amended to read:

1243. An appeal to the Supreme Court or to a court of appeal from a judgment of conviction stays the execution of the judgment in all cases where sentence of death has been imposed, but does not stay the execution of the judgment or order granting probation in any other case unless the trial or appellate court shall so order. The granting or refusal of such order shall rest in the discretion of the court. If such order is made, the clerk of the court shall issue a certificate stating that such order has been made.

SEC. 110. Section 1265 of the Penal Code is amended to read:

1265. After the certificate of the judgment has been remitted to the court below, the appellate court has no further jurisdiction of the appeal or of the proceedings thereon, and all orders necessary to carry the judgment into effect must be made by the court to which the certificate is remitted; provided, however, that if a judgment has been affirmed on appeal no motion shall be made or proceeding in the nature of a petition for a writ of error coram nobis shall be brought to procure the vacation of said judgment, except in the court which affirmed the judgment on appeal. When a judgment is affirmed by a court of appeal and a hearing is not granted by the Supreme Court, the application for the writ shall be made to the court of appeal.

SEC. 111. Section 1471 of the Penal Code is amended to read:

1471. A court of appeal may order any case on appeal within the original jurisdiction of the municipal and justice courts in its district transferred to it for hearing and decision as provided by rules of the Judicial Council when the superior court certifies, or the court of appeal determines, that such transfer appears necessary to secure uniformity of decision or to settle important questions of law.

No case in which there is a right on appeal to a trial anew in the superior court shall be transferred pursuant to this section before a decision in such case becomes final therein.

A court to which any such case is transferred shall have similar power to review any matter and make orders and judgments as the superior court by statute would have in such case, except as otherwise expressly provided and except that if the case was tried anew in the superior court, the reviewing court shall have similar power to review any matter and make orders and judgments as it has by statute in a case within the original jurisdiction of the superior court.

SEC. 112. Section 1475 of the Penal Code is amended to read:

1475. The writ of habeas corpus may be granted in the manner provided by law. If the writ has been granted by any court or a judge thereof and after the hearing thereof the prisoner has been remanded, he shall not be discharged from custody by the same or any other court of like general jurisdiction, or by a judge of the same or any other court of like general jurisdiction, unless upon some ground not existing in fact at the issuing of the prior writ. Should the prisoner desire to urge some point of law not raised in the petition for or at the hearing upon the return of the prior writ, then, in case such prior writ had been returned or returnable before a superior court or a judge thereof, no writ can be issued upon a second or other application except by the appropriate court of appeal or some judge thereof, or by the Supreme Court or some judge thereof, and in such an event such writ must not be made returnable before any superior court or any judge thereof. In the event, however, that the prior writ was returned or made returnable before a court of appeal or any judge thereof, no writ can be issued upon a second or other application except by the Supreme Court or some judge thereof, and such writ must be made returnable before said Supreme Court or some judge thereof.

Every application for a writ of habeas corpus must be verified, and shall state whether any prior application or applications have been made for a writ in regard to the same detention or restraint complained of in the application, and if any such prior application or applications have been made the later application must contain a brief statement of all proceedings had therein, or in any of them, to and including the final order or orders made therein, or in any of them, on appeal or otherwise.

Whenever the person applying for a writ of habeas corpus is held in custody or restraint by any officer of any court of this state or any political subdivision thereof, or by any peace officer of this state, or any political subdivision thereof, a copy of the application for such writ must in all cases be served upon the district attorney of the county wherein such person is held in custody or restraint at least 24 hours before the time at which said writ is made returnable and no application for such writ can be heard without proof of such service in cases where such service is required.

If such person is in custody for violation of an ordinance of a city which has a city attorney, a copy of the application for the writ must also be served on the city attorney of the city whose ordinance is the basis for the charge at least 24 hours before the time at which the writ is made returnable, provided that failure to serve such city attorney shall not deprive the court of jurisdiction to hear the application.

SEC. 113. Section 1506 of the Penal Code is amended to read:

1506. An appeal may be taken to the court of appeal by the people from a final order of a superior court made upon the return of a writ of habeas corpus discharging a defendant or otherwise granting all or any part of the relief sought, in all criminal cases, excepting criminal cases where judgment of death has been rendered, and in such cases to the Supreme Court; and in all criminal cases where an application for a writ of habeas corpus has been heard and determined in a court of appeal, either the defendant or the people may apply for a hearing in the Supreme Court. Such appeal shall be taken and such application for hearing in the Supreme Court shall be made in accordance with rules to be laid down by the Judicial Council. If the people appeal, or petition for hearing in either the court of appeal or the Supreme Court, the defendant shall not be discharged from custody pending final decision upon the appeal or petition for hearing and he must, in any case in which a judgment of conviction has become final, be retaken into custody if he has been discharged; provided, however, that in bailable cases the defendant may be admitted to bail, in the discretion of the judge, pending decision of the appeal or petition for hearing. If the order grants relief other than a discharge from custody, the trial court or the court in which the appeal or petition for hearing is pending may, upon application by the people, in its discretion, and upon such conditions as it deems just stay the execution of the order pending final determination of the matter.

SEC. 114. Section 1507 of the Penal Code is amended to read:

1507. Where an application for a writ of habeas corpus has been made by or on behalf of any person other than a defendant in a criminal case, an appeal may be taken to the court of appeal from a final order of a superior court granting all or any part of the relief sought; and where such application has been heard and determined in a court of appeal, either on an application filed in that court or on appeal from a superior court, and all or any part of the relief sought has been granted, an application may be made for a hearing in the Supreme Court. Such appeal shall be taken and such application for hearing in the Supreme Court shall be made in accordance with rules to be laid down by the Judicial Council. The court which made the order granting relief or the court in which the appeal or petition for hearing is pending may, in its discretion, and upon such conditions as it deems just stay the execution of the order pending final determination of the matter.

SEC. 115. Section 1552.2 of the Penal Code is amended to read:

1552.2. If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond, or undertaking, a magistrate may discharge him or may recommit him for a further period of 60 days. In

the latter event a justice of the Supreme Court or court of appeal or a judge of the superior court may again take bail for his appearance and surrender, as provided in Section 1552.1 but within a period not to exceed 60 days after the date of such new bond or undertaking.

SEC. 116. Section 4112 of the Penal Code is amended to read:

4112. When land has been acquired and such buildings and structures erected and improvements made as may be immediately necessary for the carrying out of the purposes of this article or arrangements have been made for an industrial road camp or camps, the board of supervisors shall adopt a resolution proclaiming that an industrial farm or road camp has been established in the county and designating a day on and after which persons will be admitted to such farm or camp. Certified copies of the resolution shall be forwarded by the clerk of the board of supervisors to each municipal court judge and each justice court judge in the county.

SEC. 117. Section 4113 of the Penal Code is repealed.

SEC. 118. Section 1240 of the Probate Code is amended to read:

1240. An appeal may be taken from an order granting or revoking letters testamentary or of administration; admitting a will to probate or revoking the probate thereof; setting aside an estate claimed not to exceed two thousand five hundred dollars in value; setting apart property as a homestead or claimed to be exempt from execution; confirming a report of an appraiser or appraisers in setting apart a homestead; granting or modifying a family allowance; directing or authorizing the sale or conveyance or confirming the sale of property; settling an account of an executor or administrator or trustee, or instructing or appointing a trustee; instructing or directing an executor or administrator; directing or allowing the payment of a debt, claim, legacy or attorney's fee; determining heirship or the persons to whom distribution should be made or trust property should pass; distributing property; refusing to make any order heretofore mentioned in this section; or fixing an inheritance tax or determining that none is due.

SEC. 119. Section 1630 of the Probate Code is amended to read:

1630. An appeal may be taken from an order granting or revoking letters of guardianship; settling an account of a guardian; instructing or directing a guardian; or refusing to make any order heretofore mentioned in this section.

SEC. 120. Section 2101 of the Probate Code is amended to read:

2101. An appeal may be taken from any judgment, order or decree authorized in this division, except from an order appointing a temporary conservator under Chapter 11 of this division.

CHAPTER 18

An act to amend Section 56 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to district indebtedness, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1967. Filed with Secretary of State March 28, 1967.]

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

SECTION 1. Section 56 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 56. The board of directors shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purposes of organization, formation expenses, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of seventy-five thousand dollars ($75,000), and may cause warrants of the district to issue therefor, bearing interest at 7 percent per annum.

SEC. 1.5. The amendments to Section 56 of Chapter 238 of the Statutes of 1903 by this act shall be operative until July 1, 1968. Thereafter Section 56 of Chapter 238 of the Statutes of 1903 as enacted shall be operative.

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

The Tulare Lake Drainage District, formed pursuant to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), was formed in order to alleviate an acute drainage problem existing in the San Joaquin Valley. Since the reclaimed lands serviced by the district form a basin, there are no natural outlets to facilitate the removal of salt-laden drainage waters. Vertical percolation is retarded by stratified clays to further aggravate the problem. As a result of these conditions, portions of the area have a high water table laden with sodium and there is a general lack of a salt balance. The district will not receive any tax moneys until the latter part of 1967. In order to ensure that such lands remain in production it is necessary that this act take effect immediately so that the district will have authority to finance its expenses prior to the receipt of tax moneys and proceed with its drainage project.

CHAPTER 19

An act to repeal Section 9 of, and to add Section 9 to, the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1967. Filed with Secretary of State March 28, 1967.]

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

SECTION 1. Section 9 of the Orange County Water District Act (Ch. 924, Stats. 1933) is repealed.

SEC. 2. Section 9 is added to the Orange County Water District Act (Ch. 924, Stats. 1933), to read:

Sec. 9. Directors, other than directors representing Divisions 8, 9 and 10, shall be elected by the division each represents. Directors representing Divisions 8, 9 and 10 shall be appointed as provided elsewhere in this act.

The boundaries of the respective divisions, for the purpose of nomination and election of directors, as provided in this section, shall be the boundaries of said divisions as they shall exist on the ninetieth day preceding the date of election.

The provisions of the Elections Code relating to the qualifications of electors, so far as they may be applicable, shall govern all district elections, except that:

(a) To the extent the provisions of the Elections Code pertaining to the qualifications of voters at local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control.

(b) Inconsistent provisions of this act shall control over any provisions of the Elections Code, except the Uniform District Election Law.

The election for directors shall be conducted in accordance with and shall be governed by the provisions of the Uniform District Election Law.

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

Since the effective date of a general law is uncertain because of the uncertain duration of the 1967 Regular Session of the Legislature, it is necessary that this act take effect immediately so that the 1967 district election may be conducted in accordance with its provisions.

CHAPTER 20

An act relating to payments for care under the California Medical Assistance Program and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 30, 1967. Filed with Secretary of State March 30, 1967.]

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

SECTION 1. Expenditures made on or before May 1, 1967, by counties under Section 14150.1 of the Welfare and Institutions Code for persons who are neither categorical aid recipients nor certified medically indigent persons as enumerated in the first paragraph of Section 14150 of the Welfare and Institutions Code are not subject to the provisions of the first paragraph of Section 14150 of the Welfare and Institutions Code.

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

In order that the California Medical Assistance Program be permitted to operate at its present level, as contemplated by the Legislature, it is essential that this act take effect immediately.

CHAPTER 21

An act making an appropriation to the Emergency Fund in augmentation of Item 316, Budget Act of 1966.

[Approved by Governor March 31, 1967. Filed with Secretary of State March 31, 1967.]

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

SECTION 1. The sum of seven million five hundred thirty-five thousand three hundred and forty dollars ($7,535,340) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 316, Budget Act of 1966.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 22

An act to repeal Sections 818, 818.1, and 818.2 of, and to add Sections 818, 818.1, and 818.2 to, the Agricultural Code, and to repeal Article 1 (commencing with Section 50001) of

Chapter 32 of Division 17 of, and to add Article 1 (commencing with Section 50001) to Chapter 32 of Division 17 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to potato grades and standards, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1967. Filed with Secretary of State April 5, 1967.]

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

SECTION 1. Section 818 of the Agricultural Code is repealed.

SEC. 2. Section 818 is added to the Agricultural Code, to read:

818. Potatoes shall consist of one variety or similar varietal characteristics which are not seriously misshapen or frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown and free from serious damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, shriveling, scab, dry rot, rhizoctonia, insects, larvae, worms, other disease, or mechanical or other means.

Unless otherwise specified, the diameter of each potato shall not be less than 1½ inches.

Potatoes shall be mature. Potatoes in containers labeled U.S. Fancy, U.S. No. 1, other grade markings, or in containers without grade markings, except U.S. No. 2, shall be considered mature when: during the period of May 1 of each calendar year through March 31 of the following calendar year, not more than 25 percent of the potatoes in any one container or bulk lot have more than one-fourth of the skin missing or feathered. No one container shall have more than twice the tolerance specified for maturity, provided that the average for the entire lot is within tolerance. During the period of April 1 through April 30 of each year, no maturity requirements are in effect, except for the general maturity requirements in Section 781.

Containers of potatoes bearing U.S. No. 2 grade markings, shall only be required to be mature as defined in Section 781.

In order to allow for variations, other than size and maturity requirements, incident to proper grading and handling, not more than a total of 11 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this section: provided, that included in this amount not more than the following percentages shall be allowed for the defects listed: (1) 6 percent for potatoes having external defects; and (2) 5 percent for potatoes which are seriously damaged by hollow heart, internal discoloration or other internal defects; and provided further, that included in the above tolerances for external and internal defects, not more than 3 percent shall be allowed for potatoes which are frozen or affected by southern bacterial

wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

Not more than 3 percent of the potatoes in any lot may fail to meet the specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2¼ inches or more in diameter or 6 ounces or more in weight. In addition, not more than 10 percent may fail to meet any specified maximum size.

When a number of potatoes per package is specified, the number in individual packages shall not vary more than 5 percent from the number specified.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations; provided, that the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 15 pounds, when a tolerance of 10 percent or more is provided, individual packages in the lot shall have not more than 1½ times the tolerance specified, and when a tolerance of less than 10 percent is provided, individual packages in the lot shall have not more than double the tolerance specified, except that for potatoes which are frozen or affected by soft rot or wet breakdown, en route or at destination, not more than one-tenth of the packages may contain not more than four times the tolerance specified, and except that at least one defective and one off-size potato may be permitted in any package; and

(2) For packages which contain 15 pounds or less, individual packages in the lot are not restricted as to the percentage of defects and off-size; provided, that not more than one-tenth of the packages may have more than one potato which is frozen or affected by soft rot or wet breakdown.

"Diameter" means the greatest dimension at right angles to the longitudinal axis.

"Seriously misshapen" means that the individual potato is seriously pointed, dumbbell shaped, or otherwise badly deformed.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt or other foreign matter when the individual potato is badly caked with dirt or badly stained, or when an excessive amount of loose dirt or other foreign matter is present in the container;

(b) Sunburn when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more

than 10 percent of the total weight of the potato including peel covering the affected area;

(c) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is seriously affected by yellowish or greenish surface discoloration or when such discoloration extends into the flesh of the potato and cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area;

(d) Second growth which seriously affects the appearance of the individual potato;

(e) Growth cracks which seriously affect the appearance of the individual potato;

(f) Air cracks which seriously affect the appearance;

(g) Hollow heart which seriously affects the internal appearance of the potato cut longitudinally;

(h) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there is more than the equivalent of six scattered light brown spots one-eighth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long-type potato six ounces in weight, or correspondingly lesser or greater number of spots on smaller or larger potatoes;

(i) External discoloration when the appearance of the potato is seriously affected;

(j) Shriveling when the potato is excessively shriveled, spongy or flabby;

(k) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds 50 percent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds 25 percent of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering the defective area, or when russet scab seriously affects the appearance of the potato;

(*l*) Rhizoctonia when the appearance of the potato is seriously affected, or when the surface is badly caked with black scurf;

(m) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass roots or similar injury in a round or intermediate type potato 2½ inches in diameter, or in a long-type potato six ounces in weight, is more than 1½ inches long, or when the aggregate length of all holes in such potatoes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger potatoes, or when other types of injury seriously affect the ap-

pearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area; and

(n) Mechanical or other means when a fairly smooth cut such as is made by a knife to remove injury occurs on both ends of the potato; provided, that such a cut shall be permitted on one end of the potato if the length of the remaining portion of the clipped potato is more than 1½ times the greatest diameter of the cut and that the remaining portion of a clipped long-type potato weighs at least six ounces; or when other cuts, shatter bruises or other bruises, punctures, or other injuries seriously affect the appearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area.

SEC. 3. Section 818.1 of the Agricultural Code is repealed.

SEC. 4. Section 818.1 is added to the Agricultural Code, to read:

818.1. Potatoes for seed purposes, unless certified under the provisions of Article 4 (commencing with Section 961) of Chapter 5 of Division 5 of this code, shall comply with all of the requirements of this chapter relating to potatoes. Potatoes for use within this state for seed purposes, which fail to conform to the standards prescribed by Section 818 only by reason of serious damage due to greening and green ends, are as to such damage exempt from such standards when conspicuously marked and identified for seed purposes, or when bearing a notice accompanied by an order directing the disposition of the potatoes for seed purposes only. The notice and order herein provided shall have the same force and effect as the warning notice and disposal order provided in Section 830.1, and shall be subject to all the provisions of this chapter relating thereto.

SEC. 5. Section 818.2 of the Agricultural Code is repealed.

SEC. 6. Section 818.2 is added to the Agricultural Code, to read:

818.2. All containers of potatoes holding 10 pounds or more when full shall bear upon them in plain sight and plain letters the name of the person who authorized the packing of the potatoes or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

Nothing in this chapter shall be construed to prohibit any person from transporting out of the state, potatoes for processing which fail to comply with the maturity requirements of this chapter, providing the potatoes are in bins or bulk loads of more than 100 pounds. Containers of 100 pounds or less may be used provided there shall be stenciled or imprinted upon them in three-inch letters the words "Processing potatoes." No container of processing potatoes shall be transported out of the state bearing any false or misleading statements.

Nothing in this chapter shall be construed to prohibit any person from transporting within the state potatoes for process-

ing which fail to comply only with the maturity or marking requirements of this chapter, providing the potatoes are in bins or bulk loads of more than 100 pounds. Containers of 100 pounds or less may be used provided there shall be stenciled or imprinted upon them in three-inch letters the words "Processing potatoes". These exemptions are in addition to Section 830 where substandard potatoes are allowed to be transported under a permit or disposal order. No container of processing potatoes shall be transported within the state bearing any false or misleading statements without a disposal order accompanying the shipment.

Containers of potatoes shall not bear any marking, brand or designation of quality such as "extra selected," "selected," "select," "extra fancy," "fancy," "choice," "No. 1," or other similar superlative designations which imply a reasonably high quality, unless the contents of the container conform at least to the requirements of the U.S. No. 1 grade established for potatoes by the United States Department of Agriculture.

SEC. 7. Article 1 (commencing with Section 50001) of Chapter 32 of Division 17 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 8. Article 1 (commencing with Section 50001) is added to Chapter 32 of Division 17 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

Article 1. Standards Generally

50001. Potatoes shall consist of one variety or similar varietal characteristics which are not seriously misshapen or frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown and free from serious damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, shriveling, scab, dry rot, rhizoctonia, insects, larvae, worms, other disease, or mechanical or other means.

50002. Unless otherwise specified, the diameter of each potato shall not be less than 1½ inches.

50002.5. Potatoes shall be mature. Potatoes in containers labeled U.S. Fancy, U.S. No. 1, other grade markings, or in containers without any grade markings, except U.S. No. 2, shall be considered mature when: during the period of May 1 of each calendar year through March 31 of the following calendar year, not more than 25 percent of the potatoes in any one container or bulk lot have more than one-fourth of the skin missing or feathered. No one container shall have more than twice the tolerance specified for maturity, provided that the average for the entire lot is within tolerance. During the period of April 1 through April 30 of each year, no maturity requirements are in effect, except for the general maturity requirements in Section 42513.

Containers of potatoes bearing U.S. No. 2 grade markings shall only be required to be mature as defined in Section 42513.

50003. In order to allow for variations, other than size and maturity requirements, incident to proper grading and handling, not more than a total of 11 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this chapter; provided, that included in this amount not more than the following percentages shall be allowed for the defects listed: (a) 6 percent for potatoes having external defects; and (b) 5 percent for potatoes which are seriously damaged by hollow heart, internal discoloration or other internal defects; and provided further, that included in the above tolerances for external and internal defects, not more than 3 percent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

50004. Not more than 3 percent of the potatoes in any lot may fail to meet the specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of $2\frac{1}{4}$ inches or more in diameter or 6 ounces or more in weight. In addition, not more than 10 percent may fail to meet any specified maximum size.

50005. When a number of potatoes per package is specified, the number in individual packages shall not vary more than 5 percent from the number specified.

50006. The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations; provided, that the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 15 pounds, when a tolerance of 10 percent or more is provided, individual packages in the lot shall have not more than $1\frac{1}{2}$ times the tolerance specified, and when a tolerance of less than 10 percent is provided, individual packages in the lot shall have not more than double the tolerance specified, except that for potatoes which are frozen or affected by soft rot or wet breakdown, en route or at destination, not more than one-tenth of the packages may contain not more than four times the tolerance specified, and except that at least one defective and one off-size potato may be permitted in any package; and

(b) For packages which contain 15 pounds or less, individual packages in the lot are not restricted as to the percentage of defects and off-size; provided, that not more than one-tenth of the packages may have more than one potato which is frozen or affected by soft rot or wet breakdown.

50007. "Diameter" as used in this chapter means the greatest dimension at right angles to the longitudinal axis.

50008. "Seriously misshapen" as used in this chapter means that the individual potato is seriously pointed, dumbbell shaped, or otherwise badly deformed.

50009. "Serious damage," as used in this chapter, unless otherwise specifically defined in this section, means any defect which seriously affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt or other foreign matter when the individual potato is badly caked with dirt or badly stained, or when an excessive amount of loose dirt or other foreign matter is present in the container;

(b) Sunburn when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the affected area;

(c) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is seriously affected by yellowish or greenish surface discoloration or when such discoloration extends into the flesh of the potato and cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area;

(d) Second growth which seriously affects the appearance of the individual potato;

(e) Growth cracks which seriously affect the appearance of the individual potato;

(f) Air cracks which seriously affect the appearance;

(g) Hollow heart which seriously affects the internal appearance of the potato cut longitudinally;

(h) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there is more than the equivalent of six scattered light brown spots one-eighth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long-type potato six ounces in weight, or correspondingly lesser or greater number of spots on smaller or larger potatoes;

(i) External discoloration when the appearance of the potato is seriously affected;

(j) Shriveling when the potato is excessively shriveled, spongy or flabby;

(k) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds 50 percent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds 25 percent of the surface; when

pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering the defective area, or when russet scab seriously affects the appearance of the potato;

(*l*) Rhizoctonia when the appearance of the potato is seriously affected, or when the surface is badly caked with black scurf;

(m) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass roots or similar injury in a round or intermediate type potato 2½ inches in diameter, or in a long-type potato six ounces in weight, is more than 1½ inches long, or when the aggregate length of all holes in such potatoes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger potatoes, or when other types of injury seriously affect the appearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area; and

(n) Mechanical or other means when a fairly smooth cut such as is made by a knife to remove injury occurs on both ends of the potato; provided, that such a cut shall be permitted on one end of the potato if the length of the remaining portion of the clipped potato is more than 1½ times the greatest diameter of the cut and that the remaining portion of a clipped long-type potato weighs at least six ounces; or when other cuts, shatter bruises or other bruises, punctures, or other injuries seriously affect the appearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area.

50010. All containers of potatoes holding 10 pounds or more when full shall bear upon them in plain sight and plain letters the name of the person who authorized the packing of the potatoes or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

50011. Nothing in this chapter shall be construed to prohibit any person from transporting out of the state, potatoes for processing which fail to comply with the maturity requirements of this chapter, providing the potatoes are in bins or bulk loads of more than 100 pounds. Containers of 100 pounds or less may be used provided there shall be stenciled or imprinted upon them in three-inch letters the words "Processing potatoes." No container of processing potatoes shall be transported out of the state bearing any false or misleading statements.

50012. Nothing in this chapter shall be construed to prohibit any person from transporting within the state potatoes for processing which fail to comply only with the maturity or marking requirements of this chapter, providing the potatoes are in bins or bulk loads of more than 100 pounds. Containers of 100 pounds or less may be used provided there shall be

stenciled or imprinted upon them in three-inch letters the words "Processing potatoes." These exemptions are in addition to Section 42881 where substandard potatoes are allowed to be transported under a permit or disposal order. No container of processing potatoes shall be transported within the state bearing any false or misleading statements without a disposal order accompanying the shipment.

50013. Containers of potatoes shall not bear any marking, brand or designation of quality such as "extra selected," "selected," "select," "extra fancy," "fancy," "choice," "No. 1," or other similar superlative designations which imply a reasonably high quality, unless the contents of the container conform at least to the requirements of the U.S. No. 1 grade established for potatoes by the United States Department of Agriculture.

SEC. 9. Sections 7 and 8 of this act shall become operative only if the Agricultural Code as proposed by Senate Bill No. 1 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 1 takes effect; at which time Sections 818. 818.1 and 818.2 of the Agricultural Code of 1933 as added by Sections 2, 4, and 6 of this act are repealed.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This statute will assure that a higher quality product will be available to the consumer and will assist the California agriculture industry to obtain a fair share of the fresh potato market in this state and therefore shall take effect immediately.

CHAPTER 23

An act authorizing the transfer of real property of the state.

[Approved by Governor April 5, 1967. Filed with Secretary of State April 5, 1967.]

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

SECTION 1. The Department of General Services shall transfer to the Trustees of the California State Colleges, to be used solely for the educational needs of the San Fernando Valley State College, that parcel consisting of approximately 24 acres of real property being part of the property of the former 51st District Agricultural Association transferred to the Department of General Services and being more particularly described as follows:

Approximately 24 acres in the County of Los Angeles, being that portion of the former site of the 51st District Agricul-

tural Association which lies north of a line drawn 880 feet south of and parallel to the centerline of Devonshire Street.

In making the transfer authorized by this act the Department of General Services shall expressly reserve all deposits of minerals, including oil and gas, in the lands, and all revenues therefrom shall be deposited in the General Fund.

CHAPTER 24

An act to add Section 262.1 to the Revenue and Taxation Code, relating to property tax exemptions and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 5, 1967. Filed with Secretary of State April 5, 1967.]

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

SECTION 1. Section 262.1 is added to the Revenue and Taxation Code, to read:

262.1. Any tax or penalty, or interest thereon for any fiscal year commencing during the calendar year 1966 on property owned by any organization qualified for the church exemption pursuant to Sections 206 and 206.1 which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the church exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made notwithstanding any limitation upon the time within which such cancellation or refund could otherwise be made.

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

Some organizations qualified for the church exemption pursuant to Sections 206 and 206.1 purchased property during the 1966 calendar year, after the lien date for that year, which property was taxed for the fiscal year 1966–67 although it would have been exempt from taxation for that year by reason of the church exemption had it been acquired prior to such lien date. If required to meet such tax obligation, the ability of such organizations to function effectively will be seriously

impaired to the great detriment of our state. This act will remedy that situation, and in so doing, the public policy of the state for the exemption of property owned by religious organizations, as expressed in Section 1½ of Article XIII of the Constitution, will be subserved and the state as a whole will benefit.

CHAPTER 25

An act to amend Sections 461, 5004, 5763, 7578, 7602, 11904, and 12857 of, and to repeal Sections 5635 and 12532 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to agricultural pests and their eradication.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. Section 461 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

461. The department may conduct surveys or investigations of any nursery, orchard, vineyard, agricultural commodity, agricultural appliance, farm, or other premises within the state liable to be infested or infected with any pest as defined in Section 5006 or disease, including any infectious, transmissible, and contagious diseases of livestock and poultry, for the purpose of detecting the presence of, or determining the status of, the pest or disease.

SEC. 2. Section 5004 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

5004. "Noxious weed" means any species of plant which is, or is liable to be, detrimental or destructive and difficult to control or eradicate. It includes all species of primary noxious weeds and secondary noxious weeds which are listed in Sections 52257 and 52258, and such other species of plants established by regulation of the director, after investigation and hearing to be noxious weeds.

SEC. 4. Section 5635 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 5. Section 5763 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

5763. The director, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

SEC. 6. Section 7578 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

7578. Upon judgment and by order of the court, the lot which is a nuisance shall be handled in one of the following ways:

(a) Condemned and destroyed in the manner directed by the court.

(b) Denatured or otherwise processed to render the seed of any pest incapable of reproduction.

(c) Released upon such conditions as the court may impose to insure that the nuisance will be abated.

SEC. 7. Section 7602 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

7602. Upon application by the owner for such permit or if the commissioner deems it necessary to determine that the cleaner is free from the seed of any pest, the commissioner may cause an inspection to be made of the cleaner of each permittee.

SEC. 8. Section 11904 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

11904. The certificate of qualification which is issued to a successful candidate shall disclose in which of the following three general classes of pest control operations he is qualified:

(a) The use of herbicides and defoliants.

(b) The use of dust pesticides other than herbicides and defoliants.

(c) The use of liquid pesticides other than herbicides and defoliants.

SEC. 9. Section 12857 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

12857. The director may, pursuant to regulations prescribed by him, authorize sales of economic poisons to be made out of a registrant's opened but properly labeled lot, container, or package. The director shall serve notice of his proposed action by depositing a copy of it in a United States post office, inclosed in a sealed envelope with postage prepaid and addressed to each economic poisons registrant at his last address on file with the department. He shall allow 15 days during which time any protest may be filed.

SEC. 10. Section 12532 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 11. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 26

An act to add Section 39 to and to amend Sections 434, 2201, 5102, 7577, 7581, 12643, 12647, 14708, 14712, 27805, 27809, 42791, 42794, 42852, 52282, 52361, 52391, 53562, and 53564 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to agriculture.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. Section 39 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

39. "Qualified representative of the commissioner" means a deputy commissioner or inspector who holds an appropriate certificate of qualification issued by the director as provided in Chapter 2 (commencing with Section 2101) of Division 2 of this code.

SEC. 2. Section 434 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

434. The department shall issue and cause to be printed and distributed to the commissioners, and to such other persons as it may deem proper, bulletins, charts, photographs or other illustrative material or statements which contain all the information which is best adapted to advance the interest, business, and development of agriculture in the state. The department may broadcast such portions of the illustrative material or statements as are adapted to give effect to this code. It may exhibit or display such data and material as have been collected or prepared, and may incur expenses which are necessarily incidental to the exhibit or display of such data and material.

SEC. 3. Section 2201 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

2201. The compensation provided for a commissioner, deputy commissioner, county agricultural inspector, or clerk who is employed by the year or by the month shall be paid out of the county treasury in the same manner and at the same time as county officers are paid. A commissioner and each deputy commissioner or inspector is entitled to receive his traveling and incidental expenses which are necessarily incurred in the performance of his duty. Such expenses and all compensation which is earned by a commissioner, deputy commissioner, inspector, or clerk who is not employed by the year or by the month are a county charge. The board of supervisors shall allow and pay them in the same manner as other claims are allowed and paid.

SEC. 4. Section 5102 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

5102. Each commissioner and each qualified representative of the commissioner is a state plant quarantine officer for the following purposes:

(a) Certifying to the pest condition or pest treatment of shipments, if certification as a condition of movement or entry is officially required.

(b) Enforcing laws and regulations which relate to plant quarantine.

SEC. 5. Section 7577 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

7577. The district attorney of the county in which the nuisance is found, at the request of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance.

SEC. 6. Section 7581 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

7581. In actions which arise pursuant to this article:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to five thousand dollars ($5,000) or less.

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

SEC. 7. Section 12643 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

12643. The district attorney of the county in which the nuisance is found, at the request of the director, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent the nuisance.

SEC. 8. Section 12647 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

12647. In actions which arise pursuant to this article:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to five thousand dollars ($5,000) or less.

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

SEC. 9. Section 14708 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14708. The district attorney of the county in which the nuisance is found, at the request of the director, shall maintain in the name of the people of the State of California a civil action to abate and prevent the nuisance.

SEC. 10. Section 14712 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14712. In actions arising, pursuant to this article, the following courts shall have original jurisdiction:

(a) Municipal courts, where the value of the property seized amounts to five thousand dollars ($5,000) or less.

(b) Justice courts, where the value amounts to five hundred dollars ($500) or less.

SEC. 11. Section 27805 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27805. The district attorney of the county in which the eggs and their containers which are a public nuisance are found, at the request of the director or of any enforcement officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent the public nuisance.

SEC. 12. Section 27809 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27809. In actions arising pursuant to this chapter:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to five thousand dollars ($5,000) or less.

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

SEC. 13. Section 42791 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

42791. The commissioner of each county and any qualified representative of the commissioner may, upon request, issue certificates which state that the fruits, nuts, or vegetables which have been inspected meet all the requirements of this division or the requirements of the state or country of intended destination.

SEC. 14. Section 42794 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

42794. Any lot of fruits, nuts, or vegetables which bears or is accompanied by a certificate of inspection that readily identifies such lot which was issued by any commissioner or the qualified representative of the commissioner shall not be rejected from transportation or sale within this state for the purported violation of any provision of this division.

Such certified lot of fruits, nuts, or vegetables may, however, be held for inspection at any time by any enforcing officer who holds a valid standardization certificate. If such enforcing officer shall find that the certified lot of fruits, nuts, or vegetables is in violation of any provision of this division he may appeal to the director who shall within 24 hours cause a reinspection to be made of the certified lot of fruits, nuts or vegetables. The lot of certified fruits, nuts, or vegetables shall be released or rejected in accordance with the findings upon such reinspection.

SEC. 15. Section 42852 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

42852. A written notice of violation, which is issued by a duly qualified representative of the director or by any commissioner or any qualified representative of the commissioner, which states that a certain lot of produce violates any provision of this division and based upon the examination of such sample, is prima facie evidence, in any court in this state, of the true condition of the entire lot.

SEC. 16. Section 52282 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52282. The director and, under the supervision and direction of the director, the commissioner of each county and the qualified representatives of the commissioner shall enforce this chapter and carry out its provisions and requirements.

SEC. 17. Section 52361 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52361. The director, each commissioner, and any qualified representative of the commissioner, shall sample and inspect any agricultural or vegetable seed which is subject to this chapter at such time and place and to such extent as he may deem necessary to determine whether such agricultural or vegetable seed is in compliance with the provisions of this chapter, and notify promptly the person that is in possession or control of the seed of any violation.

SEC. 18. Section 52391 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52391. The director or the commissioner and any qualified representative of the commissioner may issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural or vegetable seed which he finds is in violation of any provision of this chapter, which shall prohibit further sale of such seed until the officer has evidence that the law has been complied with. Upon compliance, such order shall be removed.

SEC. 19. Section 53562 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

53562. The district attorney of the county in which any such nuisance is found, at the request of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance. Upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, or reconditioned, or released upon such conditions as the court in its discretion may impose to insure the nuisance will be abated.

SEC. 20. Section 53564 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

53564. In actions arising pursuant to this article, the following courts shall have original jurisdiction:

(a) Municipal courts shall have original jurisdiction where the value of the property is five thousand dollars ($5,000) or less.

(b) Justice courts shall have original jurisdiction where the value of the property is five hundred dollars ($500) or less.

SEC. 21. This act is intended to implement the recommendations of the Senate Fact Finding Committee on Agriculture and those of the Industry Advisory Committee on Agricultural Code Revision, as set forth in the third progress report of the Senate Fact Finding Committee on Agriculture to the 1967 California Legislature.

CHAPTER 27

An act to repeal Chapter 5 (commencing with Section 12880) of Part 6, Division 6 of, and to add Chapter 5 (commencing with Section 12880) to Part 6, Division 6 of, the Water Code, relating to water resources.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code is repealed.

SEC. 2. Chapter 5 (commencing with Section 12880) is added to Part 6 of Division 6 of said code, to read:

CHAPTER 5. STATE FINANCIAL ASSISTANCE FOR LOCAL PROJECTS

Article 1. Short Title

12880. This chapter shall be known and may be cited as the Davis-Grunsky Act.

Article 2. General Provisions

12881. In furtherance of the development, control and conservation of the water resources of the state and the State Water Resources Development System it is the policy of the state to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest by making grants or loans, or both, and by participating in the construction and operation of water projects, and also to provide financial assistance to public agencies for the preparation of certain feasibility reports on such water projects by making loans, in accordance with this chapter.

12881.2. As used in this chapter:

(a) "Project" means any construction or improvement by a public agency for the diversion, storage, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes.

(b) "Public agency" means any city, county, district or other political subdivision of the state.

(c) "Feasibility report" means such report on the feasibility of a public agency's proposed project as the department may require the public agency to file with the department in support of an application by the public agency under this chapter for a loan for the construction of the proposed project.

12881.4. In the administration of this chapter, the department and the commission shall give preference to projects involving the development of new basic water supplies.

Article 3. Procedure

12882. Applications for loans or grants or financial participation by the state under this chapter shall be made to the department in such form and with such supporting material as may be prescribed by the department. Supporting material with respect to the ability of a public agency to repay the loan and to the reasonable ability to finance the proposed project from other sources may be supplied by the county assessor and the county engineer.

12882.2. Applications for loans for irrigation distribution system projects or municipal distribution system projects which involve extreme hardship which jeopardizes the public health, safety or welfare shall be made in the following manner:

The governing body of the public agency shall submit an application to the department describing, generally, such extreme hardship existing with respect to the water supply, the financial and economic conditions existing in the area, and the proposed project. The statements by the governing body shall be based upon, and the application shall be accompanied by:

(a) A report by the assessor of the local agency with respect to assessed valuations and tax delinquencies.

(b) A report by the engineer of the local agency (or if it has none, by the county surveyor or road commissioner) describing the project and estimating its cost, in general terms.

(c) In cases involving a health hazard with respect to the domestic water supply, a report by the local health officer or by the Department of Public Health with respect to such health hazard.

(d) Such other information as the department may require from the agency.

12882.4. A report on each application shall be prepared by the department and filed with the Legislature. In such report the department shall make findings as to the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project; provided, that in the case of reports on applications for loans for the preparation of proposed feasibility reports, in lieu of the above findings, the department shall make findings with respect to the public necessity for and urgency of need of the proposed project and the ability of the applicant to repay the requested loan for the preparation of the proposed feasibility report.

Article 4. Qualifications Generally

12883. A proposed project may be approved for assistance only if it is determined that the project substantially conforms to the California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance, commensurate with the need for the proposed project, that the public agency can repay it. The potential future growth and development of the area shall be taken into consideration in the calculation of the benefits for the determination of the economic justification of a proposed project. Such factors as the public health, safety, and welfare shall be taken into consideration in determining the need for a proposed project.

12883.2. In the case of a grant for recreation or fish and wildlife enhancement, or both, the determination of economic justification of the proposed project may, in the department's discretion, be limited to a determination of the economic justification of the recreation and fish and wildlife enhancement functions of the project.

12883.4. A loan for the preparation of a proposed feasibility report on a proposed project may be approved only if it is determined that there is reasonable assurance that the public agency can repay the loan and only if the agency receives a favorable written reply from the department on a written request for a preliminary determination of eligibility for a loan for the construction of the proposed project filed with the department by the agency under the regulations of the department promulgated pursuant to this chapter.

Article 5. Grants

12884. The department is authorized to make state grants to public agencies from moneys available for such purpose in amounts not exceeding four hundred thousand dollars ($400,000) for any one project for the purposes specified in subdivisions (a) and (b) of Section 12884.2 and, in addition, in amounts as authorized by subdivision (c) of Section 12884.2, subject to the provisions of this chapter and to the prior approval of the California Water Commission for each grant that the department proposes to make. Grants in excess of four hundred thousand dollars ($400,000) for any one project for the purposes authorized by subdivisions (a) and (b) of Section 12884.2 may be made by the department only upon specific authorization of the Legislature and upon such terms and conditions as the Legislature may prescribe.

12884.2. Grants in furtherance of a project that involves the development of a new water supply may be made for the following purposes:

(a) For the part of the construction cost of the proposed project properly allocated to the enhancement of fish and

wildlife; provided, that a grant for such part shall not exceed fifty percent (50%) of the construction cost.

(b) For the part of the construction cost of any dam and reservoir of the proposed project properly allocated to recreational functions of statewide interest; provided, that a grant for such part shall not exceed fifty percent (50%) of the construction cost, and provided further, that the total grant under subdivisions (a) and (b) for any one project shall not exceed seventy-five percent (75%) of the construction cost of the project. Such construction costs may include expenditures for lands located above the high waterline of reservoirs which are necessary or desirable for public recreation in connection with the reservoir.

(c) For the construction of initial water supply and sanitary facilities which are needed for public recreational use of each proposed dam and reservoir of the proposed project. A grant for the purpose specified in this subdivision shall not be subject to the limitation contained in Section 12884 on grants for the purposes specified in subdivisions (a) and (b) and shall not be included in computing the total amount which may be granted to a public agency in connection with a project for such purposes. A grant for the purpose specified in this subdivision shall not exceed one-fourth of the total amount granted to a public agency in connection with a project for the purposes specified in subdivisions (a) or (b), or both, of this section.

Article 6. Loans

12885. The department is authorized to make state loans to public agencies for the construction of projects, from moneys available for such loans, in amounts not exceeding four million dollars ($4,000,000) for any one project, subject to the provisions of this chapter and to the prior approval of the California Water Commission for each loan that the department proposes to make. Loans in excess of four million dollars ($4,000,000) for any one project may be made by the department only upon specific authorization of the Legislature and upon such terms and conditions as the Legislature may prescribe.

12885.2. Loans may be made only for projects primarily for domestic, municipal, agricultural, industrial, recreation, or fish and wildlife enhancement purposes. Such loans may be made for all or any part of the construction cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the construction cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 50 years. A period of development of not exceeding 10 years may be allowed within such maximum 50-year repayment period, during which no payments on the principal of or

the interest on such loans shall be required, when in the department's judgment such development period is justified under the circumstances. If the payment of interest is deferred pursuant to this section, interest shall be charged on the interest amounts for which payment is deferred at the same rate as the rate of interest charged on the principal amount of the particular loan. The accrued interest may, at the option of the public agency, be paid in annual installments during the remainder of the loan repayment period at the same rate of interest as is charged on the principal amount of the loan.

12885.3. In furtherance of the policy set forth in Section 12881.4, no funds shall be loaned for either irrigation distribution system projects or municipal distribution system projects, except in cases which, in the judgment of the department and the commission, involve extreme hardship which jeopardizes the public health, safety or welfare. Distribution facilities which are a necessary and integral part of an overall water development project may be covered by a state loan.

12885.6. The department is authorized to make state loans to public agencies for the preparation of feasibility reports on proposed projects, from any moneys available for such loans, in an amount for any one feasibility report on a proposed project not exceeding 2 percent of the estimated cost of the proposed project or fifty thousand dollars ($50,000), whichever is less, subject to the provisions of this chapter; provided, that only one such loan may be made to a public agency in relation to any one proposed project. A loan in excess of said amount for any one feasibility report may be made by the department only upon authorization by the Legislature and upon such terms and conditions as the Legislature may prescribe.

12885.7. Loans may be made for all or any part of the cost of the preparation of proposed feasibility reports on proposed projects, but in no event shall any such loan be in an amount which is greater than the portion of the cost of the preparation of the proposed feasibility report which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 10 years.

12885.8. The department shall require the payment of interest on each loan that is made pursuant to this chapter after September 19, 1963, at a rate equal to the average, as determined by the department, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the period from January 1, 1962, inclusive, through the calendar year immediately preceding the calendar year in which the application is filed if the application is filed prior to the year 1968 or that occurred during the period of five calendar years immediately preceding the year in which the application is filed if the application is filed after the year 1967; provided, that when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1

percent, the interest rate on the loan shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

Article 7. State Participation in Projects

12886. If in order to accomplish the objectives of this chapter it is necessary to construct a project that is larger than one which a public agency proposes to construct, the state may participate in planning, designing, constructing, operating and maintaining the project, and in so participating shall finance those costs of the project allocated to the state, on terms agreed upon with the agency, to the end that the project shall accomplish the maximum water development objectives at a minimum total expenditure.

12886.2. In participating in a project under this article, the department may perform all or part of the planning, designing, construction, operation or maintenance of the project on terms agreed upon with the agency.

12886.4. The department is authorized, following receipt of an application for state participation from a public agency, to participate under this article on behalf of the state in any project that is larger than the one which the public agency proposes to construct and that is primarily for domestic, municipal, agricultural, industrial, recreational or fish and wildlife enhancement purposes and in so participating shall finance those costs of such project that are allocated to the state, on terms agreed upon with the public agency, subject to the prior approval of the California Water Commission, and to expend for participation in the planning, designing, and construction of any one project an amount not exceeding one million dollars ($1,000,000) from moneys available for such participation, including but not limited to, the moneys appropriated by the California Water Resources Development Bond Act (Chapter 8 (commencing with Section 12930) of Part 6 of Division 6 of this code) for provision for water development facilities for local areas as provided in this Chapter 5. Expenditures by the department in excess of one million dollars ($1,000,000) for the planning, designing, and construction of any one project may be made only upon specific authorization of the Legislature.

12886.6. The department is authorized to make loans and grants to public agencies pursuant to the provisions of this chapter for projects in which the department participates under this article.

Article 8. Powers of Public Agencies

12887. Notwithstanding any provision of law to the contrary, every public agency empowered by law to construct and operate a project, as defined in Section 12881.2, is hereby granted, in addition to and not in derogation or limitation of

the powers conferred upon the public agency by any other law, the powers specified in this article.

12887.1. A public agency may borrow money from and repay the same with interest to the state in accordance with this chapter on behalf on the entire public agency or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone within the public agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit such borrowing.

12887.2. A public agency may enter into a contract with the department, on behalf of the entire public agency, or of any portion or portions thereof referred to in Section 12887.1, for a loan or grant under this chapter or for participation by the state in a local project under Article 7 (commencing with Section 12886) of this chapter and to use the loan or grant contracted for as an additional or alternative means of financing the project proposed by the public agency.

12887.3. A public agency may comply with the provisions of any contract entered into with the department under this chapter, including any provision which obligates the public agency, or any specified portion or portions thereof, to meet all commitments, financial or otherwise, undertaken by the public agency in such contract notwithstanding any individual default by its constituents or others in the payment to the public agency of taxes, assessments, tolls, or other charges levied by the public agency.

12887.4. A public agency may include recreation and enhancement of fish and wildlife, or either of them, as functions of a project which the public agency is empowered by law to construct and operate, and may construct and operate the project for such recreation and enhancement of fish and wildlife functions, or either of them, in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of the project facilities for fishing and other recreational activities.

12887.5. A public agency may construct and operate such onshore recreational facilities, fish and wildlife enhancement facilities or other facilities as the department or the Legislature may require in connection with a grant to the public agency under this chapter, and may construct and operate such facilities in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of such facilities for fishing and other recreational activities.

12887.6. A public agency may annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public

agency that are set forth in any contract which the agency enters into with the department under this chapter, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing. Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Law of 1911 (Division 20 (commencing with Section 70000) of this code), as it may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this chapter.

12887.7. A public agency may make charges for the furnishing of services from the project for which the public agency receives financial assistance under this chapter and may pledge and use any or all revenues received from the collection of such charges for the purpose of meeting the commitments, financial or otherwise, of the public agency that are set forth in any contract which the public agency enters into with the department under this chapter.

12887.8. A public agency is hereby granted the power to bring an action in the superior court of the county in which the office of such agency is situated to determine the validity of any contract made with the department under this chapter and the authority of the public agency to enter into the contract. The action shall be had as in the case of the judicial determination of the validity of the public agency's bonds, as nearly as the same may be applicable, and with like effect. Where the law applicable to such agency does not set forth a procedure for the judicial determination of the validity of the public agency's bonds, the action shall be had as in the case of the judicial determination of the general obligation bonds of irrigation districts under the Irrigation District Law (Division 11 (commencing with Section 20500) of this code), as it may now or hereafter be amended, as nearly as the same may be applicable, and with like effect.

12887.9. Whenever a public agency is required to have legal counsel in connection with any of its activities pursuant to this chapter, it may use the services of the district attorney or county counsel of the county in which it is located.

12888 A public agency may perform all acts and do all things that are necessary or convenient to carry out the powers specified in this article.

Article 9. Public Agency Election

12889. Except in the case of a grant to a public agency where the applicable law contains provisions for the election of the members of the governing body of the agency or where a county board of supervisors acts as the governing body of the agency, before a public agency may enter into a contract with the department for a construction loan or a grant under this chapter, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast at such election must be in favor of such proposition; provided, that if a higher percentage of favorable votes is required for the issuance of any bonds by the public agency or is required by the Constitution before the public agency may incur an indebtedness, such higher percentage shall apply in lieu of the percentage set forth in this subdivision

12889.2. The election shall be held in accordance with the following provisions:

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

(b) No particular form of ballot is required.

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

(d) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum amount of money to be borrowed from the state under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

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

Article 10. Administrative Provisions

12890. The department is authorized to make from time to time such rules and regulations as may be necessary to carry out, and as are consistent with, this chapter.

12890.2. In making loans or grants pursuant to this chapter, the department shall impose terms and conditions that are

designed to protect the state's investment and that are necessary to carry out the purposes of this chapter.

12890 4. The department shall keep full and complete records and accounts concerning all of its transactions under this chapter and shall render a report on such transactions to the Legislature within 15 days after the commencement of each legislative session.

12891. In order to effectuate loans or grants made by the department pursuant to this chapter, the State Controller shall, upon demand of the department, draw warrants made payable to such public agencies and in such amounts as are from time to time designated by the department. The State Treasurer shall pay such warrants from available moneys.

12891.2. It shall be the duty of the State Controller to make such audit or audits of the books and records of public agencies receiving loans or grants pursuant to this chapter, as he may deem necessary from time to time, for the purposes of determining that the money received by such public agencies as loans or grants hereunder has been expended for the purposes and under the conditions authorized herein. Whenever the State Controller determines that any money paid to such a public agency has been expended by such public agency for purposes not authorized by this chapter, or exceeds the final cost of the project for which a loan or grant was made, or exceeds the final cost of the feasibility report for which a loan was made, the State Controller shall furnish written notice to the department and to the public agency directing the public agency to pay into the State Treasury the amount of such unauthorized expenditures, or the amount in excess of the final authorized cost of the project or the feasibility report Upon receipt of such notice, such public agency shall, at the time specified therein, pay to the State Treasurer the amount set forth in such notice Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the California Water Resources Development Bond Fund to be available for the purposes prescribed in Section 12937 of this code.

It shall be the duty of such public agency to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

12892. No member of the California Water Commission shall participate in the action of the commission in considering for approval, or approving, a loan or grant under this chapter to a public agency of which he is an officer, employee, agent, consultant, accountant, engineer, or legal counsel or in which he owns real property.

CHAPTER 28

An act to amend Sections 23503 and 27201 of, to add Section 23523.5 to, to add a chapter heading immediately preceding Section 23500 of, and to add Chapter 2 (commencing with Section 23600) to Part 3, Division 12 of, the Elections Code; to amend Section 61452 of the Government Code; to amend Sections 6189.5, 13846, and 14067 of the Health and Safety Code; to amend Sections 16004 and 22406.5 of the Public Utilities Code; to amend Section 30832 of, and to repeal Chapter 3 (commencing with Section 21800), Part 4, Division 11 of, the Water Code; to amend Section 7 of Chapter 40 of the Statutes of 1962, First Extraordinary Session; to amend Section 25 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951); and to amend Section 8 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959), relating to the recall of officers pursuant to the Uniform District Election Law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. A chapter heading is added immediately preceding Section 23500 of the Elections Code, to read:

CHAPTER 1. GENERAL DISTRICT ELECTIONS

SEC. 2. Section 23503 of the Elections Code is amended to read:

23503. As used in this part, unless the context otherwise requires:

(a) "District" means any district of the type designated by and formed pursuant to the provisions of any principal act which incorporates this part.

(b) "Governing body" means the board of directors of a district or the board or body which governs the activities of the district.

(c) "Principal act" means the law providing for the creation of a particular district or type of district.

(d) "Supervising authority" means the board of supervisors of the county in which is situated all or most of the land of a district.

(e) "Secretary" means the secretary of the governing body.

(f) "Affected county" means a county in which any land of the district is situated.

(g) "County clerk" means the registrar of voters or, if there is none, the county clerk of an affected county.

(h) "Elective office" means any office which may, under the principal act of the district, be filled by way of an election.

(i) "Elective officer" means "elective officer" as defined by the principal act of each district or if not defined, any officer of a district holding an office which can be filled by election.

(j) "Voter" means voter or elector as respectively defined in the principal act of each district.

(k) "General district election" means an election held pursuant to the provisions of this part

(*l*) "Director" means a member of the governing body.

(m) "Landowner voting district" means a district whose principal act requires an elector to be an owner of land located within the district.

(n) "Principal county" means the county in which all the land in the district is situated, or if the district is situated in more than one county, the county in which the greatest portion of the land in the district is situated.

(o) "Resident voting district" means any district other than a landowner voting district.

SEC. 2.5. Section 23523.5 is added to the Elections Code, to read:

23523.5. If, within any portion of a county, only one district has scheduled a general district election, the county clerk may authorize the appropriate officer of the district to perform any of the functions required of the county clerk under this part.

SEC. 3. Chapter 2 (commencing with Section 23600) is added to Part 3, Division 12 of the Elections Code, to read:

CHAPTER 2. RECALL ELECTIONS

Article 1. Petition for Recall

23600. Any elective officer may be recalled.

23601. Before submitting the petition for signatures, its proponents shall publish a notice of intention to do so. The notice shall be accompanied by a statement, not exceeding 500 words in length, of the reasons for the proposed recall The statement is solely for the information of the voters, of the grounds on which the recall is sought. No insufficiency in the statement shall affect the sufficiency of the petition, but the grounds shall refer to the official conduct of the officer whose recall is being sought. The notice and statement shall be published at least once in a newspaper of general circulation published in the principal county, or if no newspaper is published therein, then in a newspaper of general circulation circulated within the principal county. If no newspaper of general circulation is so published or circulated, then a copy of the notice of intention and the accompanying statement shall be posted in three public places in the principal county.

23602. A copy of the notice of intention and statement shall be served upon, or sent by registered mail to, the officer sought to be recalled and an affidavit of such service shall be filed with the secretary and county clerk. The affidavit shall designate the mode in which service was made and shall designate the newspaper in which it was published, the date of the first publication thereof, or if posted shall state the date of the first posting, and describe the places of such posting in a manner sufficient to enable the locations thereof to be readily ascertained.

23603. Within 14 days after the publication or posting of the notice and statement, the officer sought to be recalled may publish an answer to the statement. The answer to the statement shall not exceed 500 words in length, and shall be published in the same newspaper or posted in the same places, as the notice of intention and statement. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken. The officer shall file a copy of any answer made with the secretary and the county clerk.

23604. Thirty days after the publication or posting of the notice and statement, the petition demanding the recall of the officer may be circulated among the qualified voters of the district for the securing of signatures. The petition shall bear a copy of the notice of intention and accompanying statement and the answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured, and the petition filed within 120 days from the first publication or posting of the notice of intention.

23605. A petition shall not be filed to recall any officer if either:

(a) He has not held office for six months.

(b) A recall election has been determined in his favor within six months.

(c) His term expires within six months.

23606. In order to recall an officer a petition shall be filed with the secretary and the county clerk containing all of the following:

(a) Request that an election be called to elect a successor to the officer.

(b) The notice of intention and the statement published or posted.

(c) Signatures of voters in the unit by which the officer or his elected predecessor was elected, in resident voting districts, at least equal in number to 10 percent of the registered voters in said unit, as shown by the list of eligible voters for the district as last reported to the Secretary of State. In landowner voting districts, signatures of voters owning at least 10 percent of the assessed value of land within the district.

(d) The date of each signature, his place of residence, giving street and number, and if no street or number exists,

then a designation of his place of residence which will enable the location to be readily ascertained, all of which shall be affixed by the signer at the time of his signing.

23607. The petition may consist of any number of separate instruments, which shall be duplicates except as to signatures and matters required to be affixed by signers.

23608. To each duplicate recall petition shall be attached an affidavit of a voter of the district sworn to before an officer competent to administer oaths stating all of the following:

(a) Affiant circulated that copy and saw the appended signatures being written.

(b) According to the best information and belief of the affiant each is the genuine signature of the person whose name purports to be subscribed and of a voter of the district.

23609. One petition is sufficient to propose the recall and election of several elective officers.

23610. Within 10 days from the filing of a recall petition the county clerk, in the case of resident voting districts, and the secretary, in the case of landowner voting districts, shall ascertain from the records of registration whether or not the petition is signed by the requisite number of voters and shall attach to the petition his certificate showing the result of the examination.

23611 If the certificate of the secretary or county clerk shows the recall petition to be insufficient, it may be supplemented within 10 days from the date of the certificate by the filing of additional recall instruments, duplicates of the petition filed except as to signatures and matters required to be affixed by signers.

23612. The secretary or county clerk shall within 10 days after the supplemental copies are filed make a certificate showing whether or not the petition as supplemented is sufficient.

23613. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; but the petition shall remain on file as a public record, and the insufficiency shall not bar the filing of a new petition.

23614. If the certificate of the secretary or county clerk to the recall petition shows it to be sufficient, the secretary or county clerk shall submit the petition to the governing body without delay.

Article 2. Calling and Conduct

23625. Upon receiving a recall petition certified as sufficient the governing body shall forthwith order an election to determine whether or not the voters will recall the officer named in the petition.

23626. The notice or notices mailed pursuant to Section 23540 of the Elections Code shall include the statement of the

proponents which was published with the notice of intention and the answer, if any, of the officer sought to be recalled.

23627. The election shall be held not less than 80 nor more than 125 days after the making of the order.

23628. If a general district election is to be held not less than 80 nor more than 125 days from the making of the order calling a recall election, the governing body shall submit the recall proposal and candidates at the general district election.

23629. One election is sufficient for the recall and election of several officials.

23630. If a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election shall nevertheless proceed.

23631. Nominations for candidates for any office to be filled at a recall election shall be made in the manner prescribed for nominations for candidates at general district elections.

23632. The following shall appear on recall ballots for resident voting districts for each recall petitioned:

(a) "Shall (name of person whose recall is being voted on) be recalled from the office of (title of the office)?"

(b) To the right of the foregoing question, "Yes" and "No" on separate lines with an inclosed blank space to the right of each.

(c) Names of the candidates nominated for the particular office, which shall not include the name of the incumbent officer.

23633. A voter shall indicate, by stamping a cross (+) in the blank space opposite either "Yes" or "No" his vote respectively for or against the recall proposal.

23634. In landowner voting districts the form of ballot shall be determined by the governing body in a form substantially similar to that prescribed for resident voting districts.

23635. No vote shall be counted for any candidate for an office if the recall proposal for that office on the particular ballot was not voted upon.

23636. A recall election shall be conducted, canvassed, and the result declared in substantially the manner provided for a general district election.

Article 3. Effect of Recall

23650. If one-half or more of the votes on a recall proposal are "No," the incumbent shall continue in office.

23651. If a majority of the votes on a recall proposal are "Yes," the incumbent shall be removed from office by the qualification of his successor.

23652. If at a recall election an officer is recalled, the candidate receiving the highest number of votes for the office shall be declared elected for the unexpired term of the recalled officer.

23653. If the candidate who received the highest number of votes fails to qualify within 10 days after receiving his certificate of election, the office to which he was elected shall be vacant.

23654. A person who has been recalled shall not be a candidate for, nor appointed to, such office within one year after recall.

SEC. 3.3. Section 27201 of the Elections Code is amended to read:

27201. The holder of any elective office of any county or of any district not subject to the provisions of the Uniform District Election Law, who has held his office at least six months, may be recalled at any time by the voters, by means of the recall procedure set forth in this chapter.

SEC. 3.5. Section 61452 of the Government Code is amended to read:

61452. Every incumbent of the officer of director, whether elected by popular vote for a full term or appointed, may be recalled by the voters in accordance with the recall provisions of the Uniform District Election Law.

SEC. 4. Section 6489.5 of the Health and Safety Code is amended to read:

6489.5. Every member of the board, whether elected or appointed, may be recalled by the voters in accordance with the recall provisions of the Uniform District Election Law.

SEC. 5. Section 13846 of the Health and Safety Code is amended to read:

13846. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in the Uniform District Election Law.

SEC. 6. Section 14067 of the Health and Safety Code is amended to read:

14067. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in the Uniform District Election Law.

SEC. 7. Section 16004 of the Public Utilities Code is amended to read:

16004. Every incumbent of an elective office of a district is subject to recall by the voters of the district, pursuant to the recall provisions of the Uniform District Election Law.

SEC. 7.5. Section 22406 5 of the Public Utilities Code is amended to read:

22406.5. Every director, whether elected by public vote or appointed, may be recalled by the voters in accordance with the recall provisions of the Uniform District Election Law.

SEC. 8. Chapter 3 (commencing with Section 21800), Part 4, Division 11 of the Water Code is repealed.

SEC. 9. Section 30832 of the Water Code is amended to read:

30832. Every incumbent of the office of director, whether elected by popular vote for a full term or appointed, may be recalled by the voters in accordance with the recall provisions of the Uniform District Election Law.

SEC. 10. Section 7 of Chapter 40, Statutes 1962, First Extraordinary Session, is amended to read:

Sec. 7. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy is subject to recall by the voters of the Crestline-Lake Arrowhead Water Agency organized under the provisions of this act in accordance with the recall provisions of the Uniform District Election Law.

SEC. 11. Section 25 of the Kings River Conservation District Act (Ch. 931, Stats. 1951) is amended to read:

Sec. 25. Every incumbent in the office of director, whether elected by popular vote for a full term or appointed, may be recalled by the voters in accordance with the recall provisions of the Uniform District Election Law.

SEC. 12. Section 8 of the Mojave Water Agency Law (Ch. 2146, Stats 1959) is amended to read:

Sec. 8. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the agency in accordance with the recall provisions of the Uniform District Election Law.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide a uniform recall procedure for districts subject to the Uniform District Election Law prior to the November 1967 General Election, it is necessary that this act take immediate effect.

CHAPTER 29

An act to amend Sections 27554 and 27654 of, to add Section 27601 to, and to repeal Sections 27508.5, 27509, 27510, 27601, 27601.5, 27603, 27604, 27605, 27606, 27607, 27608, 27609, 27611, 27612, 27613, 27614, 27615, and 27616 of, the Education Code, to amend Sections 61102.5, 61210, 61400, and 61401 of, and to repeal Sections 61201, 61202, 61203, 61402, 61402.5, 61402.6, 61403, 61404, 61405, 61406, 61407, 61408, 61409, 61411, 61412, and 61413 of, and to repeal Chapter 2 (commencing with Section 61430), Part 4, Title 6, Division 3 of, the Government Code, to amend Sections 20062 and 20073 of, to add Section 20061 to, and to repeal Sections 20061, 20063, 20063.1, 20063.2, 20064, 20065, 20066, and 20067 of, the Health and Safety Code, to amend Sections 1195 and 1197 of, and to repeal Sections 1195.1 and

1196 of, the Military and Veterans Code, to amend Sections 22402 and 22404 of, and to repeal Sections 22402.5 and 22405 of, the Public Utilities Code, to amend Sections 18, 20, 26, 55, 57, 58, 64, and 67 of, and to repeal Sections 27, 29, 59, 60, 61, 62, 63, 65, and 66 of, the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session), to amend Sections 21, 22, 26, 55, 57, 58, 65, and 68 of, and to repeal Sections 27, 29, 59, 60, 61, 62, 63, 66, and 67 of, the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), to amend Sections 21, 22, 26, 55, 57, 58, 65, and 68 of, and to repeal Sections 27, 29, 59, 60, 61, 62, 63, 66, and 67 of, the Embarcadero Municipal Improvement Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session), to amend Sections 21, 22, 26, 55, 57, 58, 65, and 68 of, and to repeal Sections 27, 29, 59, 60, 61, 62, 63, 66, and 67 of, the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959), relating to district elections.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. Section 27508.5 of the Education Code is repealed.

SEC. 2. Section 27509 of the Education Code is repealed.

SEC. 2.1. Section 27510 of the Education Code is repealed.

SEC. 2.2. Section 27554 of the Education Code is amended to read:

27554. At its first meeting held after the general district election the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

SEC. 2.3. Section 27601 of the Education Code is repealed.

SEC. 2.4. Section 27601 is added to the Education Code, to read:

27601. Except as otherwise provided in this article, all district elections shall be called, held, and conducted in all respects as nearly as practicable in conformity with the Uniform District Election Law.

Notwithstanding any other provision of this chapter, the terms of office of members of the board in all districts existing on January 1, 1969, shall be determined as provided in Section 23505 of the Elections Code, and the terms of office of members of the board in all new districts shall be determined as provided in Section 23506 of the Elections Code.

SEC. 3. Section 27601.5 of the Education Code is repealed.

SEC. 4. Section 27603 of the Education Code is repealed.

SEC. 5. Section 27604 of the Education Code is repealed.

SEC. 6. Section 27605 of the Education Code is repealed.

SEC. 7. Section 27606 of the Education Code is repealed.
SEC. 8. Section 27607 of the Education Code is repealed.
SEC. 9. Section 27608 of the Education Code is repealed.
SEC. 10. Section 27609 of the Education Code is repealed.
SEC. 11. Section 27611 of the Education Code is repealed.
SEC. 12. Section 27612 of the Education Code is repealed.
SEC. 13. Section 27613 of the Education Code is repealed.
SEC. 14. Section 27614 of the Education Code is repealed.
SEC. 15. Section 27615 of the Education Code is repealed.
SEC. 15.5. Section 27616 of the Education Code is repealed.
SEC. 15.7. Section 27654 of the Education Code is amended to read:

27654. The election shall be conducted in accordance with the provisions relating to the election of trustees, insofar as they are applicable to the election for bonds.

SEC. 16. Section 61102.5 of the Government Code is amended to read:

61102.5. The petition for formation may state, as an alternative to an elected board of directors, that the board of supervisors to whom the petition is addressed shall constitute the board of directors. If the district is to lie within more than one county, the petition shall state which board of supervisors is to constitute the board of directors, or that the board of directors shall be composed of the supervisors from each county which will contain portions of the territory of the district.

In the event the board, or boards, of supervisors are to constitute the board of directors, the provisions of Chapter 1 (commencing with Section 61200) of Part 3 of this division shall not apply. The provisions of Chapter 1 (commencing with Section 61400) of Part 4 of this division shall apply only as they refer to elections on district propositions to be submitted to the voters.

After a district is formed pursuant to this section proceedings may be commenced at any time to provide for a separate board of directors. The proceedings shall be commenced by the filing of a petition stating the number of members, either three or five, which the separate board of directors of the district shall have. If the district lies in more than one county separate petitions shall be addressed to the board of supervisors of each county. The petition shall be filed and signed in the same manner as a petition to form a district under Sections 61101, 61103, and 61104. The board of supervisors to whom the petition is addressed shall determine whether or not the petition complies with this section. Its finding in favor of the genuineness and sufficiency of the petition is final and conclusive. The board of supervisors shall, upon determining that the petition complies with this section, call and give notice of an election in the district, or if the district lies in more than one county, in the territory of the district which lies in the county, for the purpose of selecting persons who shall serve as the directors of the district. The election shall be held not less than 75 days nor more than 90 days from the date of the

receipt of the petition. Notice of the election shall be given pursuant to Section 61122. The notice shall contain a statement that the first directors of the separate board of directors will be elected at that election. Sections 61124 and 61125 apply to such election. When the district lies in more than one county the proceedings shall be effected by separate petitioning and proceedings before the board of supervisors in each county in which the district lies. The procedure in each county shall be the same as if the portion of the district within the county constitutes the entire district except that the notice shall indicate that portions of the district lie in one or more counties.

Upon the election of the first directors of the separate board of directors all of the provisions of this part relating to districts governed by a separate board of directors are applicable to the board of directors and to the district.

SEC. 16.1. Section 61201 of the Government Code is repealed.

SEC. 16.2. Section 61202 of the Government Code is repealed.

SEC. 16.3. Section 61203 of the Government Code is repealed.

SEC. 16.7. Section 61210 of the Government Code is amended to read:

61210. The number of directors on the board of a district shall be increased to five upon approval by a majority of the voters of a proposition therefor submitted to them at a general or special district election by resolution of the board or by initiative petition. At the time of submitting such a proposition an election shall be held to select two persons to serve as directors in the event that the proposition is adopted.

SEC. 17. Section 61400 of the Government Code is amended to read:

61400. The provisions of the Uniform District Election Law shall govern all general district elections and the provisions of the Elections Code pertaining to the conduct of elections in general law cities shall govern all special district elections.

SEC. 18. Section 61401 of the Government Code is amended to read:

61401. The first general district election shall be held on the first Tuesday after the first Monday in November of an odd-numbered year if such election is held more than six months subsequent to the date of formation of the district.

SEC. 19. Section 61402 of the Government Code is repealed.

SEC. 20. Section 61402.5 of the Government Code is repealed.

SEC. 21. Section 61402.6 of the Government Code is repealed.

SEC. 22. Section 61403 of the Government Code is repealed.

SEC. 23. Section 61404 of the Government Code is repealed.

SEC. 24. Section 61405 of the Government Code is repealed.

SEC. 25. Section 61406 of the Government Code is repealed.

SEC. 26. Section 61407 of the Government Code is repealed.

SEC. 27. Section 61408 of the Government Code is repealed.

SEC. 28 Section 61409 of the Government Code is repealed.

SEC 29. Section 61411 of the Government Code is repealed.

SEC 30. Section 61412 of the Government Code is repealed.

SEC. 31. Section 61413 of the Government Code is repealed.

SEC. 32. Chapter 2 (commencing with Section 61430), Part 4, Title 6, Division 3 of the Government Code is repealed.

SEC 33. Section 20061 of the Health and Safety Code is repealed.

SEC. 34. Section 20061 is added to the Health and Safety Code, to read:

20061. Except as otherwise provided in this article, all district elections shall be called, held, and conducted in all respects as nearly as practicable in conformity with the Uniform District Election Law.

SEC. 35. Section 20062 of the Health and Safety Code is amended to read:

20062. Notwithstanding any other provision of this part, the terms of office of commissioners of the board in all districts existing on January 1, 1969, shall be determined as provided in Section 23505 of the Elections Code, and the terms of office of commissioners of the board in all new districts shall be determined as provided in Section 23506 of the Elections Code.

SEC. 36. Section 20063 of the Health and Safety Code is repealed.

SEC. 37. Section 20063.1 of the Health and Safety Code is repealed.

SEC. 38. Section 20063.2 of the Health and Safety Code is repealed.

SEC. 39. Section 20064 of the Health and Safety Code is repealed.

SEC. 40. Section 20065 of the Health and Safety Code is repealed.

SEC. 41. Section 20066 of the Health and Safety Code is repealed.

SEC. 42. Section 20067 of the Health and Safety Code is repealed.

SEC. 42.1. Section 20073 of the Health and Safety Code is amended to read:

20073. Before acquiring any real property for a police station, the district board may submit to the voters in the district at a special election, or at the election for a commissioner, the proposition whether or not land shall be acquired and a police station built thereon; or whether or not land on which a police station, or a building suitable for a police station, has been erected shall be acquired. The approval or disapproval of the voters shall be binding upon the district board.

SEC. 43. Section 1195 of the Military and Veterans Code is amended to read:

1195. The general district election shall be governed by the provisions of the Uniform District Election Law and be held in every district formed under the provisions of this chapter on the first Tuesday after the first Monday in November of each odd-numbered year.

SEC. 43.1. Section 1195.1 of the Military and Veterans Code is repealed.

SEC. 44. Section 1196 of the Military and Veterans Code is repealed.

SEC. 44.1. Section 1197 of the Military and Veterans Code is amended to read:

1197. The board shall consist of five members who shall be registered electors residing within the district or proposed district at the time of their election and shall be elected by the qualified electors of the district, and each director so elected must be a veteran soldier, sailor, or marine who has honorably served the United States in any wars or campaigns recognized by law for the purpose of Section 1¼ of Article XIII of the Constitution. Members shall serve without compensation but shall be entitled to actual and necessary expenses incurred in the performance of duties.

SEC. 45. Section 22402 of the Public Utilities Code is amended to read:

22402. Each district shall hold a general district election, governed by the provisions of the Uniform District Election Law, for the election of directors on the first Tuesday after the first Monday in November of each odd-numbered year.

SEC. 45.1. Section 22402.5 of the Public Utilities Code is repealed.

SEC. 47. Section 22404 of the Public Utilities Code is amended to read:

22404. The terms of office of the directors elected at the formation election are governed by the provisions of the Uniform District Election Law.

SEC. 47.1. Section 22405 of the Public Utilities Code is repealed.

SEC. 47.3. Section 18 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 18. "Officers of election," other than officers provided for elections conducted pursuant to the Uniform District Election Law, consist of an inspector and two judges. They

shall be persons appointed by the board of directors and need not be voters.

SEC. 48. Section 20 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 20. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City council," "council," and "legislative body" mean board.

(b) "City," "municipality," and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district or other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the tax collector of the district.

(f) "Treasurer" and "city treasurer" mean the county treasurer or district finance officer.

(g) "Auditor" means the county auditor or district finance officer.

(h) "Budget law" means Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code.

(i) "Uniform District Election Law" means Part 3 (commencing with Section 23500) of Division 12 of the Elections Code.

SEC. 48.1. Section 26 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 26. The board is the governing body of the district and shall consist of five (5) members, one of whom shall be president. The officers of the district are the five members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create.

SEC. 48.2. Section 27 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 48.3. Section 29 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 49. Section 55 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 55. A general district election governed by the provisions of the Uniform District Election Law, shall be held on the first Tuesday after the first Monday in November of each odd-numbered year.

SEC. 50. Section 57 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 57. The hours during which the polls shall be opened at any special district election shall be as established by the board.

SEC. 51. Section 58 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 58. Notices of special elections shall be given as nearly as practicable in accordance with the general laws regarding notices of municipal elections.

SEC. 52. Section 59 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC 53. Section 60 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 54. Section 61 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 55. Section 62 of the Bethel Island Municipal District Improvement Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 56. Section 63 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 56.5. Section 64 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 64. A majority of the votes cast shall be required to approve a proposition.

SEC. 57. Section 65 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 58. Section 66 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 59. Section 67 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 67. Except as provided in this act, a special district election shall be conducted as nearly as practicable in accordance with the election laws for cities.

SEC. 59.1. Section 21 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 21. "Officers of election," other than officers provided for elections conducted pursuant to the Uniform District Election Law, consist of an inspector and two judges. They shall be persons appointed by the board of directors and need not be voters.

SEC. 60. Section 22 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 22. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City council," "council" and "legislative body" mean board.

(b) "City," "municipality" and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district or other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the tax collector of the district.

(f) "Treasurer" and "city treasurer" mean the county treasurer or district finance officer.

(g) "Auditor" means the county controller or district finance officer.

(h) "Budget Law" means Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code.

(i) "Uniform District Election Law" means Part 3 (commencing with Section 23500) of Division 12 of the Elections Code.

SEC. 60.1. Section 26 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 26. The board is the governing body of the district and shall consist of three (3) members, one of whom shall be president. The officers of the district are the three members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create.

SEC. 60.2. Section 27 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 60.3. Section 29 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 61. Section 55 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 55. A general district election, governed by the provisions of the Uniform District Election Law, shall be held on the first Tuesday after the first Monday in November of each odd-numbered year.

SEC. 62. Section 57 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 57. The hours during which the polls shall be opened at any special district election shall be as established by the board.

SEC. 63. Section 58 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 58. Notices of special elections shall be given as nearly as practicable in accordance with the general laws regarding notices of municipal elections.

SEC. 64. Section 59 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 65. Section 60 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 66. Section 61 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 67. Section 62 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 68. Section 63 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 69. Section 65 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 65. A majority of the votes cast shall be required to approve a proposition.

SEC. 70. Section 66 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 71. Section 67 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 72. Section 68 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 68. Except as provided in this act a special election shall be conducted as nearly as practicable in accordance with the general laws for cities.

SEC. 72.1. Section 21 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 21. "Officers of election," other than officers provided for elections conducted pursuant to the Uniform District Election Law, consist of an inspector and two judges. They

shall be persons appointed by the board of directors and need not be voters.

SEC. 73. Section 22 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 22. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City Council," "council" and "legislative body" mean board.

(b) "City," "municipality" and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district or other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the tax collector of the district.

(f) "Treasurer" and "city treasurer" mean the county treasurer and/or district finance officer.

(g) "Auditor" and "city auditor" mean the county controller and/or district finance officer.

(h) "Budget law" means Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code.

(i) "Uniform District Election Law" means Part 3 (commencing with Section 23500) of Division 12 of the Elections Code.

SEC. 73.1. Section 26 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 26. The board is the governing body of the district and shall consist of three (3) members, one of whom shall be president. The officers of the district are the three members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create.

SEC. 73.2. Section 27 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 73.3. Section 29 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 74. Section 55 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 55. A general district election, governed by the provisions of the Uniform District Elections Law, shall be held on the first Tuesday after the first Monday in November of each odd-numbered year.

SEC. 75. Section 57 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 57. The hours during which the polls shall be opened at any special district election shall be as established by the board.

SEC. 76. Section 58 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 58. Notices of special elections shall be given as nearly as practicable in accordance with the general laws regarding notices of municipal election.

SEC. 77. Section 59 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 78. Section 60 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 79. Section 61 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 80. Section 62 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 81. Section 63 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 82. Section 65 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 65. A majority of the votes cast shall be required to approve a proposition.

SEC. 83. Section 66 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 84. Section 67 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 85. Section 68 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 68. Except as provided in this act a special election shall be conducted as nearly as practicable in accordance with the general laws for cities.

SEC. 85.1. Section 21 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 21. "Officers of election," other than officers provided for elections conducted pursuant to the Uniform District Election Law, consist of an inspector and two judges. They shall be persons appointed by the board of directors and need not be voters.

SEC. 86. Section 22 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 22. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City Council," "council" and "legislative body" mean board.

(b) "City," "municipality" and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district or other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the tax collector of the county.

(f) "Treasurer" and "city treasurer" mean the county treasurer.

(g) "Auditor" and "city auditor" mean the county controller.

(h) "Budget law" means Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code.

(i) "Uniform District Election Law" means Part 3 (commencing with Section 23500) of Division 12 of the Elections Code.

SEC. 86.1. Section 26 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 26. The board is the governing body of the district and shall consist of three (3) members, one of whom shall be president. The officers of the district are the three members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create.

SEC. 86.2. Section 27 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 86.3. Section 29 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 87. Section 55 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 55. A general district election, governed by the provisions of the Uniform District Election Law, shall be held on the first Tuesday after the first Monday in November of each odd-numbered year.

SEC. 88. Section 57 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 57. The hours during which the polls shall be opened at any special district election shall be as established by the board.

SEC. 89. Section 58 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 58. Notices of election, excepting general district and bond elections, shall be given by posting notices, signed by the secretary, in three public places in the district, not less than twenty (20) days before the day of election.

The notice shall contain:

(a) The time and place of holding the election;

(b) The names of the officers of election;

(c) The hours during which the polls will be open;

(d) A statement of the purpose of the election; and

(e) Any proposition to be submitted to the voters.

SEC. 90. Section 59 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 91. Section 60 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 92. Section 61 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 93. Section 62 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 94. Section 63 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 95. Section 65 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 65. A majority of the votes cast shall be required to approve a proposition.

SEC. 96. Section 66 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 97. Section 67 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC. 98. Section 68 of the Guadalupe Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 68. Except as provided in this act a special election shall be conducted as nearly as practicable in accordance with the general laws for cities.

SEC. 99. The governing body of any district which will be subject to the Uniform District Election Law on January 1, 1969, may, pursuant to its provisions, not less than 130 days

prior to the expiration of the terms for which vacancies are to be filled, declare its intention to hold an election to fill any vacant office resulting from the operation of the Uniform District Election Law upon compliance with the provisions of subdivision (d) of Section 23505 of the Elections Code.

A district may comply with such provisions prior to the operative date of Sections 1 to 98, inclusive, this act.

SEC. 100. This act, with the exception of Section 99, shall become operative on January 1, 1969. Section 99 shall become operative on the 61st day following the adjournment of the 1967 Regular Session.

CHAPTER 30

An act to repeal Section 24370.8 of the Health and Safety Code, relating to the Bay Area Air Pollution Control District.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. Section 24370.8 of the Health and Safety Code is repealed.

CHAPTER 31

An act to amend Section 70063 of the Government Code, relating to court reporter salaries.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. Section 70063 of the Government Code is amended to read:

70063. In any county having a population of 50,000 and not over 55,000, as determined by the 1960 federal census, the official phonographic reporters shall perform the following duties:

(1) Report all proceedings before the superior court;

(2) Report the proceedings of the grand jury;

(3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the department to which they are assigned by the presiding judge.

The official phonographic reporters of such county shall be paid for their services at a monthly salary rate established according to the following salary schedule:

Step A	Step B	Step C	Step D	Step E
$782	$821	$862	$905	$950

Except as otherwise provided herein, a person appointed as a regular official phonographic reporter shall receive for his first six months of service a monthly salary at the rate specified in step A. Upon the first day of the month following six months continuous service, such person shall receive a monthly salary at the rate specified in step B. On or after the first day of the month following each ensuing 12 months of continuous service the salary of such person shall be increased to the rate specified in the next higher step of the salary schedule until his salary equals the sum specified in step E of the schedule. All other regular official phonographic reporters shall receive monthly salaries under the schedule according to the length of their service.

The fee required by Section 70053 shall be five dollars ($5).

CHAPTER 32

An act to add Section 25350.5 to the Government Code, relating to county property, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 6, 1967. Filed with Secretary of State April 6, 1967.]

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

SECTION 1. Section 25350.5 is added to the Government Code, to read:

25350.5. Notwithstanding noncompliance with the provisions of Section 25350, any purchase of real property by a county for park and recreational purposes made between May 1, 1966, and December 1, 1966, if otherwise completed pursuant to law, shall be deemed effective.

This section shall remain in effect only until January 1, 1968.

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

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of counties and such functioning depends upon the validity of the acts of such counties and it is therefore imperative and essential that such acts be validated at the earliest possible date.

CHAPTER 33

An act to amend Section 45.5 of the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939, and to amend Sections 8401, 8402, 8405, 8406, 8407, 8451, 8454,

8457, 8461, 8463, 8465, 8502, 8551, 8552, 8553, 8555, 8556, 8557, 8563, 8564, 8601, 8602, 8603, 8604, 8605, 8702, 8703, 8704, 8705, 8707, 8751 and 8756 of, and the heading of Part 5 (commencing with Section 8401) of Division 1 of, and to add Section 8410 to the Agricultural Code, as proposed by Senate Bill No. 1, relating to citrus pest control, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 45.5 of the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939) is amended to read:

Sec. 45.5 A district may pay limited compensation to the owner of any citrus tree infected with quick decline (tristeza) which is removed by the district or by the owner within 60 days after written notice of such infection to the owner by the district, and prior to March 1, 1970. Such limited compensation shall not exceed the following payment schedule with the age of the tree being conclusively established as of the time written notice of such infection is first given to the owner.

The schedule of payments shall be as follows:

Age of trees	Maximum payment
1 year	$5 per tree
2 years	7.50 per tree
3 years	10 per tree
4 years	14 per tree
5 years	17.50 per tree
6 years	20.75 per tree
7 years or older	25 per tree

For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.

The written notice referred to above shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of such infected trees, their location, and that they should be removed forthwith.

For the purposes of determining the age of infected citrus trees under the provisions of this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and will be deemed one year older on the January 1st of each succeeding year.

SEC. 2. The heading of Part 5 (commencing with Section 8401) of Division 1 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

PART. 5. CITRUS PEST DISTRICT CONTROL LAW

SEC. 3. Section 8401 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8401. This part shall be known as the Citrus Pest District Control Law.

SEC. 4. Section 8402 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8402. It is the purpose of this part to make available a procedure for the organization, operation, government, and dissolution of districts for the more effective control and eradication of citrus pests

SEC. 5. Section 8405 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8405. "Citrus acreage" means any parcel, tract, or lot of land with 25 or more citrus trees of any age growing on it, except a parcel, tract, or lot which is used as a nursery.

SEC. 6. Section 8406 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8406 "Citrus pest" includes any infectious, transmissible, or contagious disease, any form of animal life, or any form of vegetable life infesting citrus trees or citrus fruits.

SEC. 7. Section 8407 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8407. "District" means a citrus pest control district organized pursuant to this part.

SEC. 7 5. Section 8410 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

8410. "Citrus" includes "citrous" and any plants of the genera Citrus, Fortunella, Poncirus, and all hybrids having one or more of such as parents.

SEC. 8. Section 8451 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8451. Proceedings for the formation of a district within any county shall be commenced by a petition which is signed by the owners of 51 percent by area of the land in the proposed district within the county devoted exclusively to the growing of citrus fruits The petition shall be addressed to and filed with the board of supervisors of the county.

SEC. 9. Section 8454 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8454. The petition shall state the name of the proposed district and shall set forth its boundaries or describe the lands to be included in it.

It is a sufficient designation of the boundaries of a proposed district to recite that all the citrus acreage in the county is to be included in the district, or that all the citrus acreage in a designated area within the county is to be included in the district.

If either such designation is used, the outside boundary of the area so designated is the boundary of the district and the district shall include all area within the outside boundary, if the district is formed pursuant to this part.

SEC. 10. Section 8457 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8457. The notice of hearing shall do all of the following:

(a) State the name of the district and that it is being formed for the eradication and control of citrus pests.

(b) State the petition is available for inspection at the office of the clerk of the board of supervisors.

(c) Designate the boundaries of the proposed district in substantially the same way that they are described in the petition.

(d) State the time and place for the hearing.

(e) State that at such hearing protests will be considered by the board of supervisors.

(f) State that requests in writing for the exclusion from or the inclusion of lands in the proposed district will be heard and considered by the board of supervisors.

SEC. 11. Section 8461 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8461. At the hearing, any owner of citrus acreage in the proposed district may present to the board of supervisors a request in writing for the exclusion of such land or any part of such land, and any owner of citrus acreage outside the proposed district may present to the board of supervisors a request in writing for inclusion of such land in the proposed district.

SEC. 12. Section 8463 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8463. If the board of supervisors determines that the project is feasible and for the interest of the citrus growers of the county, the board of supervisors shall, by order entered in its minutes, declare the district duly organized under the name designated in the petition for the formation of the district.

The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include land pursuant to Section 8465, it is a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition A copy of the order duly certified by the clerk of the board of supervisors shall be filed for record in the office of the county recorder of the county in which the district is situated.

SEC. 13. Section 8465 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8465. In determining the boundaries of the district, the board of supervisors shall exclude from the district any citrus acreage which it finds will not be benefited by the proposed project, and it may include in the district any lands which

it finds will be benefited if it also finds it will be to the interest of the district to include such lands. Such inclusion may be upon application of the owner or, without such application, upon giving him notice of the proposed inclusion and an opportunity for a hearing on it.

Notice of inclusion shall be mailed, postage prepaid, by the clerk of the board of supervisors, to the address of the owner of such land as shown by the last equalized county assessment roll, and to any person that has filed with him his name and address and description of land in which he has either a legal or equitable interest. The notice shall describe the land proposed to be included, and shall state the time and place at which objections to such inclusion will be heard.

SEC. 14. Section 8502 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8502. In order to be eligible to hold the office of director of the district, a person shall be a citizen of the United States and of this state, and an owner of lands within the district which are devoted in whole or in part to the growing of citrus fruits.

SEC. 15. Section 8551 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8551. The district shall have perpetual succession and may do all of the following:

(a) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(b) Adopt a seal and alter it at pleasure.

(c) Take by grant, purchase, gift, devise, lease, or otherwise, and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers.

(d) Cause taxes to be levied, as provided in Chapter 5 (commencing with Section 8601) of this part, for the purpose of paying any obligation of the district, and to accomplish the purposes of the district in the manner provided in this part.

(e) Make contracts, and employ, except as otherwise provided in this part, all persons, firms, and corporations necessary to carry out the purposes and the powers of the district, and at such salary, wage, or other compensation as the board of directors shall determine.

(f) Eradicate, remove, or prevent the spread of any and all citrus pests.

(g) Enter into or upon any land included within the boundaries of the district for the purpose of inspecting and treating the citrus trees and other host plants and fruit growing on them.

(h) Perform any and all acts either within or outside the district necessary or proper to fully and completely carry out the purposes for which the district was organized.

SEC. 16. Section 8552 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8552. Every district formed pursuant to this part has all of the powers prescribed by Section 8551 and other sections of this part, including the power to eradicate, remove, or prevent the spread of each and every citrus pest, regardless of any language in the petition for formation for any district or in any of the proceedings leading to formation which might seem to limit the power of the district to the control or eradication of one or more citrus pests in particular.

SEC. 17. Section 8553 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8553. A district may pay limited compensation to the owner of any citrus tree infected with quick decline (tristeza) which is removed by the district or by the owner within 60 days after written notice of such infection to the owner by the district, and prior to March 1, 1970. Such limited compensation shall not exceed the following payment schedule with the age of the tree being conclusively established as of the time written notice of such infection is first given to the owner.

The schedule of payments is as follows:

Age of trees	Maximum payment
1 year	$5 per tree
2 years	7.50 per tree
3 years	10 per tree
4 years	14 per tree
5 years	17.50 per tree
6 years	20.75 per tree
7 years or older	25 per tree

For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.

The written notice referred to above shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of such infected trees, their location, and that they should be removed forthwith.

For the purposes of determining the age of infected citrus trees under this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and shall be deemed one year older on the January 1st of each succeeding year.

SEC. 18. Section 8555 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8555. Any payment made to the owner or owners of citrus trees removed pursuant to Section 8553 or 8554 shall in no event exceed the sum of three thousand dollars ($3,000) per geographical acre.

SEC. 19. Section 8556 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8556. The commissioner of the county in which the district is located shall, upon request of the board and without fee or charge, supervise and direct, in accordance with the best known and accepted methods as determined by the board, all activities undertaken by the district for the control or eradication of citrus pests.

SEC. 20. Section 8557 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8557. The board shall immediately after their qualification formulate an effective plan based on the best known and accepted methods for the control and eradication of the citrus pests within the district.

SEC. 21. Section 8563 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8563. The notice shall contain all of the following:

(a) A summary of the proposed budget and shall refer to the original on file with the board for further particulars.

(b) State that it is the intention to raise the amount of money required to meet the proposed budget by levying a tax upon the assessed value of the citrus trees within the district in accordance with the provisions of this part.

(c) A statement of the day, hour, and place, when and where any and all persons interested may appear and object to the adoption of the budget or to any item in it.

SEC. 22. Section 8564 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8564. At any time not later than the hour set for hearing objections to the proposed budget, any owner of citrus acreage in the district may make written protest against the budget or any item in it.

SEC. 23. Section 8601 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8601. The county assessor in making the annual assessment of property in each and every year after the organization of the district, shall assess any parcel of real property with 25 or more citrus trees on it and enter as a separate item on the assessment roll for each such parcel of real property included in the district, the value, as improvements on the parcel, of all citrus trees which are growing on it.

For the purpose of this part, the county assessor shall assess all citrus acreage at a uniform value per acre. Such assessment shall be upon an acreage basis and the number of acres shall be determined conclusively, except as otherwise provided in this section, by the assessor counting such trees and dividing the total number by the number of trees per acre of average planting. The county assessor in counting the citrus trees shall not, however, count any more than 200 trees on any one acre of land, and for any citrus acreage which has from 70 to 100 trees per acre the number of acres to be deter-

mined by the county assessor shall be the actual acreage of the parcel.

Upon completing the assessment roll of the county in each year, the assessor shall separately compute and certify to the board of supervisors, the total assessed value, as shown by the assessment roll, of all such citrus trees in the district.

SEC. 24. Section 8602 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8602. Whenever acreage within the district is planted with citrus trees in such a fashion as to qualify as citrus acreage, such acreage is subject to taxation as provided in this part.

SEC. 25. Section 8603 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8603. Whenever any citrus trees have been removed from any parcel of land included in the district, the owner of such parcel of land may file with the board an affidavit particularly describing the parcel of land, and setting forth the fact of the removal therefrom of such trees. Thereupon, the board shall cause an investigation of the parcel of land to be made and, if the board finds the allegations of the affidavit are true, the board shall immediately certify this fact to the county assessor and the amount of citrus acreage removed shall not be assessed on the next assessment roll.

SEC. 26. Section 8604 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8604. The board shall, on or before the first Monday in July of each year, file with the board of supervisors the final budget which sets forth all estimated expenditures of the district for the fiscal year commencing on the first day of such month of July. A copy of the budget shall also at the same time be filed with the auditor of the county.

The board of supervisors shall annually, at the time of levying other county taxes, levy a tax upon all the citrus trees planted or growing in the district, regardless of age, as assessed by the assessor pursuant to this part. The board of supervisors shall determine the rate of such tax by deducting 10 percent for anticipated delinquencies from the total assessed value of such trees in the district as it appears on the assessment roll of the county, and dividing the sum reported by the board as required to be raised, by the remainder of such total assessed value. If a fraction of a cent occurs on a valuation of one hundred dollars ($100), it shall be taken as a full cent.

SEC. 27. Section 8605 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8605. The tax authorized to be assessed and levied is hereby declared to be in the nature of a special assessment, and the Legislature hereby finds that the owners of all citrus trees will be benefited by the district to the same extent and in the same manner regardless of the age of the trees. The taxes or special assessments authorized by this chapter to be assessed and levied on such trees shall be assessed and levied on all citrus trees regardless of their age.

SEC. 28. Section 8702 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8702. Proceedings for consolidation may be initiated by the filing of a petition for consolidation with the board of each district to be consolidated. Each petition shall be signed by the owners of 51 percent by area of the citrus land in the district. Upon the filing of such a petition, the board of directors shall adopt a resolution which recites the fact of receipt and the willingness of the district to consolidate, and shall then send copies of the petition and resolution to the board of directors of each of the other districts. The board shall send the original petition and a certified copy of the resolution to the board of supervisors of the county in which is located the largest area of citrus acreage of the proposed consolidated district, and a copy of the petition and resolution to the board of supervisors of each of the other counties in which is located any part of the proposed consolidated district.

SEC. 29. Section 8703 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8703. Upon presentation and filing of the petitions of two or more districts proposing consolidation, the board of supervisors of the county in which is located the largest area of citrus acreage of the proposed consolidated district shall fix a time and place for hearing the petitions. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district pursuant to Chapter 2 (commencing with Section 8451) of this part.

SEC. 30. Section 8704 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8704. If the board of supervisors determines that the consolidation is feasible and for the best interests of the citrus growers of the respective districts, it shall by resolution duly adopted declare the districts consolidated into one district, giving the consolidated district a name which name shall include the term "consolidated." Certified copies of the resolution shall be filed with the Secretary of State and, for record, with the county recorder of each county in which is located any part of the consolidated district. Upon such filing, the districts are consolidated into a single consolidated district with all the rights, privileges, and powers of a district. The consolidated district shall succeed to all the funds and other property, and is subject to all the indebtedness, bonded and otherwise, of the several districts consolidated. Each district which is included in the consolidated district shall continue in existence for the purpose of representation on the board of the consolidated district, and for the purpose of levying, assessing, and collecting taxes for district purposes. The board of the consolidated district is, however, the board of each district which is included in the consolidated district.

SEC. 31. Section 8705 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8705. Upon the adoption of a resolution consolidating two or more districts, the board of supervisors shall immediately appoint a board of directors of at least five members, including at least one member from each of the districts which are included in the consolidated district. If any of the districts which are included in the consolidated district includes more than 15,000 acres of citrus acreage, the board of directors shall be increased to a number equal to the number of districts which are included in the consolidated district, plus one additional director for each 10,000 acres, or major fraction of 10,000 acres, in any one district which is included in the consolidated district.

SEC. 32. Section 8707 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8707. Any district which has been included in a consolidated district may withdraw from the consolidated district and be reconstituted as a separate district by filing with the board of directors of the consolidated district a petition for withdrawal which is signed by the owners of 51 percent by area of citrus land in the district. The board of directors of the consolidated district shall send the original petition to the board of supervisors of the county in which the withdrawing district is located, and a copy of the petition to the board of supervisors of each of the other counties in which is located any part of the consolidated district. Upon receipt of a petition for withdrawal, the board of supervisors of the county in which the withdrawing district is located shall fix a time and place for hearing the petition. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district under Chapter 2 (commencing with Section 8451) of this part. Upon withdrawal of a district, all moneys collected from such district for the use of the consolidated district and all property purchased with such moneys shall remain the property of the consolidated district. All moneys collected from a district after it withdraws from a consolidated district shall be held for the use of such district.

SEC. 33. Section 8751 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8751. Upon the filing of a petition with the board of supervisors, signed by the owners of 60 percent by area of the citrus acreage in the district, requesting the dissolution of the district, the board of supervisors shall set a time and place for hearing on the petition, which shall not be less than 20 days, nor more than 40 days, after the filing of the petition.

SEC. 34. Section 8756 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

8756. If at the hearing a majority of the members of the board of supervisors find that the dissolution of the district will

benefit the citrus industry of the county, it shall by resolution dissolve the district.

SEC. 35. Sections 2 through 34 of this act shall become operative only if the Agricultural Code as proposed by Senate Bill No. 1 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 1 takes effect; at which time Section 45.5 of the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939) as amended by Section 1 of this act is repealed.

SEC. 36. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless the extension provided by this act is in effect immediately the program for the eradication of the serious disease of quick decline (tristeza) infecting citrus trees will be seriously hampered.

CHAPTER 34

An act to amend Sections 5, 7, and 8 of, and to add Section 7.4 to, the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), relating to bonded indebtedness, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 5 of the Metropolitan Water District Act (Ch. 429, Stats. 1927) is amended to read:

Sec. 5. Any district incorporated as herein provided shall have power:

(1) To have perpetual succession.

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

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

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the district and within and without the state necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without and within or without the district and within and without the state, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

(5) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property necessary to the exercise of the powers herein granted except water and water rights already devoted to beneficial use and power plants devoted to public use; and provided, further, that any district organized under the provisions of this act shall not have or exercise the power of eminent domain for the purpose of condemning or taking any water or right to water conserved or stored behind any flood control dam that has been or may hereafter be built or constructed by any flood control district created by act of Legislature of this state. Subject to the express limitations hereinbefore set out, in any proceeding relative to the exercise of such power of eminent domain, the district shall have the same rights, powers and privileges as a municipal corporation.

(6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any vacant public lands which are now, or may become, the property of the State of California, and to construct works and establish and maintain facilities across any stream of water or watercourse; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. The grant of the right to use such vacant state lands shall be effective upon the filing by such district with the Division of State Lands of the Department of Finance, of an application showing the boundaries, extent and locations of the lands, rights-of-way, or easements desired for such purposes. If the land, rights-of-way or easement for which application shall be made is for the construction of any acqueduct, ditch, pipeline, conduit, tunnel or other works for the conveyance of water, or for roads, or for poles, or towers and wires for the conveyance of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the district therefor, unless, in the opinion of the Chief of such Division of State Lands the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the district shall pay for the lands to be taken and for such portion of any legal subdivision which, in the opinion of said Chief of the Division of State Lands, are rendered valueless or unsalable, at the rate of one dollar and twenty-five cents ($1.25) per acre. If the lands for which application is made are for purposes other than the construction of roads or for works for the conveyance of water, or electricity or telephonic or telegraphic communication, such district shall pay to the state for such lands at the rate of one dollar and twenty-five cents ($1.25) per acre Upon filing such application, accompanied by map or plat showing the location or proposed location of

such works and/or facilities, the fee title to so much of such state lands as shall be found by the Chief of the Division of State Lands of the Department of Finance to be necessary or convenient to enable such district to construct or maintain its works and/or to establish or maintain its facilities, shall be conveyed to such district by patent executed by the Governor of the State of California, attested by the Secretary of State with the great seal of said state affixed, and countersigned by the register of state lands; if an easement or right-of-way only over such lands be sought by such district, such easement or right-of-way shall be evidenced by permit or grant executed by such Chief of the Division of State Lands. The Chief of the Division of State Lands may reserve in such patents, grants or permits, easements and rights-of-way across any lands therein described for the construction of streets, roads and highways. Before any such patent, grant or permit shall be executed any compensation due to the state under the provisions hereof, must be paid. In the event that the duties or titles of any of the officers herein mentioned shall be changed by lawful authority, the functions herein required to be performed shall be performed by the appropriate officer or officers of the State of California. No fee shall be exacted from such district for any patent, permit or grant so issued or for any service rendered hereunder. In the use of streets the district shall be subject to the reasonable rules and regulations of the county or city wherein such streets lie, concerning excavations and the refilling of excavations, the relaying of pavements and the protection of the public during periods of construction; provided, that the district shall not be required to pay any license or permit fees, or file any bonds. The district may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; provided, however, that no district incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) percent of the assessed valuation of all the taxable property included within the district, as shown by the assessment records of the county or counties.

(8) To levy and collect taxes for the purposes of carrying on the operations and paying the obligations of the district; provided, however, that such taxes levied under this section exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon and exclusive of any tax levied to meet any obligation to the United States of America or to any board, department or agency thereof, shall not exceed five cents ($0.05) on each such one hundred dollars ($100) of assessed valuation (the term "tax levied to meet the bonded indebtedness of such district and the interest thereon" as used in this section shall also include, but shall not be limited to, (a) any tax levied pursuant to Section 7.4 of this act to pay the principal of or interest on bond anticipation notes and (b) any tax levied under the provisions of any resolution

or ordinance providing for the issuance of bonds of the district to pay, as the same shall become due, the principal of any term bonds which under the provisions of said resolution or ordinance are to be paid and retired by call or purchase before maturity with moneys set aside for that purpose); to enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the district, and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient.

(9) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any other public agency thereof or this or any other state or any political district or subdivision thereof.

(10) To acquire water and water rights within or without the state; to develop, store and transport water; to provide, sell and deliver water at wholesale for municipal and domestic uses and purposes; to provide, sell, and deliver water and water service to the United States of America, or to any board, department or agency thereof, or to the State of California, for any use or purpose, pursuant to contract therefor, which contract may be for permanent service, but shall provide for the furnishing of such water or water service upon terms and conditions and at rates which will apportion an equitable share of the capital cost and operating expense of the district's works to the contractee, and every such contract shall provide that at the end of five years from the date of its execution and every three years thereafter there shall be such readjustment of the contract, upon the demand of either party thereto, either upward or downward as to rates, as the board of directors of the district may find to be just and reasonable in order to effectuate such equitable apportionment of the said capital cost and operating expense, and all water so contracted to be furnished by the district shall be deemed not to be surplus water available for sale

pursuant to the following provisions of this paragraph; also to provide, sell and deliver surplus water of the district not needed or required by municipalities, the corporate area of which is included in such district, for domestic or municipal uses therein, for beneficial purposes, but giving preference to uses within the district; provided, that the supplying of such surplus water shall, in every case, be subject to the paramount right of the district to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic or municipal uses within the district, upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board of directors of the district whenever it shall be determined and declared by resolution adopted by said board of directors by a two-thirds vote thereof that such water is needed or required by any municipality, the corporate area of which is included within said district, for domestic or municipal uses therein; to fix the rates therefor, and to acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient therefor.

(11) To invest any surplus money in the district treasury, including such money in any sinking or other fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the district, in its own bonds, or in treasury notes, or bonds, of the United States, or of this state, and such investment may be made by direct purchase of any issue of such bonds or treasury notes, or part thereof, at the original sale of the same, or by the subsequent purchase of such bonds or treasury notes. Any bonds or treasury notes thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds or treasury notes, as above provided. Sales of any bonds or treasury notes thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds or treasury notes were originally purchased, was placed in the treasury of the district. The functions and duties authorized by this paragraph shall be performed by joint action of the Controller and Treasurer, with the approval of the attorney, under such rules and regulations as shall be prescribed by the board of directors of the district.

SEC. 2. Section 7 of the Metropolitan Water District Act (Ch. 429, Stats. 1927) is amended to read:

Sec. 7. (a) Whenever the board of directors of any metropolitan water district incorporated under this act shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works of the district, or the payment of funds for any part of the capital

costs of any public improvement or works of this state from which service is to be provided to the district, or the incurring of any preliminary expenses, or any combination of such purposes, necessary or convenient to carry out the objects or purposes of said district the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring bonded indebtedness, for the purposes set forth in the said ordinance, to the qualified voters of such district, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the district are entitled to vote. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which ordinance, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost thereof, or the estimated amount of preliminary expenses, as the case may be, the amount of the principal of the indebtedness to be incurred therefor and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six (6) percent per annum payable semiannually. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the district or any part thereof is situated, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties, to a number not exceeding six (6) may be consolidated for special elections held hereunder. In the event any bond election shall be called to be held concurrently with any other election or shall be consolidated therewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor except that such reference shall not be required when the election is consolidated with a statewide election.

(b) The ordinance provided for in subdivision (a) of this section shall be published once, at least ten (10) days before the date of the election therein called, in a newspaper of gen-

eral circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made. In all particulars not set out in such ordinance, said election shall be held and conducted substantially in accordance with the provisions of the Elections Code.

The board of directors or any member or members thereof or any person or persons designated by the board may file with the secretary of the board an argument for the measure and any member of the board or other voter or voters of the district may file with such secretary an argument against the measure. No such argument shall exceed five hundred (500) words in length and all arguments shall be filed with the secretary of the board at least fifty-five (55) days prior to the date of the election. From the arguments so filed with him, the secretary shall select the argument for and the argument against the measure deemed by him to best express the respective views of the proponents and opponents of the measure. The arguments so selected by the secretary shall be printed and a printed copy of such arguments (which shall be deemed official matter) shall be enclosed in an envelope with each sample ballot. Any irregularities in carrying out the provisions of this paragraph shall not invalidate or affect the results of the election.

(c) The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board of directors held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared. In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the board of directors of the district a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificates, it shall be the duty of the board of directors to tabulate and declare the results of the election held hereunder.

(d) In the event that it shall appear from said returns that a majority of the electors voting on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to issue and sell

bonds of the district in the amount and for the purpose or purposes and object or objects provided for such proposition in such ordinance, and at a rate of interest, not exceeding the rate recited in said ordinance.

(e) Bonds authorized pursuant to this act shall mature at times and in amounts to be fixed by the board of directors; provided, that the payment of the principal of said bonds or series thereof shall begin not later than 15 years from the date thereof, or the date of such series and must be completed in not more than 50 years from the date thereof or the date of such series. The bonds shall be issued in such denominations as the board of directors may determine, and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of six percent (6%) per annum, and shall be payable semiannually.

The board of directors may provide for the call and redemption of bonds before maturity at such times and at such prices as it may determine. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

Such bonds shall be signed by the chairman of said board of directors, or by such other officer as said board of directors shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose, and such bonds shall also be signed by the controller, or assistant controller, and countersigned by the secretary of said board of directors. The coupons, if any, of said bonds shall be numbered consecutively, and signed by said controller, or assistant controller. All such signatures and countersignatures excepting that of the controller, or assistant controller, on said bonds, may be printed, lithographed or engraved.

(f) In case any of such officers, whose signatures or countersignatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds.

(g) Such bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county wherein the principal place of business of said district shall be located Said notice, calling for bids, shall state the time for the receipt of such bids, which shall not be less than ten (10) days after the publication thereof. Such notice may offer the bonds at a fixed interest rate or with the interest rate or rates undetermined, in which event the bids shall contain a statement of the rate or rates of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest. Bids for such bonds shall be opened publicly and the results

thereof publicly announced. Such bonds shall be sold to the highest bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale. Temporary, or interim bonds or certificates, of any denomination whatsoever, to be signed by the controller, or assistant controller, may be issued until the definitive bonds are executed and available for delivery.

(h) Such bonds may be issued and sold by said board of directors as they shall determine, and the proceeds thereof, excepting premium and accrued interest, shall be placed in the treasury of said district to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in said ordinance; provided, that the interest on said bonds accruing during the construction period and for one year thereafter may be deemed to be a construction cost within the meaning of the purposes and objects mentioned in said ordinance, and such interest may be paid from said proceeds of the sales of such bonds Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold. For the purposes of this section, the construction period shall be deemed to end when the works, the construction of which shall have been authorized from the proceeds of any such bond issue, shall have been placed in operation to such extent as to result in the sale and delivery in the district, of water transported and provided by means of such works.

(i) An action to determine the validity of bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and for the payment of the principal thereof on or before maturity may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(j) If from any cause, the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt as the same becomes due, the board of directors shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the district set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds and such part of the principal of such bonds as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from previous levies or other revenues of the district. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected

and shall be used for no purpose other than the payment of such bonds and accruing interest.

(k) The resolution or ordinance providing for the issuance of the bonds or any installment thereof may contain such registration, conversion and exchange privileges as the board of directors may determine.

(*l*) All bonds heretofore or hereafter issued by any metropolitan water district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the State Treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds of such metropolitan water district; and whenever bonds of cities, cities and counties, counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of such metropolitan water district may be so used.

(m) The district may provide for the issuance, sale or exchange of refunding bonds to purchase, redeem or retire bonds issued under this section upon such terms, at the times, and in the manner which the board of directors, by resolution adopted by two-thirds vote, determines. Such refunding bonds shall mature not later than 50 years from the date of the outstanding bonds which are refunded, or from the dates of each series thereof, if the same shall have been issued in series. The provisions of subsections (e), (f), (i), (j), (k), and (*l*) of this section, subject to the limitations and modifications imposed herein, shall apply to such refunding bonds.

Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of any or all of the following: (a) the redemption or retirement of all outstanding bonds which are refunded, and (b) all expenses incident to the calling, retiring or redemption of the outstanding bonds which are refunded and the issuance of the refunding bonds, and (c) interest upon the refunding bonds from the date of sale to the date of redemption or retirement of the bonds outstanding which are refunded out of the proceeds of the sale or to the date upon which the outstanding bonds which are refunded will be repaid pursuant to the provisions in such bonds for call and redemption prior to maturity, and (d) any premium necessary in the redemption and retiring of the outstanding bonds and the interest accruing on them to the date of the call or retirement. The board of directors may provide for the issuance and sale or exchange of the refunding bonds in such time and manner as they shall determine; provided, however, that, if the board of directors determines to sell the refunding bonds or any part thereof, such refunding bonds

shall be sold in substantial compliance with subsection (g) of this section. The proceeds of the sale of refunding bonds, excepting premium and accrued interest, shall be placed in the treasury and applied to the purposes specified in this paragraph. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on and retirement of the refunding bonds. In lieu of selling such refunding bonds and redeeming or retiring with the proceeds thereof the bonds which are refunded, the board of directors of the district may exchange refunding bonds for the bonds so refunded or may purchase the same. Whenever such outstanding bonds shall be refunded, they shall be surrendered to the treasurer of the district for cancellation in the manner to be prescribed by the board of directors of the district.

SEC. 3. Section 7.4 is added to the Metropolitan Water District Act (Ch. 429, Stats. 1927), to read:

Sec. 7 4. The district may borrow money in anticipation of the sale of bonds of the district which have been authorized by the electors thereof to be issued but which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund the same from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The interest on said notes, which shall be payable at the time or times provided therein and which may be represented by interest coupons attached thereto, shall be payable from the same funds as interest on bonds of the district are payable. The principal of such notes may be paid from any moneys of the district available therefor. If the principal of such notes, or any portion of such principal, is not previously paid, such unpaid principal shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued but if for any reason bonds of the district are not sold in time to provide funds to pay any such unpaid note on or before its maturity and if other funds of the district are not made available for such payment, taxes shall be levied for such payment on or before maturity in the same manner as taxes are levied under this act for the payment of bonds of the district. The aggregate amount of such notes outstanding at any one time shall not exceed the aggregate amount of the so authorized but unissued bonds of the district. The notes shall be sold in such manner as the board of directors may determine and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond or any resolution or ordinance providing for the issuance of bonds may contain. When bonds of the district, or any series thereof, are issued and any portion of the proceeds of the sale thereof are to be used to pay bond anticipation notes, such bonds or such series thereof shall mature not later than 50 years from the date of such notes as originally issued.

SEC. 4. Section 8 of the Metropolitan Water District Act (Ch. 429, Stats. 1927) is amended to read:

Sec. 8. (a) Immediately after equalization and not later than the 15th day of August of each year, it shall be the duty of the auditor of each county wherein such district or any part thereof shall lie, to prepare and deliver to the controller of the district a certificate showing the assessed valuation of all property within the district lying in the county, and also such assessed valuation segregated according to cities, the areas of which, in whole or in part, lie within the district.

(b) On or before the 20th day of August the board of directors of the district shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding and shall fix the rate of taxation of the district, designating the number of cents upon each one hundred dollars ($100) assessed valuation of taxable property in each county (but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars ($100) assessed valuation of such taxable property) and shall levy a tax accordingly:

(1) Sufficient, when taken with other revenues available for the purpose, to meet interest, principal and sinking fund requirements on all bonded indebtedness of said district; and sufficient, when taken with other revenues available for the purpose, to meet the payment of the principal and interest on any refunding bonds, or on any bonds the issuance of which may have been authorized by the electors, and which bonds have not been sold but which, in the judgment of the board of directors, will be sold prior to the time when money will be available from the next subsequent tax levy, and in case such bonds are not so issued and sold or such tax for any other reason is not required for said purpose, the tax so levied shall be applied to the payment of interest and/or principal on any refunding bonds, or on any bonds authorized by the electors, then outstanding or subsequently issued and/or sold; and

(2) For all other district purposes.

(c) The board of directors shall also cause to be computed and shall declare in said resolution the amount of money to be derived from the area of the district lying within each separate municipality by virtue of the tax levy. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any city may elect to make payment in lieu of taxes as hereinafter provided. The board shall immediately cause certified copies of such resolution to be transmitted to the presiding officer of the governing body of each such city.

(d) On or before the 25th day of August of each year the governing body of each such city which has made its declaration of intention so to do, pursuant to the provisions of Section 8.1 of this act, if such declaration of intention has been accepted by the controller of the district as provided in said Section 8.1, may elect to pay out of the municipal funds of such

city all or the stated percentage, as the case may be, of the amount of tax which would otherwise be levied upon property within such city; provided, that such election shall be made in strict compliance with, and fulfillment of, said declaration of intention theretofore so made by such city. Such election shall be made by order upon motion, which order shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the district, or that such payment shall be made in installments and the times wherein such installments shall be payable and the amounts thereof, which amounts shall be in accordance with the requirements of the board of directors of the district as approved by resolution. In the event that any city shall elect to pay in cash, or by deferred installments, money or any part thereof which would otherwise be levied upon property within the city, it shall immediately certify to the controller of the district a copy of such order and a statement showing its financial condition, the funds from which such payments shall be made and the sources of revenue to be used therefor; provided, however, that in the event any city shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such city to meet interest, principal and sinking fund requirements on bonded indebtedness of said district, such amount so elected to be paid shall be deposited with the treasurer of said district on or before the 27th day of August next following such election; and provided, also, that unless such payment is so made in the case of interest, principal and sinking fund requirements on bonded indebtedness, and unless such election, as to all other taxes, shall provide for payments in accordance with the resolution of the board of directors as hereinbefore provided for, then such election shall be ineffective for any purpose.

(e) Before the first day of September the controller of the district shall cause to be prepared and transmitted to the auditor of each county in which the district shall lie, a statement showing the tax rate to be applied to assessed property in each city or part thereof within the district, which rate shall be the rate fixed by resolution of the board of directors modified to the extent necessary to produce from each city or part thereof within the district, only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such city, or credited thereto as herein provided.

(f) Upon receipt by the auditor of each county wherein such district, or any part thereof, shall lie, of a certified copy of the controller's statement showing the tax rate to be applied to assessed property in each city or part thereof within the district, and showing the cities or parts thereof, the assessed property in which is exempt therefrom, if any, it shall be the duty of the county officers to collect taxes for the benefit of the district at the rate specified as herein provided. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for

county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency, and the same provisions of law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected, such taxes shall be paid over to the treasurer of the district, subject to the deduction herein authorized.

In consideration of services rendered hereunder, any county shall annually be entitled to deduct and withhold an amount not exceeding 1 percent on the first twenty-five thousand dollars ($25,000) collected hereunder, and one-fourth of 1 percent of any amount in excess of twenty-five thousand dollars ($25,000) collected hereunder. The board of supervisors of each such county may provide such extra help as in their judgment may be necessary for the proper performance of duties hereunder.

(g) Whenever any real property situated in any district organized hereunder and upon which a tax shall have been levied, as herein provided, shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such district in the proportion which the tax due to such district shall bear to the total tax for which such property shall have been sold. All taxes levied under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for state and county taxes, and all of the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

(h) Cities, the areas of which, in whole or in part, are included within metropolitan water districts incorporated hereunder, are hereby authorized to pay to such districts, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies, or other bodies, boards, commissions or officers having control of such funds, thereof, respectively. Such payments may be made in avoidance of taxes as herein provided, or otherwise, and shall not be deemed gratuitous or in the nature of gifts, but shall be deemed payments for water or services in connection with the distribution of water. Any city making any such payment to any district incorporated hereunder, whether in avoidance of taxes or otherwise, shall receive credit therefor and the amount of the payment so made by any city shall be deducted from the amount of taxes which would otherwise be levied against property lying therein as herein provided. In the event that payment so made by any city shall exceed the amount of taxes which would otherwise have been levied against property within such city, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied, or which would otherwise have been levied during the ensuing year or years. Any city, or body, board, commission or officer thereof having control of funds,

which shall have incurred expenses (for which such funds have been, or will be, expended) in the investigation of or preliminary work upon any works or projects taken over by the district, may receive, and the district so taking over any such works or projects may make to such city, body, board, commission or officer thereof, reimbursement for all such sums so expended, or to be expended, for expenses incurred in such investigation of or preliminary work upon the works or projects so taken over by the district, to the extent that the board of directors of the district shall find that such expenditures have benefited such district, it being the intention of this provision to permit the district to purchase, and the city or body, board, commission or officer thereof, to sell, such works or projects taken over by such district, and for which such city, body, board, commission or officer thereof, has no further use or need. The sum so to be paid by such district to such city or body, board, commission or officer thereof, shall be mutually agreed upon, and if the expenses, for which such reimbursement is to be made by the district, shall have been incurred by a body, board, commission or officer, of the city, having control of the funds so expended, or to be expended, for such expenses, then the district shall pay such sum to said body, board, commission or officer, or if ordered so to do by such body, board, commission or officer, the district shall pay such sum to the city.

As an alternative to the purchase and sale of any works or projects taken over by the district, as hereinabove provided, any city, or body, board, commission or officer thereof having control of funds, which shall have incurred expenses for which such funds have been, or will be, expended in the investigation of or preliminary work upon any such works or projects taken over by the district, may certify the amount thereof, without interest, to the board of directors of said district at any time within four (4) years from the date of the incorporation of such district, or the incurring of such expenses, if such district be already incorporated, and if allowed by the board of directors, such amount shall be credited to the city, which itself, or whose body, board, commission or officer, incurred the same, and such expenditures shall be considered as a payment of money made as herein provided for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such city.

Any city which shall incur expenses in preliminary work in preparing for the incorporation of or in the incorporation of any district hereunder likewise may certify the amount thereof, without interest, to the board of directors of said district at any time within four (4) years from the date of the incorporation of such district, and if allowed by the board of directors, such amount shall be credited to the city incurring the same, and shall be considered as a payment of money made as herein provided, for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such city.

No such payments of money made in avoidance of taxes or otherwise, or such credit allowed by such board of directors, as hereinabove provided, shall apply to reduce the amount of taxes which would otherwise be levied against the property within such cities respectively, to meet interest, principal and sinking fund requirements on bonded indebtedness of such district.

Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as herein provided, but such credit may, in the discretion of the board of directors, be considered in connection with the amount of money to be raised by the next tax levy, or may be spread over subsequent years, not to exceed five.

(i) If any city shall fail to comply with the terms of the order relating to payments to be made to the district in lieu of taxation, the amount of the delinquency, plus a penalty of 8 percent shall be added to the taxes to be collected during the ensuing fiscal year, from the property within such delinquent city, and thereafter for a period of two (2) years no order or ordinance shall be sufficient to exempt the property in said city from taxation hereunder unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of property within the city, together with all moneys due but unpaid under any previous order.

(j) All provisions in this act, or in any ordinance adopted pursuant hereto, relating to the respective times when the various acts pertaining to the levy of taxes are to be performed, are directory only, and failure to perform any such act or acts within the time so specified shall not impair the authority herein conferred to perform all subsequent acts relating to the levy of such taxes In the event that any of the provisions of law respecting the time and manner of assessing property for purposes of taxation, of equalizing such assessments, of certifying such assessed valuations to the taxing authorities, of making the tax levies, of certifying such tax levies to the proper authorities for extension upon the tax rolls, and for enforcement and collection of such taxes or of performing any other act regarding the assessment, levy or collection of taxes be amended, changed, repealed or newly enacted, and as a result thereof, it should appear to the board of directors of the district that the time schedule provided herein respecting the levy of district taxes be no longer consistent with such modified tax procedure, then said board of directors by ordinance may prescribe a new schedule setting forth the times when the various acts herein required to be done in levying district taxes shall be performed. Nothing contained in this paragraph shall relieve the board of directors of its duty to provide adequate funds, by annual tax levies if necessary, to meet the interest and principal requirements of the bonded debt as they fall due.

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

The electors within substantial portions of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura, in the southern part of this state, within The Metropolitan Water District of Southern California, a district duly organized and existing under the Metropolitan Water District Act of this state, approved in June, 1966, an eight hundred fifty million dollar ($850,000,000) general obligation bond issue for the financing of works and facilities, so that the inhabitants of said area, who are in dire need of obtaining adequate supplies of water for domestic and municipal uses, may utilize such water. The initial issuance of bonds so approved will be necessary in the very near future in order to continue construction of the works and facilities necessary to treat and deliver water from the State Water Project when such water becomes available. In order that the orderly and efficient issuance and marketing of such bonds in the most advantageous manner to the district and the people therein be effectively and expeditiously accomplished it is necessary that this act take effect immediately.

CHAPTER 35

An act to amend Sections 23900, 23902, and 26600 of the Water Code, relating to irrigation districts.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 23900 of the Water Code is amended to read:

23900. This chapter provides an alternative method for the formation of improvement districts for the purpose of cooperating and contracting with the United States and agencies thereof pursuant to the Irrigation District Federal Cooperation Law as contained in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11, or for the purpose of sewage disposal, irrigation water service by a system of pumps, conduits, or both, maintenance of irrigation works, drainage, or distribution of water. The term "district" or "districts" as used in the Irrigation District Federal Cooperation Law shall include improvement districts formed pursuant to the provisions of this chapter. This chapter shall not apply to or affect any other provisions of this division for the forma-

tion of improvement districts or the incurring of indebtedness therefor.

SEC. 2. Section 23902 of the Water Code is amended to read:

23902. Bonds of a district for an improvement district may be issued for either the purpose of cooperating and contracting with the United States pursuant to the Irrigation District Federal Cooperation Law as contained in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11, or for any of the other purposes specified in Section 23900.

SEC. 3. Section 26600 of the Water Code is amended to read:

26600 The procedure provided by this chapter shall be optional with any district electing as herein provided to proceed hereinunder and shall be an alternate procedure to that set forth in Chapters 1 to 7, inclusive, of this part.

CHAPTER 36

An act to add Chapter 5 (commencing with Section 44950) to Part 7 of Division 14 of, and to amend Sections 45550, 45555, 45557, 45558, and 45801 of, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Chapter 5 (commencing with Section 44950) is added to Part 7 of Division 14 of the Water Code, to read:

CHAPTER 5. REVENUE WARRANTS

44950. A district may issue revenue warrants pursuant to this chapter to obtain funds for any lawful purpose of the district, including the repayment of indebtedness of the district.

44951. Revenue warrants shall be secured by all or part of the revenues received by the district from tolls or charges levied pursuant to Section 43006 or from any other source other than assessments, and any such revenues may be pledged to the payment of revenue warrants. In the resolution authorizing the issuance of revenue warrants, the board may subject such revenues as it specifies to a lien or charge to secure the payment of the principal of and interest on the revenue warrants, but such warrants shall not be secured by any lien or charge upon any assessment.

44952. Revenue warrants shall bear interest at a rate or rates not exceeding 7 percent per annum, payable annually or

semiannually or in part annually and in part semiannually, as the board may prescribe.

44953. Revenue warrants shall mature at such time or times as the board may prescribe, but not more than five years from the date of issuance.

44954. Revenue warrants may be made subject to redemption prior to their fixed maturity date upon such terms, conditions and notice, and at such times and prices, as the board may determine prior to the issuance of such warrants.

44955. Revenue warrants may be sold at either public or private sale upon such terms and conditions as the board may determine. Such warrants may be sold at less than their par or face value, but no revenue warrant may be sold at a price which would yield to the purchaser an average of more than 7 percent per annum, payable semiannually, according to standard tables of bond values.

44956. No revenue warrants shall be issued or sold until their issuance has been authorized by resolution of the board and approved by the commission. The board also may, but need not, request the commission to investigate and certify such warrants as legal investments in accordance with the provisions of Division 10 of this code.

44957. The board may determine the form and denomination of revenue warrants, the manner of their execution, their registration and exchange privileges and the place or places of their payment.

44958. The board, in a resolution authorizing the issuance of revenue warrants, may provide for special funds for the deposit and application of the proceeds of the warrants and for the deposit and application of revenues pledged to secure their payment. The board may provide for the establishment of a reserve fund from the proceeds of the revenue warrants or from revenues pledged to their payment. The board may appoint a fiscal agent to hold any or all such funds in trust for the holders of revenue warrants and for the district.

44959. The board, in a resolution authorizing the issuance of revenue warrants, may covenant to operate and maintain the facilities producing the revenues pledged for the security of the revenue warrants, may covenant to fix, maintain and collect tolls, charges, rates or fees which will produce revenues sufficient to provide for the payment of the principal of and interest on the revenue warrants and to provide such additional sums for the further security of the revenue warrants as the resolution may prescribe, and may make such other covenants, with respect to insurance, investments of funds, accounting records, independent audits, events of default, limitations upon competitive facilities and any other matters relating to the revenue warrants and their security as the board may deem necessary, convenient or desirable in order better to secure the revenue warrants or to make them more marketable.

44960. The board, in a resolution authorizing the issuance of revenue warrants, may provide for paying the interest on the revenue warrants for a period of not more than one year out of the proceeds of the sale thereof.

44961. Except as otherwise provided in any resolution authorizing the issuance of revenue warrants, the holder of any revenue warrant may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the board, or upon any officer or employee of the district, in connection with the collection, deposit, investment, application or disbursement of any revenues pledged for the security of the revenue warrants, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the revenue warrants, or in connection with any covenants contained in the resolution authorizing the issuance of the revenue warrants. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of revenue warrants.

44962. Revenue warrants shall not be issued under this chapter by any district in any one fiscal year in excess of one million dollars ($1,000,000).

SEC. 2. Section 45550 of the Water Code is amended to read:

45550. The bonds shall be in such denominations as the board may prescribe.

SEC. 3. Section 45555 of the Water Code is amended to read:

45555. The principal of the bonds shall be made payable on the first day of July, or the first day of January, in such years and at such places as the board may prescribe.

SEC. 4. Section 45557 of the Water Code is amended to read:

45557. The bonds may be substantially in the following form, or in such other form as the board may determine:

UNITED STATES OF AMERICA

State of California

(Name) Water Storage District.

No. _____ $_____

(Name) Water Storage District for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said district, at (place) in the State of California, on the first day of _____ the sum of $_____ in lawful money of the United States of America, with interest thereon in like lawful money from date hereof until paid, at the rate of _____ percent per annum, payable at the office of said treasurer, or at (other designated

places), semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of _____ bonds of like tenor and effect (except as to denomination and maturity), numbered from _____ to _____ inclusive, amounting in the aggregate to _____ dollars ($_____), issued in accordance with the provisions of Division 14 of the Water Code of California and of the laws of the State of California, pursuant to an election held in said water storage district on the _____ day of _____ authorizing its issuance, and based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of the county (or counties) of _____ on the _____ day of _____, and the said water storage district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds, have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of water storage district bonds.

In testimony whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the treasurer of said district, with the official seal of said district affixed this _____ day of _____.

_____,
President of said board.

Attest: _____,
Treasurer.

SEC. 5. Section 45558 of the Water Code is amended to read:

45558. Interest coupons may be substantially in the following form, or in such other form as the board may determine:

No. _____ $_____

The Treasurer of (Name) Water Storage District, California, will pay to the holder hereof on the _____ day of _____, at his office at (place in the State of California, or at designated places), the sum of $_____, in lawful money of the United States, out of the funds of (Name) Water Storage District for interest on bond of said district numbered____.

_____,
Treasurer.

SEC. 6. Section 45801 of the Water Code is amended to read:

45801. Bonds may be made subject to redemption prior to their fixed maturity at such times and prices, and upon such

terms and conditions as the board may determine and set forth in the resolution.

SEC. 7. Notwithstanding the provisions of Sections 43704 and 45930 of the Water Code, all acts, proceedings, findings of fact, or conclusions of the Department of Water Resources, the California Districts Securities Commission, or the board of directors of a water storage district had or made between the effective date of this act and December 31, 1967, shall be conclusive unless a contest thereof is instituted within 60 days after the acts, proceedings, findings, or conclusions were had or made

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Several water storage districts and improvement districts therein are now proceeding with the planning, financing and construction of irrigation projects to enable them to provide needed water for agriculture in such districts by utilizing the supply which will soon become available from the State of California. In order to facilitate the financing of these projects and to assure their completion as soon as practicable, and thereby to make provision for the water needed to preserve the health and safety of the citizens residing in the affected areas, it is now necessary to clarify the law with respect to bonds of water storage districts and improvement districts therein and to provide for revenue warrants of such districts, and it is therefore essential that this act go into immediate effect.

CHAPTER 37

An act to amend Section 29910.1 of the Government Code, relating to county bonds.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 29910.1 of the Government Code is amended to read:

29910.1. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series; provided, that the earliest maturity of each issue or series, as the case may be, shall not be more than two years from the date of the bonds of said issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. Every year beginning with the date of the earliest

maturity of each issue or series of bonds, as the case may be, not less than one-fortieth of the whole of the indebtedness evidenced by such issue or such series shall be payable; provided, however, the bonds of any issue or series irrespective of the purpose for which the same are to be issued may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity which annual installments may vary one from another in amounts not exceeding in any year more than 5 percent of the total principal amount of the bonds of such issue or of the series thereof then proposed to be issued.

CHAPTER 38

An act to amend Section 31468 of the Government Code, relating to the County Employees' Retirement Law.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 31468 of the Government Code is amended to read:

31468. (a) "District" means a district, formed under the laws of the state, located wholly or partially within the county other than a school district.

(b) "District" also includes any institution operated by two or more counties, in one of which there has been adopted an ordinance placing this chapter in operation.

(c) "District" also includes any organization or association authorized by Chapter 26, Statutes of 1935, as amended by Chapter 30, Statutes of 1941, or by Section 50024 of this code, which organization or association is maintained and supported entirely from funds derived from counties, and the board of any retirement system is authorized to receive the officers and employees of such organization or association into the retirement system managed by the board.

(d) "District" also includes, but is not limited to, any sanitary district formed under Part 1 (commencing at Section 6400), Division 6 of the Health and Safety Code.

(e) "District" also includes any city, public authority, public agency, and any other political subdivision or public corporation formed or created under the Constitution or laws of this state and located or having jurisdiction wholly or partially within the county.

(f) "District" also includes any nonprofit corporation or association conducting an agricultural fair for the county pursuant to a contract between the corporation or association and the board of supervisors under the authority of Section 25905 of the Government Code.

CHAPTER 39

An act to amend Section 31595 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 31595 of the Government Code is amended to read:

31595. All funds received by the county treasurer not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in the state or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this state wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(c) Certificates and shares of a building and loan association or a federal savings and loan association if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(d) Registered warrants of any political subdivision of this state.

(e) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a county of this state and subject to the limitations of this article.

(f) Deeds of trust and mortgages. Not to exceed 25 percent of all funds invested may be invested pursuant to this subdivision Such investment may be made by the retirement board with the approval of the board of supervisors of said county.

(g) Common and preferred stocks. Investments in common and preferred stocks may be made to the extent authorized in Section 13 of Article XII of the State Constitution.

CHAPTER 40

An act to add Sections 54929 and 54931.6 to the Government Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 54929 is added to the Government Code, to read:

54929. Notwithstanding any other provision of this article, any public utility district which was formed through a consolidation confirmed by the voters thereof at an election held after January 1, 1967, and prior to March 1, 1967, shall be deemed effective for assessment and taxation purposes in 1967 if its initial statement and map or plat are filed prior to April 1, 1967, rather than January 1, 1967, as required by Section 54902.

SEC. 2. Section 54931.6 is added to the Government Code, to read:

54931.6. Notwithstanding Sections 54902, 54903, and 54903.1 of this code, any annexation by a public utility district which became final on or before December 20, 1966, shall be effective for assessment or taxation purposes if the statement and maps or plat referred to in Section 54900 are filed with the assessor and the State Board of Equalization on or before January 5, 1967.

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

This act will permit the annexation by a public utility district where the annexation occurred on or before December 20, 1966, and a public utility district formed through a consolidation at an election held after January 1, 1967 and prior to March 1, 1967, to be deemed effective for assessment and taxation purposes in 1967 if the districts file their documents on or before the prescribed dates In order to permit these districts to function this year and perform their necessary functions it is necessary that this act take effect at the earliest possible date.

CHAPTER 41

An act to amend Sections 2212 and 2213 of the Streets and Highways Code, relating to federal-aid secondary highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1967. Filed with Secretary of State April 13, 1967.]

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

SECTION 1. Section 2212 of the Streets and Highways Code is amended to read:

2212. Any savings or carryover of funds for projects not advertised pursuant to Section 2211 may be permitted in an amount not to exceed twenty-five percent (25%) of the apportionment to the county for such fiscal year. A county may by agreement with the department combine the apportionment for three years for a single project, provided that such agreement also contains such terms and conditions as are necessary to comply with all applicable federal laws and regulations.

SEC. 2. Section 2213 of the Streets and Highways Code is amended to read:

2213. By agreement with the department a county may transfer all or part of the funds apportioned to it, and in its discretion matching funds, to a federal-aid secondary road project:

(a) In an adjoining county where the highway connects points in the two counties.

(b) In another county under such terms and conditions as are agreed upon by the department and the counties involved, including provisions relating to the reciprocal advancement of funds between the counties involved.

(c) In a city in the same county.

(d) For use with respect to a state highway in the same county or other county in the same county group as specified in Section 187. Such an expenditure of federal funds or the money apportioned by the state to match the unexpended balance of the federal aid shall not be deemed an expenditure to meet the requirements of Sections 188.8 and 188.9.

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

The economic well-being of several counties is dependent upon the development of a major winter recreational area. Such development is dependent upon the prompt establishment of adequate highway access which would traverse several counties. In order that the counties involved may take advantage of the authority afforded by this act during the summer highway construction period, it is necessary that this act take effect immediately.

CHAPTER 42

An act to amend Sections 11041 and 14005 of the Government Code and Sections 143.1, 143.2, and 30057 of the Streets and Highways Code, relating to administration of the Department of Public Works.

[Approved by Governor April 17, 1967. Filed with Secretary of State April 17, 1967.]

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

SECTION 1. Section 11041 of the Government Code is amended to read:

11041. Sections 11042 and 11043 are not applicable to the Regents of the University of California, Legal Division of the Department of Public Works, Division of Labor Law Enforcement, Industrial Accident Commission, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, Alcoholic Beverage Control Appeals Board (except when the board affirms the decision of the Department of Alcoholic Beverage Control), and Department of Education, nor to any other state agency which by law enacted after Chapter 213, of the Statutes of 1933, is authorized to employ legal counsel.

SEC. 2. Section 14005 of the Government Code is amended to read:

14005. For the purpose of administration, the director shall organize the department with the approval of the Governor in the manner that he deems necessary properly to segregate and conduct the work of the department. The work of the department shall be divided into at least four divisions known as the Division of Highways, the Division of Aeronautics, the Legal Division, and the Division of Bay Toll Crossings.

SEC. 3. Section 143.1 of the Streets and Highways Code is amended to read:

143.1. The department shall make at least 30 days before each regular session of the Legislature a budget report to the Governor.

The commission shall prepare for inclusion, and the department shall include, in said report a statement of all estimated State Highway Fund revenues and revenues available from any other sources and estimated regular federal aid for the next succeeding fiscal year, together with a statement of proposed expenditures or obligations to be incurred during the next succeeding fiscal year for the construction, improvement, and maintenance of the various highways or portions thereof under the jurisdiction of the department under the following headings:

(a) Administration, including payments for services of the Legal Division.

(b) Maintenance.

(c) Major Construction and Improvement. Under this will be shown all proposed expenditures or obligations to be incurred in each county group for major construction and improvement, segregating the route of each highway to be constructed or improved, the county in which located, the number of miles involved, and a description of the type of work to be done.

(d) Minor Improvement and Betterment. This heading will show the total proposed expenditures and obligations to be incurred for each county group for minor improvement and betterment.

(e) Contingencies.

(f) Rights-of-Way. This will show the approximate amount of money needed for the purchase of rights-of-way in each county group.

(g) Other proposed expenditures, including preliminary engineering.

The said report as submitted by the department shall be included in the printed fiscal year budget submitted to the Legislature. It shall constitute as submitted the complete and detailed budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code. Said budget shall be administered by the Department of Finance as the fiscal year budget of the Division of Highways under the provisions of this section and of Article 2 of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code. In the case of any inconsistency, the provisions of this section shall control.

All changes or modifications in the budget shall be by vote of the commission, approved by the Director of Finance where required by this section.

Funds may be transferred from Item (e), Contingencies, to other items by vote of the commission, but no increase or decrease shall be otherwise made in any of Items (a) to (g), inclusive, of said budget without the approval of the Director of Finance. No project shown under Item (c) shall be eliminated and no new project shall be added to Item (c) of the budget without the approval of the Director of Finance. If it is necessary to eliminate or postpone any project shown under Item (c) to meet an emergency caused by floods, earthquake or other like cause or on account of decreased revenue or on account of increased costs on other work, the commission may eliminate or postpone such project upon the written approval of the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the commission for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by the commis-

sion to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering said budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year and shall not require any greater detail than that specified in this section and in Section 143.2.

Contracts for any construction and improvement projects for which funds are available during any fiscal year may be awarded on and after the first day of January preceding the beginning of the fiscal year.

SEC. 4. Section 143.2 of the Streets and Highways Code is amended to read:

143.2. In each report required by Section 143.1, the commission shall prepare for inclusion, and the department shall also include, in such report a statement of actual State Highway Fund revenues and revenues available from any other source and estimated regular federal aid for highway purposes received during the current and next preceding fiscal years, together with a statement of all expenditures made and obligations incurred during the current and next preceding fiscal years for the construction, improvement, and maintenance of state highways or portions thereof under the jurisdiction of the department under the following headings and subheadings:

(a) Administration, including payments for services of the Legal Division.

(1) General or central office administration.

(2) District office administration.

(3) Departmental administration.

These subheadings will include administrative expenditures for bridges, testing, and the like.

(b) Maintenance, including: (1) all maintenance expenditures for each highway route; and (2) a breakdown of total maintenance expenditures by descriptive categories such as general maintenance, snow removal, bridge repairs, and other categories used by the department to describe a particular class of maintenance work.

(c) Major Construction and Improvement. Under this will be shown all expenditures and obligations incurred in each county group for major construction and improvement, segregating the major bridges, the route of each highway constructed or improved, the county in which located, the number of miles involved, and a description of the type of work done.

(d) Minor Improvement and Betterment. This heading will show the amount expended for minor improvement and betterment in each county group.

(e) Rights-of-Way. This will show the amount of money expended for the purchase of rights-of-way in each county group.

There shall also be included in such report a statement of the reasons for any differences between actual revenues re-

ceived and estimated revenues, as well as for any differences between actual expenditures and obligations incurred and those proposed to be made, in the two next preceding reports together with a statement of the reasons why any expenditures proposed to be made or obligations to be incurred in the two next preceding reports, and not made, have not been made or incurred.

In addition to making such report to the Governor, the department shall publish or cause to be published not less than 500 copies thereof for the use of the Legislature.

For the purposes of this section, the date of the award of a contract and of the commencement of a day labor project shall be deemed the time when the entire obligation thereunder is incurred.

SEC. 5. Section 30057 of the Streets and Highways Code is amended to read:

30057. The Attorney General shall be the legal counsel of the authority. Subject to the approval and under the supervision of the Attorney General, attorneys of the Legal Division of the Department of Public Works may likewise act as such counsel and as counsel for the department in matters arising under this chapter.

CHAPTER 43

An act to amend Section 401 of the Revenue and Taxation Code, relating to assessment ratios, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1967. Filed with Secretary of State April 17, 1967.]

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

SECTION 1. Section 401 of the Revenue and Taxation Code is amended to read:

401. Every assessor shall assess all property subject to general property taxation from the lien date for the 1967–68 fiscal year through the 1970–71 fiscal year at a publicly announced ratio of his own choosing which shall be between 20 percent and 25 percent of full cash value. Beginning with the lien date for the 1971–72 fiscal year, he shall assess all property subject to general property taxation at 25 percent of its full cash value.

The ratio which an assessor chooses for each fiscal year for the 1967–68 fiscal year through the 1970–71 fiscal year may be the same ratio as the ratio of assessed to full cash value employed by the county during the preceding fiscal year, as such ratio has been determined by the board, if such ratio is between 20 and 25 percent of full cash value, or the assessor may announce a ratio closer to 25 percent than the ratio employed by

the county during the preceding year. No assessor shall announce a ratio farther away from 25 percent of full cash value than the ratio employed by the county for the preceding fiscal year, as such ratio has been determined by the board.

SEC. 2. Any assessor who has announced a ratio not in conformity with the provisions of Section 401 of the Revenue and Taxation Code, as amended by this act, prior to the effective date of this act, shall announce a new ratio in conformity with the provisions of Section 401 of the Revenue and Taxation Code within five days after this act becomes effective.

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

Section 104 of Chapter 147 of the Statutes of the 1966 First Extraordinary Session of the Legislature declared that it was the intention of the Legislature in adopting the amendments to Section 401 of the Revenue and Taxation Code to require assessments at a uniform fraction of full cash value, as well as making other changes in the law relating to the assessment and equalization of property, to provide reforms in assessment practices with respect to locally assessable tangible property and to achieve equity in the assessment and equalization of such property. In the transition period from the assessment ratios now employed by the various counties to a uniform ratio of 25 percent of full cash value for the 1971–72 fiscal year, equity will not be promoted if assessors assess property at ratios farther away from the uniform ratio to be achieved. Therefore, in order to prevent confusion and hardship on taxpayers in the 1967–68 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 44

An act to repeal Section 19355 of the Revenue and Taxation Code, relating to tax proceeds.

[Approved by Governor April 17, 1967. Filed with Secretary of State April 17, 1967.]

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

SECTION 1. Section 19355 of the Revenue and Taxation Code is repealed.

CHAPTER 45

An act to amend Section 31870 of, and to add Sections 31870.1 and 31879.1 to, the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor April 17, 1967. Filed with Secretary of State April 17, 1967.]

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

SECTION 1. Section 31870 of the Government Code is amended to read:

31870. The board shall before April 1 of each year determine whether there has been an increase or decrease in the cost of living as provided in this section. Notwithstanding Section 31481 or any other provision of this chapter (commencing with Section 31450), every retirement allowance, optional death allowance, or annual death allowance payable to or on account of any member, of this system or a superseded system, who retires or dies or who has retired or died shall, as of July 1st of each year, be increased or decreased by a percentage of the total allowance then being received found by the board to approximate to the nearest one-half of 1 percent the percentage of annual increase or decrease in the cost of living as of January 1st of each year as shown by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the county seat is situated, but such change shall not exceed 2 percent per year; however, the amount of any cost-of-living increase or decrease in any year which is not met by the maximum annual change of two (2) percent in allowances shall be accumulated to be met by increases or decreases in allowances in future years; except that no decrease shall reduce the allowance below the amount being received by the member or his beneficiary on the effective date of the allowance or the application of this article, whichever is later.

SEC. 2. Section 31870.1 is added to the Government Code, to read:

31870.1. The board shall before April 1 of each year determine whether there has been an increase or decrease in the cost of living as provided in this section. Notwithstanding Section 31481 or any other provision of this chapter (commencing with Section 31450), every retirement allowance, optional death allowance, or annual death allowance payable to or on account of any member, of this system or a superseded system, who retires or dies or who has retired or died shall, as of July 1st of each year, be increased or decreased by a percentage of the total allowance then being received found by the board to approximate to the nearest one-half of 1 percent, the percentage of annual increase or decrease in the cost of living as of January 1st of each year as shown by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the county seat is situated, but such change

shall not exceed 3 percent per year; however, the amount of any cost of living increase or decrease in any year which is not met by the maximum annual change of three (3) percent in allowances shall be accumulated to be met by increases or decreases in allowances in future years; except that no decrease shall reduce the allowance below the amount being received by the member or his beneficiary on the effective date of the allowance or the application of this article, whichever is later.

SEC. 3. Section 31879.1 is added to the Government Code, to read:

31879.1. Any county may adopt or readopt this article alone from time to time, adopt Article 16.5 alone, or adopt this article and Article 16.5 at the same time or different times. If both articles are adopted, any accumulated increases in excess of three percent (3%) per year which are accumulated under this article shall be applicable to the computation of future allowance adjustments as provided in Article 16.5 and any allowance which is increased as provided in this article shall be subject to future increase or decrease as provided in Article 16.5.

CHAPTER 46

An act to amend Section 3800 of the Fish and Game Code, relating to nonprotected birds.

[Approved by Governor April 17, 1967. Filed with Secretary of State April 17, 1967.]

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

SECTION 1. Section 3800 of the Fish and Game Code is amended to read:

3800. Nonprotected birds are:

(a) English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or black-billed magpies (Pica pica hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); and starlings (Sturnus vulgaris).

(b) Yellow-billed magpies (Pica nuttalli).

The provisions of subdivision (b) of this section shall be applicable only in those districts or parts of districts within a county whose board of supervisors, by resolution, has declared that, based only upon crop damage, such provisions are desirable for the county and shall be in effect until the 61st day after adjournment of the 1969 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 47

An act to amend Section 201 of the Elections Code, relating to encouragement of registration, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1967. Filed with Secretary of State April 17, 1967.]

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

SECTION 1. Section 201 of the Elections Code is amended to read:

201. It is the intent of the Legislature that the election board of each county, in connection with the registration of voters and in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

It is also the intent of the Legislature that county clerks, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to cover most effectively every section of the county. The persons so deputized shall be permitted to register voters anywhere within the county, and the county clerk shall not deny deputy registrars the right to register voters anywhere in the county.

In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency, may authorize and assign any of its officers or employees to become deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by such public agencies during the regular working hours of such officers or employees; provided, that with the exception of firemen, any compensation to which said officer or employee may be entitled to in payment for the services of such officer or employee as a deputy registrar may be paid by the authority which appointed such officer or employee as a deputy registrar to the public agency which regularly employs such officer or employee.

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

The number of new voters registered has declined severely because of the fact that there is not an adequate number of registrars available and because employees of public agencies who would otherwise be willing to serve as deputy registrars are reluctant to do so because of the present law which pro-

vides that payment for such registration be made directly to the public agency.

In order to rectify this situation before pending elections are held and so guarantee that the greatest possible number of voters will be registered to vote in such elections, it is necessary that this act go into effect immediately.

CHAPTER 48

An act to add Section 66502.1 to, and amend Sections 66502, 66503, 66504, 66507, 66513, and 66515 of, the Government Code, relating to the Bay Area Transportation Study Commission.

[Approved by Governor April 18, 1967. Filed with Secretary of State April 18, 1967.]

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

SECTION 1. Section 66502 of the Government Code is amended to read:

66502. The Legislature declares that it is in the best interests of the people of the state, and particularly of the people of the San Francisco Bay area, that bay area transportation plans and projects of each federal, state and local public agency should be coordinated to the fullest extent possible; that information and data compiled by the study commission should be taken into consideration by such public agencies in the planning and execution of such transportation projects; and that all such public agencies should cooperate in carrying out these objectives by advising and consulting with the study commission from time to time in connection with such transportation plans and projects.

SEC. 2. Section 66502.1 is added to the Government Code, to read:

66502.1 In order to insure that all programs related to bay area transportation development are carried out in a coordinated manner, the commission may negotiate agreements with local bay area planning agencies establishing procedures for the joint review by the commission and such agencies of all applications for federal loans or grants to assist in the planning or construction of airports, highways, or other transportation facilities in the bay area which are required by federal law or regulations to be submitted to metropolitan or regional planning agencies for review. Such agreements shall provide for the comments and recommendations of the commission with respect to the project for which the application is being made.

SEC. 3. Section 66503 of the Government Code is amended to read:

66503. There is hereby created the Bay Area Transportation Study Commission, which shall consist of 39 members, as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, San Mateo, and Santa Clara. With respect to the members representing the City and County of San Francisco, one shall be appointed by the mayor and one shall be appointed by the board of supervisors. With respect to the members representing each of the other counties, the board of supervisors of the county shall appoint one of its members and the city selection committee of the county shall appoint one member from among the mayors and city councilmen of the cities in such county. The city selection committee shall consist of the mayor of each incorporated city within the county, or, if there is no mayor, by the chairman or president of the city council.

(b) The Administrator of Highway Transportation, the Planning Officer, and one representative each of the Bureau of Public Roads, the Housing and Home Financing Agency, the Bay Area Rapid Transit District, the Association of Bay Area Governments, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge and Highway District.

(c) Seven at-large members appointed by the Governor, all of whom shall be residents of the bay area, and three of whom shall be representatives of bona fide labor organizations.

(d) Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker. The Members of the Legislature shall participate on the study commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature shall constitute a joint interim investigating committee on the subject of this title and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

(e) The chairman of the citizens' advisory committee established under Section 66513.

(f) One member of the San Francisco Bay Conservation and Development Commission appointed by such commission.

SEC. 4 Section 66504 of the Government Code is amended to read:

66504. The members of the study commission, except the Members of the Legislature serving thereon, shall serve for four years or until the termination of the study commission, whichever is earlier. A vacancy in the membership of the study commission shall be filled by the appointing power of the particular member.

A member may designate one alternate for attendance at meetings or for voting. The name of the alternate shall be filed in writing with the commission.

SEC. 5. Section 66507 of the Government Code is amended to read:

66507. The study commission shall conduct, participate in, and cooperate with, such studies of interregional transportation facilities as airports, seaports, and railroads, as it finds advisable to discharge its duties as stated in Section 66501(f).

SEC. 6. Section 66513 of the Government Code is amended to read:

66513. Within a reasonable time, but not to exceed one year from the date of the first meeting of the study commission, the chairman of the study commission, in collaboration with and with the concurrence of the study commission, shall appoint a citizens' advisory committee to assist and advise the study commission in carrying out its functions. The advisory committee shall consist of not more than 50 members, who shall be appointed so as to include civic and governmental leaders and a broad representation of business and labor, and so as to assure adequate geographical representation throughout the San Francisco Bay area. The chairman of the study commission, in collaboration with and with the concurrence of the study commission, shall appoint the chairman of the citizens' advisory committee from among its membership. All meetings of the advisory committee shall be open and public, and all persons shall be permitted to attend any meetings of the committee. At least two members of the advisory committee shall be representatives of public agencies having jurisdiction over harbor or airport facilities, or both.

SEC. 7. Section 66515 of the Government Code is amended to read:

66515. The study commission shall submit a final report to the Governor and to the Legislature by the fifth (5th) legislative day of the 1969 Regular Session.

The existence of the study commission shall terminate on the 61st day after final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 49

An act making an appropriation to the Department of Veterans Affairs in augmentation of Item 295, Budget Act of 1966, to take effect immediately.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. The sum of two hundred six thousand dollars ($206,000) is hereby appropriated to the Department of Veterans Affairs in augmentation of and upon the same terms

and conditions as the appropriation made by Item 295, Budget Act of 1966.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 50

An act to amend Sections 8205 and 8207 of the Government Code, relating to notaries public.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 8205 of the Government Code is amended to read:

8205. It is the duty of a notary public:

(a) When requested, to demand acceptance and payment of foreign and inland bills of exchange, or promissory notes, to protest them for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages, or by the laws of any other state, government, or country, may be performed by notaries.

(b) To take the acknowledgment or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person, and to give a certificate of such proof or acknowledgment, endorsed on or attached to the instrument. Such certificate shall be signed by him in his own handwriting.

(c) To take depositions and affidavits, and administer oaths and affirmations, in all matters incident to the duties of the office, or to be used before any court, judge, officer, or board in this state. Any deposition, affidavit, oath or affirmation shall be signed by him in his own handwriting.

SEC. 2. Section 8207 of the Government Code is amended to read:

8207. A notary public shall provide and keep an official seal, which shall clearly show, when embossed, stamped, impressed or affixed to a document, the name of the notary and the State Seal, the words "Notary Public" and the name of the county in which he maintains his principal place of business. If he transfers his principal place of business to a different county than that shown on the seal, he shall have the seal altered to indicate such change. He shall authenticate with his official seal all official acts.

The seal of every notary public whose commission is issued on or after January 1, 1964, may be affixed by a seal press or stamp that will print or emboss a seal which legibly reproduces under photographic methods the Seal of the State of California

the name of the notary, the words "Notary Public" and the name of the county in which he maintains his principal place of business. The seal may be circular not over two inches in diameter, or may be a rectangular form of not more than an inch in width by two inches and one-half in length, with a serrated or milled edged border, and shall contain the information required by this section.

The seal of every notary public whose commission is issued on or after January 1, 1968, shall also clearly show, and legibly reproduce, the date his commission expires

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CHAPTER 51

An act to amend Sections 28133, 28138 and 28142 of the Government Code, relating to salaries of county officers.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 28133 of the Government Code is amended to read:

28133. In a county of the 33rd class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand two hundred dollars ($10,200) a year.

(b) The district attorney, sixteen thousand dollars ($16,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, seven thousand, eight hundred dollars ($7,800) a year. He shall also receive ten cents ($0.10) a mile for travel related to the work of the board of supervisors. In addition to mileage each member of the board shall receive his other actual travel expenses incurred by him while traveling on the work of the board of supervisors.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance, and six dollars ($6) thereafter, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive two dollars ($2) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

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

SEC. 2. Section 28138 of the Government Code is amended to read:

28138. In a county of the 38th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eleven thousand four hundred dollars ($11,400) a year.

(b) The district attorney, seven thousand two hundred dollars ($7.200) a year.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year and mileage at the rate of twenty cents ($0.20) a mile for the distance usually traveled in going from his home to the county seat and returning when attending meetings of the board of supervisors.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

SEC. 3. Section 28142 of the Government Code is amended to read:

28142. In a county of the 42nd class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, twelve thousand dollars ($12,000) a year and such fees as are paid to that officer.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and eight cents ($0.08) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid

by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

CHAPTER 52

An act to amend Section 1624 of the Civil Code, relating to the statute of frauds.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 1624 of the Civil Code is amended to read:

1624. The following contracts are invalid, unless the same, or some note or memorandum thereof, is in writing and subscribed by the party to be charged or by his agent:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in Section 2794;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

5. An agreement authorizing or employing an agent, broker, or any other person to purchase or sell real estate, or to lease real estate for a longer period than one year, or to procure, introduce, or find a purchaser or seller of real estate or a lessee or lessor of real estate where such lease is for a longer period than one year, for compensation or a commission;

6. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will;

7. An agreement by a purchaser of real property to pay an indebtedness secured by a mortgage or deed of trust upon the property purchased, unless assumption of said indebtedness by the purchaser is specifically provided for in the conveyance of such property.

CHAPTER 53

An act to amend Section 8211 of the Government Code, relating to notary public fees.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 8211 of the Government Code is amended to read:

8211. The fees of a notary public are:

(a) For every protest for the nonpayment of a promissory note or for the nonpayment or nonacceptance of a bill of exchange, draft, or check, two dollars ($2).

(b) For serving every notice of nonpayment of a promissory note or of nonpayment or nonacceptance of a bill of exchange, order, draft, or check, one dollar ($1).

(c) For recording every protest, one dollar ($1).

(d) For copying an affidavit, or other paper for which provision is not made herein, ten cents ($0.10) for each folio.

(e) For all services rendered in connection with the taking of any deposition, the sum of five dollars ($5), and in addition thereto, the sum of one dollar ($1) for administering the oath to the witness and the sum of one dollar ($1) for the certificate to such deposition.

The fees herein provided for are exclusive of any fees for services rendered either by a notary public or another in connection with the reporting or transcription of depositions.

For his services transcribing a deposition the reporter shall receive from the party purchasing the original fifty-five cents ($0.55) per 100 words, and for each copy made at the same time ten cents ($0.10) per 100 words; from all other parties purchasing the same the reporter shall receive for each copy made at the same time as the original twenty cents ($0.20) per 100 words for the first copy, and ten cents ($0.10) per 100 words for additional copies.

(f) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, for the first two signatures, one dollar ($1) each, and for each additional signature, fifty cents ($0.50).

(g) For administering an oath or affirmation, fifty cents ($0.50).

(h) For every certificate, to include writing the same, and the seal, one dollar ($1).

CHAPTER 54

An act to amend Section 23752 of the Education Code, relating to California State Colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 23752 of the Education Code is amended to read:

23752. The Trustees of the California State Colleges are authorized to acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2, Government Code) or by lease or other means, real property and to construct, operate and maintain motor vehicle parking facilities thereon for state college officers, employees, students, or other persons. The trustees may prescribe the terms and conditions of such parking, and of parking on facilities existing on the effective date of this section, including the payment of parking fees in such amounts and under such circumstances as may be determined by the trustees. Varying rates of parking fees may be established for different localities or for different parking facilities. In determining rates of parking fees the trustees may consider the rates charged in the same locality by other public agencies and by private employers for employee parking, and the rates charged to students by other universities and colleges.

Except as otherwise provided in this section, revenues received by the trustees from any of the hereinabove motor vehicle parking facilities, as well as from all parking facilities existing on the effective date of this section, shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State College Parking Revenue Fund, which fund is hereby created. The trustees may pledge all or any part of such revenues in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947 (Article 2 (commencing with Section 24501), Chapter 11, Division 18), in which case such revenues shall be deposited, transmitted and used in the manner provided by that act. All revenues received by the trustees from parking facilities, to the extent not pledged in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947, are hereby appropriated, without regard to fiscal years, to the trustees for the acquisition, construction, operation and maintenance of motor vehicle parking facilities on real property acquired hereunder or on real property otherwise under the jurisdiction of the trustees. Moneys in the State College Parking Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those

eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and shall be deposited in the State Treasury to the credit of the State College Parking Revenue Fund.

The Legislature by this section does not intend to authorize the institution of a private parking program unrelated to state purposes in competition with private industry.

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

There is an urgent need to expand existing parking facilities at the several state college campuses, to enable more persons to take advantage of the educational opportunities offered at the several campuses.

The cost of this expansion of parking facilities is to be met by the users of the facilities, rather than from General Fund appropriations or from general obligation bond proceeds. At the present time the issuance and sale of revenue bonds for the establishment of new and additional parking facilities is being held in abeyance pending the enactment of this act which will serve to make such securities marketable. In order that the issuance and sale of the bonds may be effectuated as soon as possible, and to ensure that the acquisition and construction of the urgently needed facilities will be completed by the commencement of the 1967–1968 academic year, it is essential that this act take effect immediately.

CHAPTER 55

An act to amend Section 27361.6 of the Government Code, relating to recordation of documents.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 27361.6 of the Government Code is amended to read:

27361.6. On all printed forms primarily intended to be used for recordation purposes there shall be a one-half-inch margin on the two vertical sides except in the space reserved for recording information. The top two and one-half ($2\frac{1}{2}$) inches of the first page shall be reserved for recording information. The left-hand three and one-half ($3\frac{1}{2}$) inches of such space is intended for use by the public to show the person requesting recordation and to whom the document should be

returned. All instruments, papers or notices presented for recordation should be on a quality of paper that will reproduce legibly by photographic or microphotographic processes. Any printed form accepted for recordation that does not comply with the foregoing shall not affect the notice otherwise imparted by recording.

CHAPTER 56

An act to amend Sections 27324 and 27325 of, and to add Sections 27280.5 and 27361.1 to, the Government Code, relating to indexing of recorded documents.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 27280.5 is added to the Government Code, to read:

27280.5. The names of parties required to be indexed appearing in any instrument, paper, or notice presented for recordation shall be legibly signed, typed, or printed therein before acceptance by the county recorder. The names of all persons executing or witnessing a document shall be legibly signed or shall be typed or printed to the side of or below the signature. The absence or neglect to legibly sign, type, or print the names shall not affect the notice otherwise imparted by recording.

SEC. 2. Section 27324 of the Government Code is amended to read:

27324. Any instrument, paper, or notice presented for recordation or filing which contains thereon a title or an endorsement indicating the kind or kinds of document it is to be indexed as, when accepted for recordation or filing, shall be indexed by the recorder in every way indicated by the title or endorsement. The instrument, paper, or notice need not be indexed in any other index or manner than as indicated by the title or endorsement.

SEC. 3. Section 27325 of the Government Code is amended to read:

27325. If any instrument, paper, or notice is presented and accepted for recordation or filing without a title or an endorsement indicating the manner of indexing, it shall be indexed as the recorder determines.

SEC. 4. Section 27361.1 is added to the Government Code, to read:

27361.1. Whenever two or more instruments, papers, or notices are serially incorporated on one form or sheet, or are attached to one another, except as an exhibit marked as such, each instrument, paper, or notice shall be considered to be a separate instrument, paper, or notice for the purpose of computing the fee established by Section 27361 of this code.

CHAPTER 57

An act to amend Section 27364 of, and to repeal Section 27376 of, the Government Code, relating to recorders' fees.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 27364 of the Government Code is amended to read:

27364. The fee for each certificate under seal is one dollar ($1).

SEC. 2. Section 27376 of the Government Code is repealed.

CHAPTER 58

An act to add Section 27207 to the Government Code, relating to destruction of records.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 27207 is added to the Government Code, to read:

27207. At the request of the county recorder, the board of supervisors of any county may authorize the destruction of any or all of the filed papers or records books created under the Land Title Law (an initiative measure adopted by the electors November 3, 1914, and repealed effective May 1, 1955) after compliance with all the conditions in paragraphs (a), (b), (c), and (d) of Section 26205.5 of the Government Code.

CHAPTER 59

An act to amend Section 28524 of the Health and Safety Code, relating to the sanitation of vehicles.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 28524 of the Health and Safety Code is amended to read:

28524. "Vehicle" means any vehicle upon which food or beverage is displayed, sold, or offered for sale at retail, or

given away to the public, but not including bakery delivery vehicles which are used exclusively to carry bakery products in sealed packages which are subject to the provisions of Section 28209.

CHAPTER 60

An act to add Article 6 (commencing with Section 22940) to Chapter 2 of Part 2 of Division 12 of the Elections Code, relating to municipal elections.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Article 6 (commencing with Section 22940) is added to Chapter 2 of Part 2 of Division 12 of the Elections Code, to read:

Article 6. Recount of Votes

22940. At any time prior to the fourth day following the completion of the canvass, including that of the absent voter ballots, but not necessarily subsequent to the completion of such canvass, any candidate for a municipal office may file with the city clerk a declaration alleging that because of mistake, error or misconduct the votes in one or more precincts specified in the declaration were so incorrectly counted that the returns do not correctly show which candidate received the plurality of the votes cast for the office in the precinct. If any candidate files a declaration requesting a recount in less than the total number of precincts wherein votes were cast for the office, and the recount is begun, any other candidate for nomination or election to the same office may, at any time prior to the fourth day following the beginning of such recount, file with the city clerk a declaration alleging that because of possible mistake, error, or misconduct in precincts specified in the declaration, which may include any or all precincts specified by previous declarations, as well as any or all precincts not specified by previous declarations, the ballots were so incorrectly counted that the returns may not correctly show which candidate received the plurality of votes cast for the office in those precincts. A copy of the declaration may be personally served upon each other candidate for nomination for or election to the same office prior to the filing of the declaration and shall be so served before the recount provided for in this article is commenced. For the purpose of this section, "completion of the canvass" shall be presumed to be that time when, the governing body declares elected the persons having the highest number of votes given for each office pursuant to Section 22932.

22941. Except as to precincts specified in the declaration, the canvass shall be conducted in accordance with the other applicable provisions of this chapter. As to the canvass of the precincts so specified the governing body shall publicly recount the ballots of each precinct or cause such recount to be made by a special recounting board consisting of not less than four voters of the city appointed by the governing body. If a special recounting board is appointed, each member of that board shall receive for his services the same compensation per day as is paid in the city to members of precinct boards, other than inspectors, which shall be paid out of the city treasury. In case a special recounting board is appointed, the candidate filing the declaration shall, before the commencement of the recount and at the beginning of each day following during the period of the recount, deposit with the city clerk a sum equal to one day's compensation for the members of the special recounting board. In case a special recounting board is not appointed, the candidate shall, before the recount is commenced and at the beginning of each day following during the period of the recount, deposit such sums as the governing body requires to cover the expense of the recount, which sum shall not exceed the sum which would have been required to be deposited if a special recounting board had been appointed. In either case all money so deposited shall be returned to the depositor if upon the recount the candidate filing the declaration is found to have received the plurality of the votes cast for the office. If the candidate filing the declaration has not received the plurality of the votes cast, he shall be entitled to the return of any money deposited in excess of the cost of the recount. Money not required to be refunded shall be deposited in the city treasury.

Any special recounting board appointed pursuant to this section shall be under the supervision of the city clerk, and if the office of city clerk is the subject of the recount, then the recount shall be accomplished by the governing body itself or the governing body shall appoint a city officer, other than the city clerk, to supervise the special recounting board.

22942. The ballots shall be recounted as nearly as practicable in the manner prescribed for the counting of votes at precincts. The recount shall be continued daily, Sundays and holidays excepted, for not less than six hours each day until completed. Any candidate for the office involved shall be entitled to be present in person or by representative at all stages of the recount provided for in this article. If the recount requires such length of time that the canvass cannot be completed by the 30th day following the election, the time so prescribed shall be extended until after the recount is completed.

22943. In lieu of the returns of the precinct board, upon the completion of the recount showing that a different candidate was nominated or elected, there shall be entered the re-

sult of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of that precinct for the office involved in the recount to the same effect as if the result as shown by the recount had been shown in the returns of the precinct board. The results of any recount begun pursuant to a declaration filed as provided in Section 22940, which is not completed by counting the votes in each and every precinct specified in the declaration, shall be declared null and void.

22944. In the event the ballots were originally counted by vote tabulating devices, the recount provided for in this article may be conducted in the same manner as the original count by a special recounting board appointed by the governing body. Before the recount is commenced, the candidate shall deposit such sums as the governing body requires to cover the expense of the recount. The money so deposited shall be returned to the depositor if upon the recount the candidate filing the declaration is found to have received the plurality of the votes cast for the office. If the candidate filing the declaration has not received the plurality of the votes cast, he shall be entitled to the return of any money deposited in excess of the cost of the recount. Money not required to be refunded shall be deposited in the city treasury.

22945. Except as provided in this article all of the provisions of this chapter apply to the canvass of the votes for offices to which this article is applicable.

CHAPTER 61

An act to amend Section 1328 of the Penal Code, relating to service of subpoenas.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 1328 of the Penal Code is amended to read:

1328. A subpoena may be served by any person, but a peace officer must serve in his county any subpoena delivered to him for service, either on the part of the people or of the defendant, and must, without delay, make a written return of the service, subscribed by him, stating the time and place of service. The service is made by showing the original to the witness personally, informing him of its contents, and delivering him a copy.

Whenever any peace officer designated in Section 817 of this code is required as a witness before any court or magistrate in

any action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served either by delivering a copy to such peace officer personally or by delivering two copies to his immediate superior or agent designated by his immediate superior to receive such service. If service is made upon the immediate superior or agent designated by the immediate superior, the immediate superior or such agent shall deliver a copy of the subpoena to the peace officer as soon as possible and in no event later than such time as will enable the peace officer to comply with the subpoena.

If the immediate superior or his designated agent upon whom service is attempted to be made knows he will be unable to deliver a copy of the subpoena to the peace officer within such time as will allow the peace officer to comply with the subpoena, such immediate superior or agent may refuse to accept service of process and is excused from any duty, liability, or penalty arising in connection with such service, upon notifying the server of such fact.

If a immediate superior or his agent is tendered service of a subpoena less than five working days prior to the date of hearing, and he is not reasonably certain he can complete the service, he may refuse acceptance.

If a immediate superior or agent upon whom service has been made, subsequently determines that he will be unable to deliver a copy of the subpoena to the peace officer within such time as will allow the peace officer to comply with the subpoena, the immediate superior or agent shall notify the server or his office or agent not less than 48 hours prior to the hearing date indicated on the subpoena, and is thereby excused from any duty, liability, or penalty arising because of his failure to deliver a copy of the subpoena to the peace officer. The server, so notified, is therewith responsible for preparing the written return of service and for notifying the originator of the subpoena if required.

CHAPTER 62

An act to amend Sections 5001, 5101, and 5102 of the Water Code, relating to filing notices and statements of extractions, diversions, and uses of water with the State Water Rights Board.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 5001 of the Water Code is amended to read:

5001. Each person who, after 1955, extracts ground water in excess of 25 acre-feet in any year shall file with the board

on or before March 1st of the succeeding year a "Notice of Extraction and Diversion of Water" (hereinafter called "notice") in the form provided in Section 5002; provided, however, that no notice need be filed with respect to, and there shall not be required to be included in any such notice, (a) information concerning the extraction or diversion of water from a source from which less than 10 acre-feet has been taken during such year, (b) information concerning a taking or diversion of surface water for the purpose of generating electrical energy and other nonconsumptive uses, and for incidental uses in connection therewith, or (c) information concerning extractions or diversions of water which are included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have extracted or diverted water and give the general place of use and the quantity of water which has been extracted or diverted from each source.

SEC. 2. Section 5101 of the Water Code is amended to read:

5101. Each person who, after December 31, 1965, diverts water shall file with the board, prior to July 1 of the succeeding year, a statement of his diversion and use; provided, however, that no statement need be filed if the diversion is any of the following:

(a) From a spring which does not flow off the property on which it is located.

(b) Covered by an application, permit or license to appropriate water on file with the board.

(c) Included in a notice filed pursuant to Part 5 (commencing with Section 4999) of this division.

(d) Regulated by a watermaster appointed by the department.

(e) Reported by the department in its hydrologic data bulletins.

(f) Included in the consumptive use data for the delta lowlands published by the department in its hydrologic data bulletins.

(g) Included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have diverted water and give the general place of use and the quantity of water which has been diverted from each source.

SEC. 3. Section 5102 of the Water Code is amended to read:

5102. The statement may be filed either by the person who is diverting water or, on his behalf, by an agency which he designates and which maintains a record of the water diverted. A separate statement shall be filed for each point of diversion.

CHAPTER 63

An act to amend Section 11612 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 11612 of the Business and Professions Code is amended to read:

11612. In the event an agreement or contract is entered into, pursuant to subdivision (a) or (b) of Section 11611, for the improvement of the streets or easements, the governing body shall require that the agreement or contract shall be secured by a good and sufficient improvement security.

Any contract entered into pursuant to subdivision (b) of Section 11611 may provide that, upon the furnishing by the contractor of the labor and material and faithful performance bonds required by the particular special assessment act, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of bonds so furnished by the contractor.

"Improvement security" as used in this section means one or more of the following: (1) a cash deposit or deposits made with the city or county, (2) a bond or bonds by one or more duly authorized corporate sureties or (3) an instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument. Said improvement security shall be in the amounts and for the following purposes: (a) an amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement or contract and (b) an additional amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement.

Improvement security may be released or reduced in whole or in part in the following manner:

(a) Improvement security given for faithful performance of the agreement or contract may be released upon final completion and acceptance of the work or the governing body may provide for the partial release of the improvement security upon the acceptance of the work as it progresses under rules established by the governing body.

(b) Improvement security securing the payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials may six months after the completion and acceptance of the work be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the governing body, and if there are no actions filed, the improvement security may be released in full.

The governing body may authorize the county surveyor or city engineer, or other public official or employee to authorize release or reduction of the improvement security under the above set forth conditions and in accordance with such rules as it may prescribe.

CHAPTER 64

An act to amend Section 722 of the Code of Civil Procedure, relating to filing fees.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 722 of the Code of Civil Procedure is amended to read:

722. When any judgment debtor, or any person or corporation or officer or member of such corporation, does not reside or have a place of business in the county where the judgment roll is filed, or where the judgment is entered in the docket in the justice court, an order authorized to be made under any of the provisions of this chapter may be made by any judge of a court of similar jurisdiction of the county where such judgment debtor or other person resides or has a place of business, or if there be no court of similar jurisdiction in such county, by a court of higher jurisdiction therein, upon filing with the clerk or judge of said court an abstract of the judgment, in the form prescribed by Section 674 of this code and upon presenting to the judge of such court an affidavit showing the existence of the facts required to be shown herein. At the time of filing such abstract, there shall be paid to such clerk or judge, as and for a filing fee, the sum of four dollars ($4) when filed in a justice court; the sum of six dollars ($6) when filed in a superior or municipal court.

CHAPTER 65

An act to amend Section 545.1 of the Code of Civil Procedure, relating to writs of attachment.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 545.1 of the Code of Civil Procedure is amended to read:

545.1. No person shall be required, pursuant to Section 545 of this code, to attend before a judge or referee outside of the county in which he resides or in which he has a place of business, unless the distance to the place of trial is less than 150 miles from his place of residence or place of business.

CHAPTER 66

An act to add Section 54924.5 to the Government Code, relating to detachment of territory from a fire protection district on its annexation to a city, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 54924.5 is added to the Government Code, to read:

54924.5. Notwithstanding any other provision of this chapter, any change in the boundaries of a fire protection district formed or operating under Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code as the result of the detachment of territory of the district by action taken on March 7, 1967, pursuant to the District Reorganization Act of 1965, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the district with the assessor and the State Board of Equalization on or before March 10, 1967.

The district from which the territory has been detached shall have no power to furnish fire protection services to such territory on or after July 1, 1967, and no taxes shall be levied by or on behalf of the district on any property in such territory in order to furnish fire protection services to such territory on or after July 1, 1967.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

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

Unless this act takes effect immediately, territory otherwise validly detached from a fire protection district and annexed to a city will be required to pay taxes to the district and to the city although all fire protection functions in the territory will be performed by the city.

CHAPTER 67

An act to add Section 22904 to the Elections Code, relating to municipal elections.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 22904 is added to the Elections Code, to read:

22904. A majority of the members of any precinct board shall be present at the polling place at all times while the polling place is open.

CHAPTER 68

An act to maintain the Business and Professions Code by amending Sections 6348.3, 20711, and 20782, and repealing Section 11525.1 as added by Chapter 1180 of the Statutes of 1965, relating to business and professions.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 6348.3 of the Business and Professions Code is amended to read:

6348.3. A library building erected to house the law library may include not more than four courtrooms with offices in connection therewith, offices for use of a county bar association, and an office for a notary public and public stenographer, which courtrooms and offices the board of law library trustees may lease, the income to be deposited in the law library fund.

SEC. 2. Section 11525.1 of the Business and Professions Code, as added by Chapter 1180 of the Statutes of 1965, is repealed.

SEC. 3. Section 20711 of the Business and Professions Code is amended to read:

20711. The department may adopt, amend, and repeal such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. The rules and regula-

tions shall be adopted, amended, and repealed in accordance with Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 20782 of the Business and Professions Code is amended to read:

20782. It is unlawful for any person to sell, offer for sale, or cause or permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are kept or stored for sale, which does not conform to the requirements of this article, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such petroleum product is drawn or poured for sale or delivery, a sign or label, plainly visible, comprising the brand, trademark or trade name of such fuel, or the words "no brand," which words shall be in letters of gothic type with a stroke of not less than one-eighth inch in width and not less than one inch in height, and also the words "not gasoline" in red letters of gothic type with a stroke of not less than one-half inch in width and not less than three inches in height, on a white background and not less than twice the size of any other letters or words appearing on or near the label or sign.

The provisions of this article, as to the words "not gasoline," shall not apply to signs or labels used in connection with the sale or delivery of distillate, kerosene, jet or turbine fuel, diesel fuel, liquefied petroleum gas, or motor fuel comprised of a mixture of gasoline and lubricating oil properly labeled in accordance with the provisions of Article 6 of this chapter.

CHAPTER 69

An act to maintain the Revenue and Taxation Code by repealing Sections 7313 and 7314 thereof, as enacted by Chapter 2028 of the Statutes of 1965, relating to state taxation.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 7313 of the Revenue and Taxation Code, as enacted by Chapter 2028 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 7313 of the Revenue and Taxation Code, as added by Chapter 2029 of the Statutes of 1965.

SEC. 2. Section 7314 of the Revenue and Taxation Code, as enacted by Chapter 2028 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 7314 of the Revenue and Taxation Code, as added by Chapter 2029 of the Statutes of 1965.

CHAPTER 70

An act to maintain the Water Code by amending Section 13005, and by repealing Article 5 (commencing with Section 12925) of Chapter 7.5, Part 6, Division 6, and Section 13026, relating to water.

[Approved by Governor April 25, 1967. Filed with Secretary of State April 25, 1967.]

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

SECTION 1. Section 13005 of the Water Code is amended to read:

13005. "State board" means the State Water Quality Control Board.

"Regional board" means any regional water quality control board created pursuant to this division.

"Person" as used in this division also includes any city, county, district, the state or any department or agency thereof.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the state" means any waters, surface or underground, including saline waters, within the boundaries of the state as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the state are affected.

"Pollution" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the state devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having

such an officer as to all matters except the prosecution of crimes.

"Water quality control" means the control of any factor which adversely and unreasonably impairs the quality of the waters of the state for beneficial use.

"Water quality control policy" means water quality objectives for affected waters of the state where water quality control measures are necessary or may be needed in the future to assure suitable water quality for beneficial use.

SEC. 2. Article 5 (commencing with Section 12925), Chapter 7.5, Part 6, Division 6, of the Water Code is repealed.

SEC. 3. Section 13026 of the Water Code is repealed.

CHAPTER 71

An act to amend Section 6503.6 of the Welfare and Institutions Code, relating to state property.

[Approved by Governor April 26, 1967. Filed with Secretary of State April 27, 1967.]

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

SECTION 1. Section 6503.6 of the Welfare and Institutions Code is amended to read:

6503.6. The Director of General Services, with the consent of the Department of Mental Hygiene, may sell the water treatment plant at the DeWitt State Hospital to the Nevada Irrigation District or the County of Placer under such terms, conditions, and restrictions as he deems to be for the best interests of the state. No such sale shall be made unless the district or county agrees to provide a sufficient amount of satisfactorily treated water to the hospital for its needs, at a cost no greater than that incurred by the hospital for water at the time of the sale.

CHAPTER 72

An act to amend Section 657 of, and to add Section 662.5 to, the Code of Civil Procedure, relating to new trials.

[Approved by Governor April 26, 1967. Filed with Secretary of State April 27, 1967.]

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

SECTION 1. Section 657 of the Code of Civil Procedure is amended to read:

657. The verdict may be vacated and any other decision may be modified or vacated, in whole or in part, and a new or further trial granted on all or part of the issues, on the

application of the party aggrieved, for any of the following causes, materially affecting the substantial rights of such party:

1. Irregularity in the proceedings of the court, jury or adverse party, or any order of the court or abuse of discretion by which either party was prevented from having a fair trial.

2. Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict, or to a finding on any question submitted to them by the court, by a resort to the determination of chance, such misconduct may be proved by the affidavit of any one of the jurors.

3. Accident or surprise, which ordinary prudence could not have guarded against.

4. Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial.

5. Excessive or inadequate damages.

6. Insufficiency of the evidence to justify the verdict or other decision, or the verdict or other decision is against law.

7. Error in law, occurring at the trial and excepted to by the party making the application.

When a new trial is granted, on all or part of the issues, the court shall specify the ground or grounds upon which it is granted and the court's reason or reasons for granting the new trial upon each ground stated.

A new trial shall not be granted upon the ground of insufficiency of the evidence to justify the verdict or other decision, nor upon the ground of excessive or inadequate damages, unless after weighing the evidence the court is convinced from the entire record, including reasonable inferences therefrom, that the court or jury clearly should have reached a different verdict or decision.

The order passing upon and determining the motion must be made and entered as provided in Section 660 and if the motion is granted must state the ground or grounds relied upon by the court, and may contain the specification of reasons. If an order granting such motion does not contain such specification of reasons, the court must, within 10 days after filing such order, prepare, sign and file such specification of reasons in writing with the clerk. The court shall not direct the attorney for a party to prepare either or both said order and said specification of reasons.

On appeal from an order granting a new trial the order shall be affirmed if it should have been granted upon any ground stated in the motion, whether or not specified in the order or specification of reasons, except that (a) the order shall not be affirmed upon the ground of the insufficiency of the evidence to justify the verdict or other decision, or upon the ground of excessive or inadequate damages, unless such ground is stated in the order granting the motion and (b) on appeal

from an order granting a new trial upon the ground of the insufficiency of the evidence to justify the verdict or other decision, or upon the ground of excessive or inadequate damages, it shall be conclusively presumed that said order as to such ground was made only for the reasons specified in said order or said specification of reasons, and such order shall be reversed as to such ground only if there is no substantial basis in the record for any of such reasons.

SEC. 2. Section 662.5 is added to the Code of Civil Procedure, to read:

662.5. (a) In any civil action where the verdict of the jury on the issue of damages is supported by substantial evidence but an order granting a new trial limited to the issue of damages would nevertheless be proper, the trial court may grant a motion for a new trial on the ground of inadequate damages and make its order subject to the condition that the motion for a new trial is denied if the party against whom the verdict has been rendered consents to an addition of so much thereto as the court in its discretion determines and specifies in its order.

(b) Nothing in this section precludes a court from making an order of the kind described in subdivision (a) in any other case where such an order is constitutionally permissible.

(c) Nothing in this section affects the authority of the court to grant a motion for a new trial on the ground of excessive damages and to make its order granting a new trial subject to the condition that the motion for a new trial on that ground is denied if the party recovering the damages consents to a reduction of so much therefrom as the court in its discretion determines and specifies in its order.

CHAPTER 73

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

[Approved by Governor April 26, 1967. Filed with Secretary of State April 27, 1967.]

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

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

25502.5. In counties having a population of 900,000 or more the board of supervisors may direct by ordinance the purchasing agent to engage independent contractors to perform sundry services for the county and the officers thereof, with or without the furnishing of material, where the estimated aggregate cost does not exceed ten thousand dollars ($10,000), and upon such direction the purchasing agent shall so engage independent contractors.

The board of supervisors may establish rules and regulations to effectuate the purposes of this section.

CHAPTER 74

An act to amend Sections 450, 451, 452, and 453 of the Water Code, relating to preliminary information received by the Governor from federal agencies on proposed flood control and reclamation projects.

[Approved by Governor April 26, 1967. Filed with Secretary of State April 27, 1967.]

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

SECTION 1. Section 450 of the Water Code is amended to read:

450. The Governor, or such state official or agency as he may designate, shall receive both the preliminary documents developed by, or the formal reports of, the Chief of Engineers, Department of the Army, and the Secretary of the Interior provided for in the Flood Control Act of 1944 (58 Stat. 887, 33 U.S.C. 701-1) with respect to proposed flood control or reclamation projects, or both.

SEC. 2. Section 451 of the Water Code is amended to read:

451. Within 10 days after the receipt of any such preliminary document or formal report, the Governor or his designee shall transmit copies thereof to both houses of the Legislature, if the Legislature is then in session. If not, the Governor or his designee shall transmit copies thereof to the Rules Committees of the Assembly and the Senate of the Legislature, which committees shall immediately assign them to appropriate interim committees for study.

SEC. 3. Section 452 of the Water Code is amended to read:

452. Any legislative committee to which such a preliminary document or formal report has been assigned may submit written comments thereon to the Governor or his designee.

SEC. 4. Section 453 of the Water Code is amended to read:

453. The Governor or his designee shall transmit, within the time period specified in the applicable federal law, to the appropriate federal agency, together with his comments and the comments of any state department or commission as to any such preliminary document or formal report, the written comments, if any, as to such preliminary document or formal report submitted to him by either house of the Legislature, or by both houses, or by any committee of the Legislature.

CHAPTER 75

An act to amend Section 24105 and to repeal Section 26700 of the Government Code, relating to county sheriffs.

[Approved by Governor April 26, 1967. Filed with Secretary of State April 27, 1967.]

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

SECTION 1. Section 24105 of the Government Code is amended to read:

24105. If the office of any of the county officers enumerated in Section 24000 of this code is vacant the duties of such office may be temporarily discharged by a chief deputy, assistant or deputy of such officer, as the case may be, next in authority to such county officer in office at the time the vacancy occurs, with like authority and subject to the same obligations and penalties as such county officer, until the vacancy in the office is filled in the manner provided by law; provided that if the vacancy occurs in the office of sheriff, the duties of such office shall be discharged by the assistant sheriff, or if that position is vacant, by the undersheriff, or if that position is also vacant, by the chief deputy next in line of authority.

SEC. 2. Section 26700 of the Government Code is repealed.

CHAPTER 76

An act to amend Section 1356 of the Financial Code, relating to investments of savings banks.

[Approved by Governor May 2, 1967. Filed with Secretary of State May 2, 1967.]

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

SECTION 1. Section 1356 of the Financial Code is amended to read:

1356. In the bonds of any other political subdivision, public corporation, or district of the State of California (herein referred to generally as public corporations) having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation, provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 2 percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one such public corporation or special district;

(b) The net direct debt of such public corporation together with its net overlapping debt does not exceed 25 percent of

the assessed valuation of the taxable property within its boundaries according to the last official equalized county assessment roll.

CHAPTER 77

An act to amend Sections 4991 and 4992 of the Revenue and Taxation Code, relating to erroneous sale or deed to the state.

[Approved by Governor May 2, 1967. Filed with Secretary of State May 2, 1967.]

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

SECTION 1. Section 4991 of the Revenue and Taxation Code is amended to read:

4991. If the tax collector erroneously sells or deeds to the state property for the taxes which were a lien on the property for any year and the taxes for that year have been paid or were not legally a lien on the property, the auditor and the tax collector shall certify the facts to the board of supervisors. The board of supervisors shall then make an order canceling the erroneous certificate of sale or deed, and

(a) Record a certified copy of the order, and

(b) File a copy of the order with the auditor who shall enter the fact and date of the cancellation on the delinquent roll, the abstract, or the electronic data processing records.

SEC. 2. Section 4992 of the Revenue and Taxation Code is amended to read:

4992. When an assessment or taxes are legally canceled, if the property has been sold or deeded for the taxes, the board of supervisors shall make an order canceling the certificate of sale or the deed, and

(a) Record a certified copy of the order, and

(b) File a copy of the order with the auditor who shall enter the fact and date of the cancellation on the delinquent roll, the abstract, or the electronic data processing records.

CHAPTER 78

An act to amend Sections 21655, 22356, 22407, 24600, 24602, 24609, and 31614 of, to add Section 22406 to, and to repeal Sections 22406, 22408, 22412, and 22414 of, the Vehicle Code, relating to motor vehicle operation.

[Approved by Governor May 2, 1967. Filed with Secretary of State May 2, 1967.]

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

SECTION 1. Section 21655 of the Vehicle Code is amended to read:

21655. (a) Whenever the State Department of Public Works or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Section 22406 and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Section 22406 shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb. When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code.

This subdivision shall not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering a highway.

SEC. 2. Section 22356 of the Vehicle Code is amended to read:

22356. Whenever the Department of Public Works, after consultation with the Department of the California Highway Patrol, determines upon the basis of an engineering and traffic survey that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway or portion thereof which is a freeway with full control of access and without crossings at grade otherwise subject to a maximum speed limit of 65 miles per hour, the Administrator of Highway Transportation may declare a higher maximum speed of 70 miles per hour, and shall cause appropriate signs to be erected giving notice thereof.

No person shall drive a vehicle upon such highway at a speed greater than 70 miles per hour.

SEC. 3. Section 22406 of the Vehicle Code is repealed.

SEC 4. Section 22406 is added to the Vehicle Code, to read:

22406. No person shall drive any of the following vehicles on a highway at a speed in excess of 55 miles per hour:

(a) A motortruck or truck tractor having three or more axles or any motortruck or truck tractor drawing any other vehicle.

(b) A passenger vehicle or bus drawing any other vehicle.

(c) A schoolbus transporting any school pupil.

(d) A farm labor bus or farm labor truck when transporting passengers.

(e) A vehicle transporting explosives.

SEC. 5. Section 22407 of the Vehicle Code is amended to read:

22407. Whenever the Department of Public Works or local authority determines upon the basis of engineering studies and a traffic survey that the speed of 55 miles per hour is more than is reasonable or safe for vehicles mentioned in subdivision (a) of Section 22406 in descending a grade upon any portion of a highway, the department or local authority, with respect to highways under their respective jurisdiction, may determine and declare a speed limit of 50, 45, 40, 35, 30, 25 or 20 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective for such vehicles when appropriate signs giving notice thereof are erected upon the highway.

SEC. 6. Section 22408 of the Vehicle Code is repealed.

SEC. 7. Section 22412 of the Vehicle Code is repealed.

SEC. 8. Section 22414 of the Vehicle Code is repealed.

SEC. 9. Section 24600 of the Vehicle Code is amended to read:

24600. Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles during darkness shall be equipped with one or more lighted taillamps exhibiting red light plainly visible from a distance of 500 feet to the rear except that a vehicle or the vehicle at the end of a train of vehicles which is subject to subdivision (a) of Section 22406 and every new vehicle other than a motorcycle first registered after January 1, 1958, shall be equipped with not less than two such lighted taillamps which shall be mounted at the left and right side respectively on the rear of the vehicle. Whenever any vehicle is equipped with two taillamps, as required or permitted by this section, both of such lamps shall be lighted during darkness, except that such lamps may flash as a part of a turn signal lamp.

SEC. 10. Section 24602 of the Vehicle Code is amended to read:

24602. Every red taillamp upon a vehicle or the vehicle at the end of a train of vehicles which is subject to subdivision (a) of Section 22406 shall be equipped with red lenses not less than $2\frac{7}{8}$ inches in diameter or $6\frac{1}{2}$ square inches in area.

The voltage at any tail, stop, license plate or clearance lamp socket of the vehicle or train of vehicles shall not be less than 85 percent of the design voltage of the bulb. Voltage tests shall be conducted with the engine operating.

SEC. 11. Section 24609 of the Vehicle Code is amended to read:

24609. (a) A vehicle or the vehicle at the end of a train of vehicles which is subject to subdivision (a) of Section 22406 shall be equipped with at least two red reflectors not less than $2\frac{3}{4}$ inches in effective diameter or 6 square inches in effective area mounted on the left and right side respectively on the

rear of the vehicle at a height not to exceed 60 inches nor less than 24 inches above the ground and so designed and maintained as to be visible at night from all distances within 500 feet from the vehicle or train of vehicles when directly in front of a motor vehicle displaying lawful lighted headlamps, not depressed.

(b) A motortruck weighing unladen more than 5,000 pounds and every trailer coach shall be equipped with at least two reflectors as provided in this section.

(c) The engineering requirements for reflectors under this section shall be governed by specifications to be determined and publicized by the department.

SEC. 12. Section 31614 of the Vehicle Code is amended to read:

31614. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the State Fire Marshal, drivers shall follow such routes as may be prescribed or established by local authorities.

(b) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

(c) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(d) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless the explosives are contained entirely within the body of the vehicle and if the vehicle has a tailboard or tailgate it shall be closed and secured in place during transportation.

(e) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless the vehicle has a closed body or the body thereof is covered with a flame retardant tarpaulin and in either event the driver shall exercise care to protect the load from moisture and sparks.

(f) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(g) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave the vehicle unattended at any place designated as a safe parking place on the list of safe stopping places prepared by the State Fire Marshal unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(h) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

CHAPTER 79

An act to amend Sections 8764.5, 11579, and 11580 of the Business and Professions Code; to amend Section 1244 of the Civil Code; to repeal Sections 27331, 27332, and 27382 of, and to amend Section 27330 of, the Government Code; to amend Sections 128, 3117, and 3121 of the Streets and Highways Code; and to repeal Sections 26229 and 26230 of, to amend Section 26132 of, and to add Section 26229 to, the Water Code, relating to recording and filing of documents.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 8764.5 of the Business and Professions Code is amended to read:

8764.5. Certificates shall appear on the map as follows:

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyors' Act at the request of _____
Name of Person Authorizing Survey

in _____, 19___.

(Signed and sealed) _____
L.S. (or R.C.E.) No. _____

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the requirements of the Land Surveyors' Act this _____ day of _____, 19 ___.

(Signed) _____
County Surveyor

RECORDER'S CERTIFICATE

Filed this _____ day of _____, 19___, at _____ .m. in Book ____ of _____ at page ____, at the request of _____.

(Signed) _____
County Recorder

No other certificates or statements shall appear on the map except those of a technical nature affecting the locations of the survey lines or monuments represented on the map.

SEC. 2. Section 11579 of the Business and Professions Code is amended to read:

11579. Certificates shall appear on a parcel map as follows:

SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act at the request of (Name of person authorizing map) on _____, 19___. I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof; that all provisions of applicable state law and local ordinances have been complied with.

(Signed and sealed)_____
L.S. (or R.C.E.) No._____

RECORDER'S CERTIFICATE

Filed this ___ day of _____, 19___, at ___m. in Book___ of _____ at Page ___ at the request of _____
_____

(Signed) _____
County Recorder

SEC. 3. Section 11580 of the Business and Professions Code is amended to read:

11580. After affixing his certificate as required in subdivision (d) of Section 11576 the county surveyor or city engineer shall present the map to the county recorder for filing.

When any parcel map is presented to the county recorder and is accepted by him he shall so certify on the face thereof and shall fasten the same securely in a book of parcel maps which he shall keep in his office. The recorder may not have more than 10 days to examine the parcel map before accepting or refusing it for filing. The charge for filing and for indexing by the recorder shall be the same as provided for subdivided land under Section 27372 of the Government Code. Upon acceptance by the recorder, the parcel map shall be a public record.

SEC. 4. Section 1244 of the Civil Code is amended to read:

1244. A declaration of abandonment is effectual only from the time it is recorded in the office in which the homestead was recorded.

SEC. 5. Section 27330 of the Government Code is amended to read:

27330. Notices of liens for internal revenue taxes payable to the United States and certificates of release, discharge, subordination or nonattachment of such liens shall be filed in the office of the county recorder of the county within which the property subject to the lien is situated.

Certificates of redemption issued by the United States pursuant to the Federal Tax Lien Act of 1966 shall be recorded in the office of the county recorder of the county within which the property is situated.

SEC. 6. Section 27331 of the Government Code is repealed.

SEC. 7. Section 27332 of the Government Code is repealed.

SEC. 8. Section 27382 of the Government Code is repealed.

SEC. 9. Section 128 of the Streets and Highways Code is amended to read:

128. The department shall maintain, in each district office of the Division of Highways, a file of its final construction plans and right-of-way record maps for all completed state highway projects located within the district. Such plans and records are public writings. The department may file in the office of the recorder of the county in which any state highway is located, such plans, maps, or drawings of each state highway as the department deems necessary in the public interest, which the county recorders of the several counties shall accept and file without fee. No certificate need be attached thereto other than the usual title of the department showing the approval of such plans, maps, or drawings by the proper officer or engineer of the department.

All maps filed in the office of a county recorder pursuant to this section shall conform to the provisions of this paragraph The map shall be legibly drawn, printed or reproduced by a process that provides a permanent record. Each sheet of paper or other material used for such map shall be 22 by 36 inches in size, shall have clearly shown therein the particular number of the sheet, the total number of sheets comprising the map, and its relation to each adjoining sheet, and shall have encompassing its border a line that leaves a blank margin one inch in width, except that the left side margin shall be two inches in width. In any county using a microfilm system, such plans, maps, or drawings may be microfilmed in lieu of filing.

SEC. 10. Section 3117 of the Streets and Highways Code is amended to read:

3117. If any proceedings are abandoned by the legislative body, the clerk of the legislative body, forthwith upon such abandonment, shall record a certified copy of the resolution of abandonment with the county recorder of each county in which all or any part of the assessment district is located.

The certificate of the clerk of the legislative body attached to such resolution shall include a reference to the date of the resolution of abandonment, the date of the original resolution of intention, and the date the map of the assessment district pertaining thereto was filed with the county recorder. The county recorder shall index such resolution in the book containing the index of the maps of assessment districts.

SEC. 11. Section 3121 of the Streets and Highways Code is amended to read:

3121. Not later than 10 days after (1) making demand upon or application to the treasurer or other officer of the city to sell property for such delinquency or (2) commencing an action or proceeding in any court to foreclose the lien of such special assessment or bond, the assessment lienholder shall record with the county recorder a notice of pendency of such sale or foreclosure.

SEC. 12. Section 26132 of the Water Code is amended to read:

26132. Of each of the duplicate certificates of sale one shall be retained by the collector and the other shall be recorded in the office of the county recorder of the county in which the property is situated.

SEC. 13. Section 26229 of the Water Code is repealed.

SEC. 14. Section 26229 is added to the Water Code, to read:

26229. The collector shall record the other duplicate certificate of redemption with the county recorder in whose office the certificate of sale was recorded and shall pay the recording fee provided for in Section 27361, Government Code.

SEC. 15. Section 26230 of the Water Code is repealed.

CHAPTER 80

An act to repeal Section 268.4 of the Revenue and Taxation Code, relating to the welfare exemption, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. For the purposes of Section 268 of the Revenue and Taxation Code, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1966" includes property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year its articles of incorporation did not provide that its property was irrevocably dedicated to charitable, scientific or hospital purposes, and upon its liquidation, dissolution or abandonment would not inure to the benefit of any private person, except a

fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor that its property was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation during the calendar year 1966 or prior to the first Monday in March, 1967, to provide that its property is irrevocably dedicated to charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes.

This section shall remain in effect until one year after the effective date of the enactment of this section at the 1967 Regular Session of the Legislature and shall thereafter be of no force or effect.

SEC. 2. Section 268.4 of the Revenue and Taxation Code is repealed.

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

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

CHAPTER 81

An act to amend Section 997 of the Code of Civil Procedure, relating to settlements.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 997 of the Code of Civil Procedure is amended to read:

997. The defendant may, at any time before the trial or judgment, serve upon the plaintiff an offer to allow judgment to be taken against him for the sum or property, or to the effect therein specified. If the plaintiff accepts the offer, and gives notice thereof within five days, he may file the offer, with proof of notice of acceptance, and the clerk, or the judge where there is no clerk, must thereupon enter judgment accordingly. If the notice of acceptance be not given, the offer is to be deemed withdrawn, and cannot be given in evidence upon the trial; and if the plaintiff fails to obtain a more favorable judgment, he cannot recover costs, but must pay the defendant's costs from the time of the offer. Any judgment entered pursuant to this section is deemed to be a compromise settlement.

CHAPTER 82

An act to amend Sections 225 and 231 of the Code of Civil Procedure, relating to juries.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 225 of the Code of Civil Procedure is amended to read:

225. The sheriff, marshal, or such attaché ordered by the court, as soon as he receives the list or lists of jurors drawn, shall summon the persons named therein to attend the court at the opening of the regular session thereof, or at such session or time as the court may order, by giving personal notice to that effect to each of them, or by leaving a written notice to that effect at his place of residence, with some person of proper age, or by mailing such notice by first-class mail, registered mail, or certified mail, and shall return the list to the court at the opening of the regular session thereof, or at such session or time as the jurors may be ordered to attend, specifying the names of those who were summoned, and the manner in which each person was notified. Once a person has been so summoned, the specific time and place of his appearance may be modified or specified by order of the court and notification thereof given by either oral, written, telephonic, or telegraphic communication.

Any trial juror who fails to appear in response to a notice sent by first-class mail shall be immediately resummoned by a notice sent by registered mail or certified mail and shall not be subject to attachment or fine as provided in Section 238, unless he fails to appear in response to this second mailing.

SEC. 2. Section 231 of the Code of Civil Procedure is amended to read:

231. Such jurors must be summoned from the list of persons prepared, as hereinafter stated, by notifying each orally that he is summoned and of the time and place at which his attendance is required, or by leaving a written notice to that effect at his place of residence with some person of proper age, or by mailing such notices by first-class mail, certified mail, or registered mail.

Any trial juror who fails to appear in response to a notice sent by first-class mail shall be immediately resummoned by a notice sent by registered mail or certified mail and shall not be subject to attachment or fine as provided in Section 238, unless he fails to appear in response to this second mailing.

In the month of January in each year it shall be the duty of each justice court to make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein during the ensuing year. Any such court may make additional orders during the year designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein during the balance of the year, or a portion thereof. Immediately after said order is made, the county clerk of the county in which said court is held shall select a list of men and women to serve as trial jurors in such court during the ensuing year, or until a new list of trial jurors shall be provided.

The selections and lists shall be made of persons suitable and competent to serve as jurors resident respectively in the judicial district in which the court is established, and in making such selections the county clerk shall take the names of such only as are not exempt from serving, who are in the possession of their natural faculties, are not infirm or decrepit, of fair character and approved integrity, and of sound judgment. A list of the persons selected to serve as trial jurors in each such court, certified by the county clerk, shall at once be placed in the possession of and filed with such court. The persons whose names are so returned shall be known as regular jurors and shall serve for one year and until other persons are selected and returned.

Whenever the business of such court shall require the attendance of a trial jury, the judge of the court, or any one of the judges, when there is more than one, may make an order directing the sheriff, constable, marshal, or policeman of the jurisdiction to summon trial jurors, as hereinabove provided.

Whenever, after all the persons whose names appear upon the list of jurors of such a court, have been summoned, and there is not a sufficient number of competent jurors present, the court, or judge thereof, may direct the sheriff, constable, marshal, or policeman of the jurisdiction, to summon a sufficient number of persons having the qualifications of jurors from the body of the judicial district, or if these sources do not

produce a sufficient number, county in which such court is established.

In those counties in which a registrar of voters office has been established, the registrar of voters shall discharge all duties of the county clerk prescribed by this section, if the county board of supervisors so directs.

CHAPTER 83

An act to amend Sections 71255, 71595, and 71613 of, to add Sections 71758, 71759, and 72680.1 to, and to add Chapter 5 (commencing with Section 72040) to Part 8 of Division 20 of, the Water Code, relating to municipal water districts.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 71255 of the Water Code is amended to read:

71255. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) for each meeting of the board attended by him, which amount shall be fixed from time to time by the board. No director shall receive compensation for more than two meetings in any calendar month. A director shall be compensated for a meeting of the board if at the time of the holding of such meeting he is on other business of the district, at the request of the board.

If allowed by the board, a director shall also receive traveling and other expenses incurred by him on district business, at the request of the board.

SEC. 2. Section 71595 of the Water Code is amended to read:

71595. A district may contract with any insurance corporation, the State Employees' Retirement System, or any other insurance carrier for the maintenance of a service covering the pension of the district officers or employees and for their health and accident insurance coverage.

SEC. 3. Section 71613 of the Water Code is amended to read:

71613. A district may supply and deliver water to property not subject to district taxes at special rates, terms, and conditions as are determined by the board for such service.

SEC. 4. Section 71758 is added to the Water Code, to read:

71758. The district may employ counsel to defend any action brought against it or against any of its officers, agents or employees on account of any claimed action or inaction involving any claimed injury, taking, damage or destruction, and the fees and expenses involved therein shall be a lawful charge against the district.

SEC. 5. Section 71759 is added to the Water Code, to read:

71759. If any officer, agent or employee of the district is held liable for any act or omission in his official capacity, except in case of actual fraud or actual malice, and any judgment is rendered thereon, the district shall pay the judgment without obligation for repayment by the officer, agent or employee.

SEC. 6. Chapter 5 (commencing with Section 72040) is added to Part 8, Division 20 of the Water Code, to read:

CHAPTER 5. EXCLUSION OF TERRITORY FROM IMPROVEMENT DISTRICTS

72040. Proceedings to exclude territory from an improvement district, formed pursuant to this part, may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded, which states reasons such exclusion will be beneficial to the district or the improvement district or the territory to be excluded.

72041. Upon adoption of said motion to initiate exclusion proceedings or upon receipt of said petition for exclusion, the board shall adopt a resolution of intention to exclude which shall state:

(a) The method by which said exclusion proceedings were initiated; by motion of the board or by petition of voters.

(b) That taxes for carrying out the purpose of the improvement district will not be levied upon taxable property in the excluded territory following such exclusion in the event such territory is excluded.

(c) That following such exclusion, the taxable property in the territory remaining in said improvement district shall continue to be levied upon and taxed to provide funds for the purposes of said improvement district.

72042. The resolution of intention to exclude shall also state that a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in said improvement district, is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed exclusion.

72043. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the proposed exclusion and the effect of such exclusion upon the district, the improvement district and the territory to be excluded.

(b) That at such time and place any person interested, including all persons owning property in the district or in the improvement district, will be heard.

72044. Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for

the hearing in a newspaper circulated in the municipal water district, if there is a newspaper circulated in the district. Such notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

72045. At the time and place so fixed in the resolution of intention to exclude, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property in the district, or in the improvement district may appear and present any matters material to the questions set forth in the resolution of intention to exclude.

72046. At the conclusion of the hearing, the board shall by resolution determine whether it is necessary or desirable to exclude said territory. If so, the resolution shall also state:

(a) The reasons why such exclusion is necessary or desirable.

(b) That the exterior boundaries of the improvement district following such exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of said, then existing, improvement district.

72047. The determinations made in the resolution of exclusion shall be final and conclusive.

72048. After the exclusion of territory from the improvement district pursuant to this part, all taxes levied for the carrying out of said improvement district's purpose shall be levied exclusively upon the taxable property in the improvement district as then constituted.

72049. A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the district, if there is a newspaper printed and published in the district. A copy of the resolution shall also be posted in three public places within the improvement district for at least two weeks.

The resolution of exclusion shall not be effective until the 31st day after completion of the publication and posting.

72050. Any action or proceeding in which the validity of the exclusion of territory from the improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the effective date of the resolution of exclusion; otherwise, the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 7. Section 72680.1 is added to the Water Code, to read:

72680.1. In the event the petition for annexation is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this article.

CHAPTER 84

An act to amend Sections 20000, 20002, 20004, 20007, 20136, 20137, 20200, 20464, 20498, 20595, 20787, 20788, 21154, 21155, 21251.1, 21253, 22004, 22009.1, and 22157 of, and the heading of Part 3 (commencing with Section 20000) of Division 5 of Title 2 of, the Government Code, relating to the State Employees' Retirement Law.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 20000 of the Government Code is amended to read:

20000. This part may be cited as the Public Employees' Retirement Law.

SEC. 2. Section 20002 of the Government Code is amended to read:

20002. The Public Employees' Retirement System created by Chapter 700 of the Statutes of 1931, as amended, is continued in existence under this part.

SEC. 3. Section 20004 of the Government Code is amended to read:

20004. "Retirement system" or "this system" means the Public Employees' Retirement System created by Chapter 700 of the Statutes of 1931, as amended, and continued in existence by this part.

As used in this code and in every other statute heretofore, or hereafter enacted, or in every contract heretofore or hereafter entered into under any provisions of law, the term "State Employees' Retirement Law" shall be construed to refer to and mean the "Public Employees' Retirement Law," the term "State Employees' Retirement System" shall be construed to refer to and mean the "Public Employees' Retirement System," and the term "State Employees' Retirement Fund" shall be construed to refer to and mean the "Public Employees' Retirement Fund."

SEC. 4. Section 20007 of the Government Code is amended to read:

20007. "Retirement fund" means the Public Employees' Retirement Fund continued in existence by this part.

SEC. 5. Section 20136 of the Government Code is amended to read:

20136. All meetings of the Board of Administration, Public Employees' Retirement System, shall be open and public.

SEC. 6. Section 20137 of the Government Code is amended to read:

20137. All records of the Board of Administration, Public Employees' Retirement System, shall be open to inspection by the public during regular office hours, except as otherwise provided for by law.

SEC. 7. Section 20200 of the Government Code is amended to read:

20200. The "Public Employees' Retirement Fund" in the State Treasury is continued in existence.

SEC. 8. Section 20464 of the Government Code is amended to read:

20464. Notwithstanding any other provision of the Public Employees' Retirement Law, the board of directors of a metropolitan water district, or the governing body of any other public agency, shall adopt any order, motion, resolution or ordinance, required under the provisions of the Public Employees' Retirement Law to be adopted by a majority vote or by a two-thirds vote or by any other specified vote, by such affirmative vote as constitutes under the provisions of the Metropolitan Water District Act, or the statute creating or authorizing the organization of such other public agency, a majority vote or a two-thirds vote or such other specified vote, as the case may be, of such board or body.

Any order, motion, resolution or ordinance heretofore so adopted by a metropolitan water district or by such other public agency, and any contract heretofore entered into between the board of directors of a metropolitan water district, or the governing body of such other public agency and the Board of Administration, and which contract was approved by resolution or ordinance adopted by what constituted an affirmative two-thirds vote under the Metropolitan Water District Act, or under the provisions of the statute creating or authorizing the organization of such other public agency, are hereby ratified, confirmed, validated, and approved.

SEC. 9. Section 20498 of the Government Code is amended to read:

20498. If the effective date of coverage under the federal system of members who are employees of a contracting agency under the Public Employees' Retirement System is prior to the time employee federal contributions are first deducted from the salaries and wages of such employees and a reduced benefit is provided with respect to service from and after said effective date of coverage, retroactive employee and employer contributions may be paid on the contracting agency's election in the manner provided in this section.

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

erage, assuming that contributions in any year were made in equal monthly installments.

The amount by which such retroactive employee contributions for a member charged to the account of the employer exceeds the amount transferred from the employee account shall constitute an indebtedness of the member to the employer and a lien on any salary or wages payable to such employee or on his account.

Notwithstanding Sections 20654 and 20804.5, the amount of contributions under any election to deposit or redeposit contributions under this part with respect to service for which retroactive employee contributions are transferable to the employer account and which election is then not fully paid or is made thereafter, shall be adjusted so that the total accumulated contributions in the member's account upon completion of the deposit will equal the total accumulated contributions which would be in the member's account had the deposit or redeposit been completed when amounts became transferable from the member's account under this section. Such adjustment shall be accomplished by whichever of the following means is appropriate under the facts and the provisions of this section: (1) transfer to the employer account of amounts deposited where such account has not been fully reimbursed for retroactive employee contributions on account of the member paid from it, (2) reduction of the amount to be deposited under the election, or (3) refund to the member of the adjustment in his account.

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

This section shall apply to the county superintendent of schools as a contracting agency without election. Any excess normal contributions, determined in the manner prescribed in the preceding paragraph, of a member under a contract with a county superintendent of schools or a contract of a school district, whose services were included in the federal system, shall be refunded to the member.

SEC. 10. Section 20595 of the Government Code is amended to read:

20595. It is the intention of the Legislature in enacting this chapter that the officers and employees of the university included within the Public Employees' Retirement System

by Section 20590, shall be university members of the system with the same rights and status as if they had been brought within the field of membership by Chapter 806 of the Statutes of 1937, which included other employees of the university within the system, and that, except as provided in subdivision (c) of Section 20590, they shall be entitled to credit for prior service and for current service, and shall be otherwise subject to this part in all respects in the same manner and to the same extent as if Chapter 806 of the Statutes of 1937 had provided for their inclusion within the system; provided, however, that no person who becomes a member of this system pursuant to subdivision (a) of Section 20590 or who would have been included in the Pension and Retiring Annuities System of the university, pursuant to Chapter XIII of the Standing Orders of the Regents as said chapter reads on the operative date of this chapter, but for the provisions of Section 20591, shall receive a service retirement allowance in excess of eighty percent (80%) of final compensation Where, except for this proviso, his service retirement allowance would exceed eighty percent (80%) of final compensation, an appropriate refund shall be made of his own payments and interest thereon at the time of retirement.

SEC. 11. Section 20787 of the Government Code is amended to read:

20787 The board shall certify to the State Controller the total amount of employee federal contributions required for retroactive coverage under the federal system and the Controller shall thereupon transfer such amount from the Public Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund.

SEC. 12. Section 20788 of the Government Code is amended to read:

20788. Employer federal contributions required with respect to salaries and wages paid before July 1, 1963, and included in the regular quarterly reports of such wages for services rendered after the effective date of coverage of state and university employees, shall be paid from the Public Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund and shall be charged in the accounts of the state system to the state's accumulated contributions for current service.

The board shall certify to the State Controller, from time to time, the total amount of employer federal contributions required with respect to such salaries and wages and the Controller shall thereupon transfer such amount from the Public Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund.

SEC. 13. Section 21154 of the Government Code is amended to read:

21154. A contracting agency furnishing a public water supply from the Colorado River may employ a person receiving a retirement allowance under this system who has

special knowledge, experience and qualifications with reference to problems incident to providing such water supply from said Colorado River, to render services of a professional, scientific, or technical nature, in connection with litigation or prospective litigation involving such contracting agency, and may pay such person for services so rendered, pursuant to written contract setting forth the terms and duties of such employment. Any person who renders such services shall not be deemed to be an employee of the contracting agency for the purposes of the Public Employees' Retirement Law, nor shall he acquire any additional rights or benefits thereunder because of such employment.

The monthly amount of such person's pension for any calendar month during which he rendered services to such contracting agency pursuant to such contract of employment, shall be reduced by the amount of the compensation so paid to him by such contracting agency for the services so rendered during said month, but such compensation so paid to such person shall not reduce the amount of such person's pension for any month or for any period other than the calendar month during which he rendered the services for which such compensation was paid to him by such contracting agency. If the compensation so paid for such services rendered during any calendar month shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The controller, auditor, or corresponding officer of the contracting agency shall furnish to the board of administration all information necessary to carry out the provisions of this section.

The board of administration, promptly after receiving notification of any payment of compensation by a contracting agency for such services, shall make the proper entries in the pension account of such person and shall adjust the pension payments accordingly, and if necessary shall require refund of any overpayment of pension.

This section shall be effective notwithstanding the provisions of Section 21150 of this code or any other provision of law.

SEC. 14. Section 21155 of the Government Code is amended to read:

21155. A contracting agency which is furnishing a public water supply from the Colorado River, and which has a contract with the state for a supplemental supply of water, and which is engaged in the construction or installation of additional works or facilities required to enable such contracting agency to meet increasing demands for water supplied by such contracting agency, may employ any person who has attained the age at which retirement is required for members of his class or who is receiving or is entitled to receive a retirement allowance under this system, and who, in the judgment of the governing body of the contracting agency, is ex-

ceptionally well qualified to render general management and engineering services to such contracting agency, to perform such services and may pay such person for the services so rendered. Any person who renders such services shall not be deemed to be an employee of the contracting agency for the purposes of the Public Employees' Retirement Law, nor shall he acquire any additional rights or benefits thereunder because of such employment.

If such person is receiving a pension under the provisions of the Public Employees' Retirement Law, the monthly amount of such person's pension for any calendar month during which he rendered services to such contracting agency shall be reduced by the amount of the compensation so paid to him by such contracting agency for the services so rendered during said month, but such compensation so paid to such person shall not reduce the amount of such person's pension for any month or for any period other than the calendar month during which he rendered the services for which such compensation was paid to him by such contracting agency. If the compensation so paid for such services rendered during any calendar month shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The controller, auditor, or corresponding officer of the contracting agency shall furnish to the board of administration all information necessary to carry out the provisions of this section.

The board of administration, promptly after receiving notification of any payment of compensation by a contracting agency for such services, shall make the proper entries in the pension account of such person and shall adjust the pension payments accordingly, and if necessary shall require refund of any overpayment of pension.

This section shall be effective, notwithstanding the provisions of Section 21150 of this code or any other provision of law, until two years after the effective date of the amendment to this section enacted at the 1965 General Session or until March 1, 1967, whichever is later.

SEC. 15. Section 21251.1 of the Government Code is amended to read:

21251.1. The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the state, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service except service in a category of membership other than that of

a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction Men	Fraction Women
55	.705869	.727366
55¼	.718126	.738872
55½	.730382	.750377
55¾	.742639	.761882
56	.754896	.773388
56¼	.768245	.785846
56½	.781594	.798303
56¾	.794942	.810760
57	.808291	.823218
57¼	.822857	.836730
57½	.837422	.850243
57¾	.851988	.863756
58	.866554	.877268
58¼	.882472	.891957
58½	.898391	.906646
58¾	.914310	.921334
59	.930228	.936023
59¼	.947671	.952017
59½	.965114	.968012
59¾	.982557	.984006
60	1.000000	1.000000
60¼	1.016252	1.016109
60½	1.032504	1.032218
60¾	1.048757	1.048327
61	1.065009	1.064437
61¼	1.081989	1.081300
61½	1.098969	1.098163
61¾	1.115949	1.115026
62	1.132929	1.131890
62¼	1.150810	1.149654
62½	1.168690	1.167418
62¾	1.186571	1.185183
63	1.204452	1.202947
63¼	1.223090	1.221462
63½	1.241727	1.239976
63¾	1.260364	1.258491
64	1.279002	1.277006
64¼	1.299477	1.297302
64½	1.319652	1.317599
64¾	1.340427	1.337896
65 and over	1.360902	1.358192

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Public Employees' Retirement System with respect to state miscellaneous members on July 1, 1962 and shall be adjusted

by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 16. Section 21253 of the Government Code is amended to read:

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension derived from the contributions of the state, or of the contracting agency, equal to the sum of the following:

(a) The fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.677992	.716471
55¼	.691064	.728294
55½	.704137	.740116
55¾	.717210	.751938
56	.730282	.763761
56¼	.744680	.776627
56½	.759079	.789492
56¾	.773478	.802358
57	.787876	.815224
57¼	.803776	.829256
57½	.819676	.843288
57¾	.835577	.857321
58	.851477	.871353
58¼	.869076	.886698
58½	.886676	.902042
58¾	.904275	.917386
59	.921874	.932731
59¼	.941406	.949548
59½	.960937	.966366
59¾	.980468	.983183
60	1.000000	1.000000
60¼	1.016573	1.016429
60½	1.033146	1.032858

Age of retirement	Fraction Men	Fraction Women
60¾	1.049718	1.049288
61	1.066291	1.065717
61¼	1.084226	1.083534
61½	1.102160	1.101351
61¾	1.120094	1.119168
62	1.138029	1.136985
62¼	1.157496	1.156333
62½	1.176962	1.175680
62¾	1.196428	1.195028
63	1.215895	1.214376
63¼	1.237055	1.235409
63½	1.258216	1.256442
63¾	1.279376	1.277474
64	1.300536	1.298507
64¼	1.323622	1.321406
64½	1.346707	1.344306
64¾	1.369792	1.367206
65 and over	1.392878	1.390105

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Public Employees' Retirement System with respect to state miscellaneous members on July 1, 1962, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 17. Section 22004 of the Government Code is amended to read:

22004. "Board" shall have the following meanings: Until July 1, 1955, "board" means the Director of Finance. On and after July 1, 1955, "board" means the Board of Administration of the Public Employees' Retirement System.

SEC. 18. Section 22009.1 of the Government Code is amended to read:

22009.1. "Retirement system" includes:

(a) A pension, annuity, retirement or similar fund or system established by a public agency and covering only positions of that agency.

(b) The Public Employees' Retirement System with respect only to employees of the state and employees of the University of California in positions covered by that system.

(c) The Public Employees' Retirement System with respect to employees of all school districts in positions covered under each contract entered into by a county superintendent of schools and the system.

(d) The State Teachers' Retirement System with respect to all employees in positions covered by that system except employees of a public agency having any employees in positions covered by such system who are also in positions covered by a local retirement system for the retirement of teachers, or for membership in which public school teachers are eligible, operated by city, city and county, county or other public agency or combination of public agencies of the state.

(e) The Legislators' Retirement System with respect to all employees in positions covered by that system.

(f) The Judges' Retirement System with respect to all employees in positions covered by that system.

(g) The Pension and Retiring Annuities System of the University of California only with respect to all employees in positions covered by that system.

(h) The San Francisco City and County Employees' Retirement System with respect to all employees in positions covered by that system.

(i) Any other retirement system with respect only to employees of any two or more of the public agencies having employees in positions covered by such system, as designated by the board and with regard to which the board authorizes conduct of a referendum.

(j) Any retirement system with respect only to employees of a hospital which is an integral part of a city incorporated between January 15, 1898 and July 15, 1898 in positions covered by the system, as designated by the board on request of the city.

(k) Except as otherwise provided in subdivisions (b) through (j) above, any retirement system with respect to employees of each of the public agencies having employees in positions covered by the system.

(*l*) Each division or part of a retirement system, as defined in subdivisions (a), (b), (c), (g), (h), (i), (j), and (k) of this section, which is divided pursuant to this chapter into two parts:

(1) The part composed of the positions of members of such system who desire coverage under the federal system.

(2) The part composed of the positions of members of such system who do not desire coverage under the federal system.

SEC. 19 Section 22157 of the Government Code is amended to read:

22157. Notwithstanding Section 22009.1 of this part, the Public Employees' Retirement System, with respect to employees of school districts whose employees who are members are not already covered under the federal system, in which the average daily attendance of all districts combined is in excess of 400,000, and which are governed by the same governing board in positions covered pursuant to the contract of said governing board, shall constitute a retirement system. The board shall divide said retirement system and each part thereof shall constitute a retirement system as defined in subdivision (*l*) of Section 22009.1 of this part.

The division shall be conducted in accordance with this article, except that election among members of the system shall not be required. It shall be conducted at a time to be determined by the board, so as to permit the division and modification of the agreement with the system to include members of the system, no later than December 31, 1963.

SEC. 20. The heading of Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code is amended to read:

PART 3. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CHAPTER 85

An act to amend Section 1952 of, and to repeal Section 1952.1 of, the Code of Civil Procedure, relating to destruction of evidence.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 1952 of the Code of Civil Procedure is amended to read:

1952. The court, on its own motion, may order destroyed or otherwise disposed of any exhibit or deposition introduced in the trial of a civil action or proceeding or filed in such action or proceeding which, if appeal has not been taken from the decision of the court in the said action or proceeding, remains in the custody of the court or clerk three years after time for appeal has expired, or, if appeal has been taken, remains in the custody of the court or clerk three years after final determination thereof or which remains in the custody of the court or clerk for a period of three years after:

1. A motion for a new trial has been granted and a memorandum to set the case for trial has not been filed or a motion to set for trial has not been made within such three years;

2. The filing of the remittitur where the action or proceeding, after appeal, has been remanded to the trial court for a new trial and the same has not been brought to trial within such three years;

3. The dismissal of such action or proceeding; or

4 The introduction or filing thereof where the foregoing provisions of this section make no provision for the destruction or other disposition of such exhibit or deposition and where in the discretion of the court the same should be destroyed or otherwise disposed of.

The order shall be entered in the register of actions of each case in which any such order is made.

No exhibit or deposition shall be ordered destroyed or otherwise disposed of pursuant to the provisions of this section where a party to the action or proceeding files a written notice with the court requesting the preservation of any exhibit or deposition for a stated time, but not to exceed three years. Such exhibit or deposition may be destroyed after such time unless another such notice is filed.

No exhibit or deposition shall be ordered, destroyed or otherwise disposed of pursuant to the provisions of this section until 30 days after notice of such proposed action has been mailed to all attorneys of record and to all parties not having an attorney of record. Such notice is complete upon mailing of written notice by the clerk, or by the court if there is no clerk, to the attorney, or to the party if he has no attorney, at his last address shown in the file.

SEC. 2. Section 1952.1 of the Code of Civil Procedure is repealed.

CHAPTER 86

An act to amend Section 36934 of the Government Code, relating to city ordinances.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 36934 of the Government Code is amended to read:

36934. Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the councilmen present all ordinances shall be read in full either at the time of introduction or passage.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

CHAPTER 87

An act to amend Sections 10722, 10723, and 10131 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to animal quarantine.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 10722 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

10722. The health certificate shall certify that the swine to which it refers satisfy all of the following requirements:

(a) Have not been exposed to any communicable disease.

(b) Are free from evidence of any communicable disease.

The director, when he determines it to be necessary for the enforcement of this chapter, may, by regulation, require the certificate to certify that the swine have been immunized against hog cholera by a method of immunization which is designated by regulations of the director as an effective method of immunization and by the United States Department of Agriculture.

SEC. 2. Section 10723 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

10723. The health certificate shall also show all of the following:

(a) The date of immunization if immunization is required.

(b) The predominating breed of the swine.

(c) Approximate weight of the swine.

(d) Color of the swine.

(e) Markings of the swine.

SEC. 3. Section 10131 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

10131. The department may, in cooperation with the United States Department of Agriculture, declare a county to be a "modified accredited area" when the percentage of tuberculous cattle in the county is reduced to meet the requirements of "modified accredited areas," as adopted by the United States Department of Agriculture.

The department may, in cooperation with the United States Department of Agriculture, declare a county to be of a status other than "modified accredited area" when the percentage of tuberculous cattle in the county is further reduced to meet the requirements of such status areas as adopted by the United States Department of Agriculture.

CHAPTER 88

An act to add Section 404 to the Government Code, relating to world fairs.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 404 is added to the Government Code, to read:

404. No person shall represent, either directly or indirectly, that the State of California is sponsoring or endorsing a world's fair or exhibition unless such representation has been specifically authorized by law. Violation of this section is a misdemeanor.

CHAPTER 89

An act to maintain the Public Utilities Code by amending Sections 3543 and 6265, relating to public utilities.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 3543 of the Public Utilities Code is amended to read:

3543. No highway carrier shall operate any motor vehicle over any public highway unless there is displayed on the vehicle distinctive identifying symbols in the form prescribed by the commission, showing the classification to which the carrier belongs. No such identifying symbols shall be displayed on any vehicle until a permit under this chapter, or a certificate of public convenience and necessity under Part 1 of Division 1 has been issued to the carrier. The identifying symbols displayed by highway carriers subject to the Interstate Commerce Commission Order Ex Parte No. MC-41, Identification of Motor Carrier Vehicles, November 17, 1954, effective January 3, 1955, shall serve in lieu of the display requirements of this section, provided such identifying symbols have been recorded by the highway carrier with the commission.

SEC. 2. Section 6265 of the Public Utilities Code is amended to read:

6265. Every gas franchise granted pursuant to this chapter confers upon the grantee the right to use, or to lay and use, gas pipes and appurtenances for the purpose of transmitting and distributing gas, and every oil franchise so granted confers upon the grantee thereof the right to use, or lay and use, oil pipes and appurtenances for the purpose of transmitting and distributing oil or products thereof, and every water franchise

so granted confers upon the grantee thereof the right to use, or to lay and use, pipes, ditches, flumes, conduits, and appurtenances for the purpose of transmitting and distributing water, and every electric franchise so granted confers upon the grantee thereof the right to use, or to construct and use, poles, wires or conduits and appurtenances for the purpose of transmitting and distributing electricity for any and all purposes, under, along, across, or upon the public streets, ways, alleys, and places as they now or hereafter exist within the municipality.

CHAPTER 90

An act to maintain the Welfare and Institutions Code by amending Sections 19, 1756.5, 6500, 13500, amending and renumbering Sections 5262.6 as amended by Chapter 263 of the Statutes of 1965, 5356.2 as amended by Chapter 263 of the Statutes of 1965, 11014 as added by Chapter 12 of the Statutes of 1965, Second Extraordinary Session, adding Sections 18705, and repealing Section 161 as amended by Chapter 2008 of the Statutes of 1965, Section 1450, Section 3007 as added by Chapter 1226 of the Statutes of 1965, Section 3303 as amended by Chapter 2061 of the Statutes of 1965, Section 5253 as added by Chapter 391 of the Statutes of 1965, Section 5277 as added by Chapter 391 of the Statutes of 1965, Part 5 (commencing with Section 7600), Division 6, and Section 18705 thereof, and adding Section 25208.3 to the Government Code, relating to welfare and institutions.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 25208.3 is added to the Government Code, to read:

25208.3. The board of supervisors of a county may contract for optometric service with an optometrist licensed pursuant to the provisions of the Business and Professions Code.

SEC. 2. Section 19 of the Welfare and Institutions Code is amended to read:

19. It is the purpose of this code, in establishing programs and services which are designed to provide protection, support or care of children, to provide protective services to the fullest extent deemed necessary by the juvenile court, probation department or other public agencies designated by the board of supervisors to perform the duties prescribed by this code to insure that the rights or physical, mental or moral welfare of children are not violated or threatened by their present circumstances or environment. Such essential services may be

provided irrespective of whether the child or the family of the child is otherwise known to the responsible local agency.

SEC. 3. Section 161 of the Welfare and Institutions Code as amended by Chapter 2008 of the Statutes of 1965 is repealed. The repeal made by this section shall not affect the existence or validity of Section 4120 of the Welfare and Institutions Code as added by Chapter 1797 of the Statutes of 1965.

SEC. 4. Section 1450 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 1756.5 of the Welfare and Institutions Code is amended to read:

1756.5. Whenever the authority finds that any person committed to the authority is feebleminded, insane, mentally ill, a sexual psychopath, or a defective or psychopathic delinquent, the authority may return the person to the committing court for discharge from the control of the authority and recommitment in accordance with law to the Department of Mental Hygiene for placement in the appropriate state institution.

SEC. 6 Section 3007 of the Welfare and Institutions Code as added by Chapter 1226 of the Statutes of 1965 is repealed. The repeal made by this section shall not affect the existence or validity of Section 3009 of the Welfare and Institutions Code, as added by Chapter 1227 of the Statutes of 1965.

SEC. 7. Section 3303 of the Welfare and Institutions Code as amended by Chapter 2061 of the Statutes of 1965 is repealed.

SEC. 8. Section 5262 6 of the Welfare and Institutions Code as amended by Chapter 263 of the Statutes of 1965 is amended and renumbered to read:

5253. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state by reason of commitments of the mentally deficient which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 9. Section 5253 of the Welfare and Institutions Code as added by Chapter 391 of the Statutes of 1965 is repealed.

SEC. 10. Section 5277 of the Welfare and Institutions Code as added by Chapter 391 of the Statutes of 1965 is repealed.

SEC. 11. Section 5356.2 of the Welfare and Institutions Code as amended by Chapter 263 of the Statutes of 1965 is amended and renumbered to read:

5277. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 5356.1 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 12. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. There are in the state the following state hospitals for the care and treatment of the insane, the mentally ill, and the mentally disordered:

1. Stockton State Hospital at the City of Stockton.
2. Napa State Hospital near the City of Napa.
3. Agnews State Hospital near the City of San Jose.
4. Mendocino State Hospital near the City of Ukiah.
5. Patton State Hospital near the City of San Bernardino.
6. Metropolitan State Hospital near the City of Norwalk, Los Angeles County.
7. Camarillo State Hospital near Camarillo, Ventura County.
8. The Langley Porter Neuropsychiatric Institute, in the City and County of San Francisco.
9. DeWitt State Hospital near the City of Auburn.
10. Modesto State Hospital near the City of Modesto.
11. Atascadero State Hospital near the City of Atascadero, San Luis Obispo County.
12. Neuropsychiatric Institute, U.C.L.A. Medical Center.

DeWitt State Hospital and Modesto State Hospital may be used for the reception, care and treatment of the mentally ill, mentally disordered, or mentally deficient. No commitments shall be made by the courts to the Department of Mental Hygiene for placement in DeWitt State Hospital or Modesto State Hospital of mentally deficient persons, but the department may transfer mentally deficient and other patients to and from these institutions as provided in Sections 163 and 6700 of this code.

SEC. 13. Part 5 (commencing with Section 7600) of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 14. Section 11014 of the Welfare and Institutions Code as added by Chapter 12 of the Statutes of 1965, Second Extraordinary Session, is amended and renumbered to read:

11015. Unless there are other grounds therefor, aid grants shall not be withheld pending ascertainment of increases in federal benefits or increases in benefits payable by a public agency.

Following the ascertainment of any such increase, adjustment shall be made, as provided in subdivision (c) of Section 11004, for any overpayment of aid which the recipient might have received.

SEC. 15. Section 13500 of the Welfare and Institutions Code is amended to read:

13500. It is the object and purpose of this chapter to provide persons whose dependency results from disability defined by Section 13501 with assistance and services which will encourage them to make greater efforts to achieve self-care and self-support and to enlarge their opportunities for independence.

In supervising the administration of this chapter, the department shall encourage the rehabilitation or employment

of the recipient if it appears that with proper care and training such person may become more self-sufficient.

The department and the Department of Rehabilitation shall jointly develop plans for the orderly processing of cases referred to the Department of Rehabilitation for a determination of feasibility and planning for vocational rehabilitation.

The department and the State Department of Employment shall jointly develop plans for the orderly processing of cases referred to the Department of Employment.

The policy shall be followed of granting aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.

Aid granted under the provisions of this chapter shall be known as aid to the disabled.

SEC. 16. Section 18705 of the Welfare and Institutions Code is repealed.

SEC. 17. Section 18705 is added to the Welfare and Institutions Code, to read:

18705. Any blind person of suitable age, character, and qualifications, and such other physically handicapped persons so qualified as it is practicable to receive therein, may be admitted for employment in any center of California Industries for the Blind. The rate of wages to be paid workers and the conditions of employment in the California Industries for the Blind shall be fixed by the Department of Education.

CHAPTER 91

An act to amend Section 17308 of the Education Code, relating to emergency financial assistance to school districts, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 17308 of the Education Code is amended to read:

17308. The county school service fund contingency account is hereby established in the General Fund. The amount credited to such account for the 1966–67 fiscal year shall be two hundred twenty-five thousand dollars ($225,000). In each succeeding fiscal year the amount credited to the account shall be one hundred thousand dollars ($100,000). Notwithstanding any provision of Section 17301 to the contrary, the amount to be credited to the county school service fund contingency account each fiscal year shall not be transferred from the General Fund as required or authorized to be transferred by Section 17301 but the amounts required or authorized to be transferred by

Section 17301 shall be reduced by the amount to be credited to the contingency account and shall remain in the General Fund to the credit of the contingency account.

The money in the General Fund to the credit of the contingency account shall be transferred by the Controller to the State School Fund in amounts as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual costs to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to Section 20105 and to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with cooperative county publication projects by the county superintendent of schools or members of his staff, and to reimburse county superintendents of schools for expenses incurred in making emergency financial grants to school districts pursuant to Section 8955.

Commencing with the 1964–65 fiscal year, the amount credited, pursuant to this section, in each fiscal year to the county school service fund contingency account in the General Fund shall be reduced by the amount of the balance remaining to the account on June 30 of the preceding fiscal year and an equal reduction shall be made in the amount of the reduction in the amounts required or authorized to be transferred under Section 17301 in accordance with this section.

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

One or more impoverished elementary school districts in the state have suffered sharp declines in enrollment in the 1966–1967 fiscal year due to governmental redevelopment activities involving the residential relocation of substantial numbers of families. The declines in enrollments will curtail the level of state financial support to be available to the districts to such a degree as to cause great financial hardship, or render it impossible for the districts to meet fixed financial commitments for the year. In order that the urgently needed financial assistance to be afforded such districts by this act will be made available before the expiration of the 1966–1967 fiscal year, it is essential that this act take effect immediately.

CHAPTER 92

An act to amend Section 28151 of the Education Code, relating to school district public libraries.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 28151 of the Education Code is amended to read:

28151. The district may at any time be dissolved if two-thirds of the votes cast at an election called by the library trustees upon the question of dissolution are in favor of the dissolution.

CHAPTER 93

An act to amend Section 9407 of the Commercial Code, relating to fees for issuing certificates and preparing copies of records.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 9407 of the Commercial Code is amended to read:

9407. (1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be five dollars ($5). Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of one dollar ($1) for the first page and fifty cents ($0.50) for each page thereafter.

(3) Fees to be charged by the Secretary of State for daily or less frequent summaries or compilations of filings, which he may furnish, shall be sufficient to pay at least the actual cost of such service. Fees shall be determined by the Secretary of State with the approval of the Department of Finance. Such summaries or compilations may be in the form of microfilm copies or such other form as may be provided for the required information.

CHAPTER 94

An act to codify Sections 6 and 7 of Chapter 3 of the Statutes of 1965 (2nd Ex. Sess.), by repealing Sections 6 and 7 of said chapter, and by adding Chapter 4 (commencing with Section 30300) to Division 16 of the Elections Code and Section 9359.02 to the Government Code, relating to the State Legislature.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Chapter 4 (commencing with Section 30300) is added to Division 16 of the Elections Code, to read:

CHAPTER 4. ALTERATION OF LEGISLATIVE DISTRICTS' BOUNDARIES

30300. For the purposes of Sections 9356.7, 9359.01, 9359.02, and 75030.8 of the Government Code, the Senate and Assembly districts and the boundaries thereof altered by Chapter 3 of the Statutes of 1965 (2nd Ex. Sess.) shall be deemed to have been altered as of February 3, 1966. For all other purposes, the district boundaries shall continue to exist as set forth by law prior to the adoption of Chapter 3 of the Statutes of 1965 (2nd Ex. Sess.) until 12 o'clock m. on the first Monday after the first day of January 1967.

SEC. 2. Section 9359.02 is added to the Government Code, to read:

9359.02. A Member of the Senate who applies for retirement pursuant to Section 9359.01 of the Government Code and who does not continue in office for the full four years for which he was elected because of a legislative or court reapportionment of Senate districts, or the boundaries thereof, other than a decennial reapportionment, may receive immediate credit in the State Legislators' Retirement System for the full term for which he was elected upon payment, at the time of his application for retirement, of an amount equal to the aggregate contributions to the system that he would otherwise have paid had he remained in office for the full term for which he was elected.

SEC. 3. Section 6 of Chapter 3 of the Statutes of 1965 (2nd Ex. Sess.) is repealed.

SEC. 4. Section 7 of Chapter 3 of the Statutes of 1965 (2nd Ex. Sess.) is repealed.

CHAPTER 95

An act to maintain the Insurance Code by amending Sections 779.21 and 12408, relating to insurance.

[Approved by Governor May 3, 1967. Filed with Secretary of State May 3, 1967.]

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

SECTION 1. Section 779.21 of the Insurance Code is amended to read:

779.21. The commissioner may adopt, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, such reasonable rules and regulations as may be necessary to carry out the provisions of this article.

SEC. 2. Section 12408 of the Insurance Code is amended to read:

12408. Every title insurer shall include in its annual statement furnished the commissioner pursuant to Article 10 (commencing with Section 900), Chapter 1, Part 2, Division 1 of this code, the name of each person which is a controlled escrow company or underwritten title company by reason of its relationship with such title insurer.

CHAPTER 96

An act to amend Sections 70 and 70.1, and to repeal Section 70.3, of the Streets and Highways Code, relating to the California Highway Commission.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. Section 70 of the Streets and Highways Code is amended to read:

70. There is in the department the California Highway Commission, consisting of seven members. The chairman of the commission shall be selected by a majority vote of the members thereof and shall serve for one year on a calendar year basis; provided, that the first chairman selected after the effective date of the 1967 amendment to this section shall serve until January 1, 1968; and provided, further, that no member shall serve as chairman for more than two successive years. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the members of the commission. Except as provided in Section 70.1, the members shall hold office for terms of four years and until their successors are appointed and qualify. The members shall receive their actual and necessary traveling expenses incurred in the dis-

charge of their duties. Each member of the commission shall take the oath of office prescribed for other state officers. The Director of Public Works shall not be a member of the commission but shall serve as administrative officer thereof and may act for the chairman of the commission in administrative matters. He shall prepare or cause to be prepared the agenda for all meetings of the commission and may, as necessary, call meetings of the commission. The divisions shall transmit their recommendations affecting the activities of the commission directly to the commission and to the administrative officer. The administrative officer shall comment on all recommendations made to the commission by the divisions when he deems the recommendation to be of major importance, or when he deems it desirable, or when requested so to do by the commission or any member thereof.

SEC. 2. Section 70.1 of the Streets and Highways Code is amended to read:

70.1. The Governor shall make the first appointments hereunder for terms expiring, respectively, on the 15th day of January, one in each of the years 1944 and 1946 and two in each of the years 1945 and 1947, and shall appoint a successor to any term expiring before the next session of the Legislature convenes. The Governor shall make the first appointment of the appointive member of the commission provided for at the 1967 Regular Session for a term expiring on the 15th day of January 1970. Whenever a term expires or a vacancy occurs when the Legislature is not in session, the Governor shall appoint a successor to fill the vacancy. The Senate shall consider without further presentation any appointment made when the Legislature is not in session. If the Senate consents to any appointment, such person shall hold office to the end of the term to which appointed. If the Senate takes no final action on any appointment at the next regular session of the Legislature following such appointment, the person so appointed shall hold office only until the adjournment of such session. If the Senate by final vote refuses to consent, the person so appointed shall hold only until such refusal.

SEC. 3. Section 70.3 of the Streets and Highways Code is repealed.

CHAPTER 97

An act to add Section 11307 to the Welfare and Institutions Code, relating to aid to families with dependent children.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. Section 11307 is added to the Welfare and Institutions Code, to read:

11307. If an unemployed parent is absent from an assigned community work or training project without good cause, aid to the unemployed parent and his family may be reduced in an amount equal to the credited hourly rate for the work times the number of hours he was absent from the assigned work or project.

CHAPTER 98

An act to add Chapter 4 (commencing with Section 63001) to Part 3 of Division 21 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to marketing of avocados.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. Chapter 4 (commencing with Section 63001) is added to Part 3 of Division 21 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

CHAPTER 4 MARKETING OF AVOCADOS

63001. The commissioner of each county, under the supervision of the director, shall enforce this chapter insofar as it relates to the keeping of the records which are required to be kept by this chapter.

63002. Every person who purchases or receives on consignment avocados for purposes of processing or sale from any person, except a grower, licensed dealer, broker, commission merchant, agricultural cooperative, or wholesaler, shall keep a record of the name and address of the person from whom each lot of such avocados was purchased or received on consignment. The purchaser or consignee shall also record the driver's license number or other reasonable identification of the person who makes delivery of each lot of such avocados.

63003. The record and statement required to be made by this chapter shall be kept for one year from the date of purchase or delivery, whichever is later, and shall be made available for inspection upon request by the commissioner.

63004. Any violation of this chapter is a misdemeanor.

CHAPTER 99

An act to add Section 13585 to the Education Code, relating to school employees' physical examinations.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. Section 13585 is added to the Education Code, to read:

13585. Whenever a governing board of a school district requires a physical examination to be taken by a classified employee or employees, either by rule or by its direction or the direction of its authorized district administrator; or when classified employees are required by law to submit to a physical examination for continuance in employment, the board shall either provide the required examination, cause it to be provided, or provide the employee with reasonable reimbursement for the required examination.

If the governing board requires a physical examination or an examination is required by law as a condition of pre-employment, it may cause the required examination to be given. It may, if an applicant is required to take a pre-employment physical examination, provide for reasonable reimbursement if the applicant is subsequently employed by the district.

The provisions of this section are not intended to supersede the provisions of Section 12915 of this code.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 100

An act to amend Sections 4000 and 4700 of the Fish and Game Code, relating to ringtailed cats.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. Section 4000 of the Fish and Game Code is amended to read:

4000. The following are fur-bearing mammals: pine marten, fisher, wolverine, mink, river otter, gray fox, cross fox, silver fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

SEC. 2. Section 4700 of the Fish and Game Code is amended to read:

4700. Fully protected mammals are: sea otter (genus Enhydra), Guadalupe fur seal (genus Arctocephalus), sea ele-

phant (genus Mirounga), ringtailed cat (genus Bassariscus) and mountain sheep (genus Ovis).

Fully protected mammals may not be taken at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal and no permits or licenses heretofore issued shall have any force or effect for any such purpose.

CHAPTER 101

An act to amend Section 29084 of the Government Code, relating to budget appropriations.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. Section 29084 of the Government Code is amended to read:

29084. The budget may contain an appropriation or appropriations for contingencies which the board may establish by either or a combination of the following methods:

(a) Setting aside an amount within a fund not to exceed 10 percent of the total appropriations from the respective fund exclusive of the amount of the appropriation for contingencies.

(b) Setting aside an amount in a separate contingency fund or in the General Fund not to exceed 10 percent of the total appropriations contained in the budget, exclusive of all appropriations for bonded debt service and all appropriations for contingencies. The total appropriations on which the 10-percent limitation is based shall exclude the total appropriations on each fund for which an appropriation for contingencies is established pursuant to (a).

CHAPTER 102

An act to amend Section 32127.1 of the Health and Safety Code, relating to local hospital districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. Section 32127.1 of the Health and Safety Code is amended to read:

32127.1. Notwithstanding any other provision of law, the board of directors of any district which is licensed to have 85 beds and located within a county of 2,000,000 or more population, as determined by the 1950 census, may, without estab-

lishing a fund for capital outlays and without the approval of the district electors, use all or any funds in the possession of, or held by, the district on the effective date of the amendment made to this section at the 1967 Regular Session which were derived from previous tax levies, for the acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital.

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

Unprecedented demands for hospital services are being made upon the hospitals of local hospital districts licensed to have 85 beds and located in a county of 2,000,000 or more population. These demands are the result of the tremendous increase which has taken place in the population of such districts. To enable the hospitals adequately to meet these demands, it is imperative that immediate action be taken to permit the districts which maintain the hospitals to expend tax revenues for the acquisition or construction of additional patient bed capacity for the hospitals. It is, therefore, necessary that this act take effect immediately.

CHAPTER 103

An act making an appropriation to the Department of the Youth Authority for capital outlay expenditures, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1967. Filed with Secretary of State May 4, 1967.]

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

SECTION 1. The sum of two thousand one hundred dollars ($2,100) of the appropriation made by Item 371, Schedule (c), Budget Act of 1966, is reappropriated to the Department of the Youth Authority for expenditure for construction of a sidewalk on that portion of Bloomfield Avenue adjacent to the Southern California Reception Center in Norwalk and which is off state property.

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

The effective operation of the Southern Reception Center and Clinic by the Department of the Youth Authority will be hampered if necessary sidewalks are not constructed as soon as possible. It is, therefore, essential that this act go into immediate effect.

CHAPTER 104

An act to amend Sections 14105 and 14150, and to add Sections 14150.2 and 14150.3 to, the Welfare and Institutions Code, relating to medical assistance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 5, 1967. Filed with Secretary of State May 6, 1967.]

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

SECTION 1. Section 14105 of the Welfare and Institutions Code is amended to read:

14105. The director shall prescribe the policies to be followed in the administration of this chapter and Chapter 8 (commencing with Section 14500) and the scope of the services to be provided, and may limit the rates of payment for such services, and shall adopt such rules and regulations as are necessary for carrying out, not inconsistent with, the provisions thereof.

Such policies and regulations shall include rates for payment for services not rendered under a contract pursuant to Section 14104. Standards for costs shall be based on payments of the reasonable cost for such services.

Insofar as practical, consistent with the efficient and economical administration of this part, the department shall afford recipients of public assistance free choice of arrangements under which they shall receive basic health care.

In establishing the scope of services to be provided, the director shall provide for recipients at least for a minimum coverage as defined in Section 14056, and insofar as possible shall include other health care and related remedial or preventive services giving priority to those services which are considered to have the greatest value in preventing or reducing the likelihood of future high cost medical services.

Notwithstanding the provisions of the preceding paragraph, and in accordance with the intent of this chapter and Chapter 8 (commencing with Section 14500), the director, with respect to medically indigent persons, may limit, by appropriate classifications, the number of medically indigent persons eligible, and may limit the scope and kinds of basic health care and extended health services to which such persons are entitled, to the extent necessary to operate programs under this part within the limits of appropriated funds. When and if necessary, such action shall be taken by the director with the advice of the Health Review and Program Council and in ways consistent with the requirements of the Federal Social Security Act.

SEC. 2. Section 14150 of the Welfare and Institutions Code is amended to read:

14150. The total expenditures authorized for cost of care and county administration in any fiscal year by this chapter

and Chapter 8 of this part shall not exceed the sum, added to the maximum available federal funds, of eighteen dollars and twenty-five cents ($18.25) multiplied by the sum of the 12 monthly numbers of (1) recipients under Chapter 2 (commencing with Section 11200) of this part, (2) certified medically indigent persons, and (3) recipients under Chapters 3 (commencing with Section 12000), 4 (commencing with Section 12500), 5 (commencing with Section 13000), and 6 (commencing with Section 13500) of this part, unless the Legislature, in the Budget Act, appropriates additional funds to be expended under this chapter and Chapter 8 of this part, and authorizes the expenditure of such funds notwithstanding the limitation fixed by this section. As used in this paragraph "total expenditures authorized for cost of care and county administration" includes the cost for health care for categorical aid recipients and certified medically indigent persons as enumerated in this paragraph, but does not include costs of care for other persons in a county hospital or a contract hospital nor that portion of the county cost of administration which is attributable to the health care provided to other persons, in a county hospital or contract hospital.

The sums authorized for expenditure pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any person found to be eligible for care under this chapter or Chapter 8 of this part.

In addition to the sums specified in Section 14151, the county share towards the cost of care and county administration provided under this chapter and Chapter 8 (commencing with Section 14500) shall include:

1 (a) An amount equal to ninety percent (90%) of the county cost of health care, excluding the amounts specified in the following table, uncompensated from any source in 1964–65 for all categorical aid recipients and other persons age 65 or over in the county medical institutions; plus

(b) The amount specified in the following table for the particular county, increased for such county for each fiscal year subsequent to 1964–65 by an amount proportionate to the increase in population for such county, as determined by the Department of Finance, measured from July 1, 1965:

Alameda	$1,790,210
Alpine	122
Amador	58,548
Butte	311,879
Calaveras	75,653
Colusa	52,243
Contra Costa	726,048
Del Norte	31,430
El Dorado	92,711

Fresno	764,251
Glenn	78,760
Humboldt	359,778
Imperial	77,556
Inyo	66,849
Kern	529,494
Kings	107,737
Lake	52,137
Lassen	52,129
Los Angeles	11,616,507
Madera	83,556
Marin	310,065
Mariposa	20,955
Mendocino	115,323
Merced	241,620
Modoc	29,738
Mono	4,221
Monterey	295,201
Napa	162,206
Nevada	98,785
Orange	1,039,390
Placer	123,966
Plumas	69,136
Riverside	586,992
Sacramento	1,226,822
San Benito	37,467
San Bernardino	806,036
San Diego	1,676,000
San Francisco	2,720,781
San Joaquin	686,553
San Luis Obispo	210,049
San Mateo	1,167,456
Santa Barbara	388,579
Santa Clara	1,272,536
Santa Cruz	303,203
Shasta	146,935
Sierra	5,550
Siskiyou	136,112
Solano	143,861
Sonoma	418,556
Stanislaus	513,800
Sutter	102,236
Tehama	72,930
Trinity	21,641
Tulare	540,117
Tuolumne	32,331
Ventura	358,860
Yolo	215,650
Yuba	78,392

(c) An amount equal to 90 percent of any part of the cost of care paid as the result of Title XVIII of the Federal Social Security Act for each person eligible under a state plan approved under Title XIX of the Federal Social Security Act which results in an excess of receipts over the amounts of uncompensated costs of health care which would otherwise have been incurred by the county.

The percentage specified in subdivision (c) hereof shall be reduced, for each county, to be from July 1, 1967 to June 30, 1968 eighty-five percent (85%) of said amount; from July 1, 1968 to June 30, 1969 eighty percent (80%) of said amount; and after July 1, 1969 seventy-five percent (75%) of said amount.

The remaining percentage of the base sums specified shall be used by the county for medical and health services.

SEC. 3. Section 14150.2 is added to the Welfare and Institutions Code, to read:

14150.2. (a) A county which has elected to come within the provisions of Section 14150.1 shall not on and after July 1, 1967, be reimbursed for any increase in health services for persons in county or contract hospitals, unless the county first submits to the administrator a plan for such increased health services, and the administrator approves the plan. If the administrator approves the plan the county shall be reimbursed for the costs of providing such increased health services. The administrator shall adopt standards for approval of plans for increased health services pursuant to this subdivision. In no case shall the administrator approve any plan which increases costs to the state above the limit on expenditures specified in subdivision (c) of this section.

(b) A county which has elected to come within the provisions of Section 14150.1 shall not be reimbursed for the cost of providing on and after July 1, 1967, increases in compensation for persons employed by the county in county hospitals, unless such increases in compensation meet the following compensation standards:

The Health and Welfare Administrator shall make a finding and, based upon that finding, make recommendations as to the level of salaries and wages which the state should pay. The findings shall be based on an annual salary survey prepared by the State Personnel Board of prevailing or comparable wage and salary rates for the same or similar services in communities. The survey shall include due consideration of differences in salaries and wages in different areas of the state.

(c) Notwithstanding any other provision of this code, the state's obligation to pay to counties which have elected to come within the provisions of Section 14150.1 the amounts of costs incurred in the 1967–68 fiscal year for persons in county or contract hospitals who are neither categorical aid recipients nor medically indigent persons as specified in Section 14150 which are in excess of such costs for the 1964–65 fiscal year shall not exceed forty-four million dollars ($44,000,000) dur-

ing the 1967–68 fiscal year, and in subsequent fiscal years shall not exceed the amount appropriated by the Legislature in the Budget Act for that purpose.

SEC. 4. Section 14150.3 is added to the Welfare and Institutions Code, to read:

14150.3. The board of supervisors of each county electing to come within the provisions of Section 14150.1, by July 1, 1967, shall submit to the director the following:

(a) A copy of the county standards for medical aid and care for the indigent and dependent poor of the county, published pursuant to Section 17001, which were in effect on June 30, 1967.

(b) A statement of the scope and level of services provided to the indigent and dependent poor of the county in the county hospital or a contract hospital as of June 30, 1967.

(c) A statement of obligations for medical care approved by the board of supervisors prior to June 30, 1967.

Any increase in cost to the state arising out of a change in the standards, services, or obligations mentioned in subdivisions (a), (b) or (c) must receive prior approval by the director.

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

In order that the California Medical Assistance Program be permitted to operate at its present level, as contemplated by the Legislature, it is essential that this act take effect immediately.

CHAPTER 105

An act to amend Sections 71630, 71631, 71632, 71633, 71800, 71810, 71811, 71812, 71861, 71953 and 71973 of the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 71630 of the Water Code is amended to read:

71630. The district by ordinance may fix on or before the third Monday of August, in each fiscal year, a water standby assessment or availability charge in the district, in any portion thereof, or in any improvement district, to which water is made available by the district, whether the water is actually used or not.

SEC. 2. Section 71631 of the Water Code is amended to read:

71631. The standby assessment or availability charge shall not exceed ten dollars ($10) per acre per year for each acre of land on which the charge is levied or five dollars ($5) per year for a parcel less than one acre.

SEC. 3. Section 71632 of the Water Code is amended to read:

71632. The ordinance fixing a standby assessment or availability charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges or assessments proposed to be established by ordinance and after a hearing on said resolution. The secretary shall cause notice of a time and place of hearing thereon to be published, pursuant to Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published within the district, if there is one, and if not, then in such paper printed and published in the county, and shall cause a notice in writing to be mailed, prior to the date set for hearing, to each person to whom a parcel of real property described in such proposed assessment or charge is assessed on the last equalized assessment roll. Such notice shall be mailed to the address shown on the last equalized assessment roll or known to the secretary.

At the time, stated in the notice, the board shall hear and consider all objections or protests, if any, to the resolution referred to in the notice and may continue the hearing from time to time. Upon the conclusion of the hearing the board may adopt, revise, change, reduce or modify an assessment or charge or overrule any or all objections. The board shall make its determination upon each assessment or charge as described in the resolution which determination shall be final.

SEC. 4. Section 71633 of the Water Code is amended to read:

71633. The ordinance fixing a standby assessment or availability charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability.

SEC. 5. Section 71800 of the Water Code is amended to read:

71800. A district may issue warrants to pay the formation expenses of the district. The warrants may bear interest at a rate not exceeding 7 percent per year from the date of issue until funds are available to pay the warrants.

SEC. 6. Section 71810 of the Water Code is amended to read:

71810. A district may issue negotiable promissory notes pursuant to Sections 71811 and 71812. Such promissory notes shall bear interest at a rate not exceeding 7 percent per year. They shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of the district.

SEC. 7. Section 71811 of the Water Code is amended to read:

71811. A district may issue negotiable promissory notes pursuant to this section to acquire funds for any district purposes. The maturity of such promissory notes shall not be later than five years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 2 percent of the assessed valuation of the taxable property in the district, or, if the assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate. Promissory notes issued pursuant to Section 71812 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

SEC. 8. Section 71812 of the Water Code is amended to read:

71812. A district may issue negotiable promissory notes pursuant to this section for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar district purposes and for the acquisition of land for district purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to fifty thousand dollars ($50,000) in any district, but shall not exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the district, or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate. Promissory notes issued pursuant to Section 71811 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

SEC. 9. Section 71861 of the Water Code is amended to read:

71861. The resolution calling the bond election shall state all of the following:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(d) The maximum rate of interest to be paid, which shall not exceed 6½ percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector, and two clerks in each precinct.

SEC. 10. Section 71953 of the Water Code is amended to read:

71953. The bonds shall bear interest at a rate or rates not to exceed 6½ percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

SEC. 11. Section 71973 of the Water Code is amended to read:

71973. Interest on any bonds issued by the district coming due before the proceeds of a tax levied at the next general tax levy after the sale of the bonds are available, and interest on any bonds issued by the district coming due before the expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued may be paid from the proceeds of the sale of the bonds.

SEC 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to current and anticipated economic circumstances the temporary and permanent financing of public improvements and the repayment of such financing has become more difficult under the applicable provisions of the Municipal Water District Law of 1911 resulting in the inability of districts organized under this act in some instances to finance and construct currently needed public improvements. Thus, it is necessary that this act take effect immediately.

CHAPTER 106

An act to amend Section 25500 of, and to repeal Sections 25501 and 25502 of, the Vehicle Code, relating to reflectorizing material, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 25500 of the Vehicle Code is amended to read:

25500. Area reflectorizing material may be displayed on any vehicle, provided: the color red is not displayed on the front; the material is at least three inches from any required

lamp or reflector unless of the same color; designs do not tend to distort the length or width of the vehicle; and designs do not resemble official traffic control devices, except that alternate striping resembling a barricade pattern may be used.

No vehicle shall be equipped with area reflectorizing material contrary to these provisions.

SEC. 2. Section 25501 of the Vehicle Code is repealed.

SEC. 3. Section 25502 of the Vehicle Code is repealed.

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

Tens of thousands of persons are killed in traffic accidents in the United States each year, while hundreds of thousands suffer disabling injuries. The use of reflectorizing material on automobiles which will be permitted by this act will make them more visible and will help to decrease the number of tragic deaths and injuries which occur on California highways. In order that many lives may be saved and many injuries avoided it is imperative that this act take effect immediately.

CHAPTER 107

An act to amend Section 54149 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to agricultural cooperative associations.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 54149 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

54149. The directors shall elect a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be prescribed by the bylaws. Any two or more offices, except those of president and secretary, may be held by the same person.

The treasurer may be a bank or any depository and as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, except that the funds shall be deposited only as and where authorized by the board of directors.

CHAPTER 108

An act to amend Section 335 of, and to add Sections 335.1, 335.2, 335.3, 335.4, 335.5, and 335.6 to, the Water Code, relating to beach erosion control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 335 of the Water Code is amended to read:

335. Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with Public Law 727, 79th Congress, 2nd Session, as amended by Public Law 826, 84th Congress, 2nd Session, or as it may hereafter be amended, or any other act of Congress relating to beach erosion control in which local participation is required, it shall be the policy of the state to bear one-half the costs of local participation required by the authorizing federal legislation, including construction costs and costs of lands, easements and rights-of-way; provided, any affected city, county, or other public agency furnishes assurances satisfactory to the department that it will provide all other local cooperation required by the authorizing federal legislation, will hold and save the state free from damages for all time due to the construction, operation and maintenance of the project, and will maintain and operate the project during its useful life, as may be required to serve its intended purpose, subject to such regulations as may be prescribed therefor by the department.

SEC. 2. Section 335.1 is added to the Water Code, to read:

335.1. Notwithstanding the provisions of Section 335, appropriations may be made by the state, from time to time by law, to pay for the costs of sharing in such participation in beach erosion control projects following state authorization of a specific project, but such participation shall apply only to costs incurred for the project as finally authorized by the Congress and the state, and appropriations for such costs shall not be expended by the state until after the appropriation of construction funds by the Congress.

SEC. 3. Section 335.2 is added to the Water Code, to read:

335.2. Small beach erosion control projects not specifically authorized by Congress and undertaken by the United States Corps of Engineers pursuant to Section 103 of the River and Harbor Act of 1962, Title I of Public Law 87-874, 76 Stat. 1173, and Section 310(b) of the River and Harbor Act of 1965, Title III of Public Law 89-298, 79 Stat. 1073 (33 U.S.C. 426(f) and 426(g)), are authorized for state participation pursuant to Section 335 without further specific authorization by the Legislature, at such costs as may be appropriated by the Legis-

lature upon the recommendation and advice of the department. Such state participation shall not take precedence over other pending projects of higher priority.

SEC. 4. Section 335.3 is added to the Water Code, to read:

335.3. The Sar Diego County Beach Erosion Control Project (Imperial Beach) is authorized for state participation pursuant to Section 335 substantially in accordance with the plan set forth in House Document 399, 84th Congress, and authorized by the River and Harbor Act of 1958, Title I of Public Law 85-500, 72 Stat. 297. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority.

SEC. 5. Section 335.4 is added to the Water Code, to read:

335.4. The San Diego (Sunset Cliffs), California, Beach Erosion Control Project is authorized for state participation pursuant to Section 335 substantially in accordance with the plan set forth in House Document 477, 89th Congress, and authorized by the River and Harbor Act of 1966, Title I of Public Law 89-789, 80 Stat. 1405. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority.

SEC. 6. Section 335.5 is added to the Water Code, to read:

335.5. The Orange County, California, Beach Erosion Control Project is authorized for state participation pursuant to Section 335 substantially in accordance with the plan set forth in House Document 602, 87th Congress, and authorized by the River and Harbor Act of 1962, Title I of Public Law 87-874, 76 Stat. 1173. Notwithstanding the provisions of Section 335.1, state funds appropriated for this project may be expended prior to the appropriation of construction funds for said project by the Congress. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority.

SEC. 7. Section 335.6 is added to the Water Code, to read:

335.6. The Los Angeles County (Redondo Beach to Malaga Cove) Beach Erosion Control Project is authorized for state participation pursuant to Section 335 substantially in accordance with the plans set forth in House Document 277, 83rd Congress, and authorized by the River and Harbor Act of 1954, Title I of Public Law 780, 83rd Congress, Second Session, 68 Stat. 1248. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary for the preservation of public peace, health, and safety that the vital program of beach erosion control remain in effect. Since the termination date of state assistance for the program would occur before a nonurgency statute could become effective, it is necessary that this act take effect immediately.

CHAPTER 109

An act to amend Sections 1305 and 1306 of the Penal Code, relating to forfeiture of bail.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond, and shall execute an affidavit of such mailing and place it in the court's file in the case. If the surety is an authorized corporate surety insurer, and if the bond has plainly printed or stamped thereon the address of its principal office in California, such notice shall be mailed to such surety at such address, and mailing to the bail agent or solicitor who posted said bond shall not constitute compliance with this section; the clerk shall at the same time send a copy of such notice to the bail agent or solicitor who posted said bond. If the clerk fails to mail such notice within 30 days after such entry, the surety or depositor shall be released from all obligations under the bond. But if at any time within 180 days after such entry in the minutes or, if mailing of notice of forfeiture is required, within 180 days after mailing such notice of forfeiture, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 180 days after such entry in the minutes or mailing as the case may be, it be

made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 180 days, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If at any time within said 180 days after such entry in the minutes or mailing as the case may be, the bail with the defendant in his custody should appear, the bail may surrender the defendant to the court, may make a motion to set aside the forfeiture, and may request the court not to reinstate the bail.

SEC. 2. Section 1306 of the Penal Code is amended to read:

1306. When any bond is forfeited, if the court which has declared the same forfeited has civil jurisdiction to render judgment in an action arising upon a contract of similar nature and amount, 180 days after such forfeiture, if the same has not been set aside, it shall enter a summary judgment against each bondsman named in such bond in the amount for which such bondsman shall have bound himself; if the court declaring such forfeiture has not jurisdiction to give judgment in an action arising upon a contract of similar nature and amount, said court 180 days after such forfeiture, if the same has not been set aside, shall deliver to the district attorney or civil legal adviser of the board of supervisors of the county in which said court is located said bond, together with a certified copy of its order declaring the same forfeited, and immediately thereafter said district attorney or civil legal adviser must file said bond and said certified copy of forfeiture in a court having jurisdiction to render judgment in an action arising upon a contract of similar nature and amount. The court in which said bond and certified copy of forfeiture shall be so filed shall forthwith enter a summary judgment against each bondsman named in such bond in the amount for which said bondsman shall have bound himself.

If, because of the failure of any court, district attorney, or civil legal adviser to promptly perform the duties enjoined upon them pursuant to this section, summary judgment is not entered within 90 days after the date upon which it may first be entered, the right to do so expires and the bail is exonerated.

A dismissal of the indictment or information after the default of the defendant shall not release or affect the obligation of the bail bond or undertaking.

Within five days after said judgment becomes final the district attorney or other civil legal adviser of the board of supervisors shall demand immediate payment of said judgment. If the judgment remains unpaid for a period of 10 days after demand has been made, he shall forthwith cause a writ of

execution to issue and be levied upon the property of the judgment debtor and shall take any other steps necessary to collect such judgment.

The right to enforce a summary judgment entered against a bondsman pursuant to this section shall expire two years after the entry of such judgment.

CHAPTER 110

An act to amend Section 1372 of the Financial Code, relating to permissible investments for various entities.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this state it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, other than paragraph (f) of subdivision 5 of Section 61 of said act or in bonds, debentures, and notes legal for investment for savings banks in the State of New York or the State of Massachusetts as of the time the investment is made or in securities in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section, or in which savings banks are authorized to invest their funds by any other law of this state.

The funds of the State Employees' Retirement System and the Legislators' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or

officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of the State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of such system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the Teachers' Retirement Board it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the Board of Retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

CHAPTER 111

An act to add Section 30546 to the Water Code, relating to county water districts.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 30546 is added to the Water Code, to read:

30546. Any regular employee of a district who is a deputy sheriff and is designated by appropriate resolution of the board, shall have the authority to issue citations in accordance with the provisions of Chapter 5b (commencing with Section 853.1) and Chapter 5c (commencing with Section 853.6), Title 1, Part 2 of the Penal Code for violations of laws of the state and ordinances of a city or county respecting trespass upon, damage to, interference with, or contamination of, any water, watercourse, structure or facility owned, used or controlled by the district for any purpose.

CHAPTER 112

An act to amend Section 29093 of the Government Code, relating to county final budget.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 29093 of the Government Code is amended to read:

29093. A copy of the completed budget as finally determined and adopted shall be filed by the auditor in the office of the clerk of the board not later than November 1st of each year.

CHAPTER 113

An act to amend Section 27005 of the Government Code, relating to county officers.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 27005 of the Government Code is amended to read:

27005. The treasurer shall disburse the county money and all other money placed in his custody by official authority only on county warrants issued by the county auditor, except for the making of legal investments. Any such investments shall be reported daily to the county auditor-controller.

CHAPTER 114

An act to amend Section 43068 of the Government Code, relating to property tax.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 43068 of the Government Code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1) on each

one hundred dollars ($100), exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax, not to exceed five cents ($0.05) on each one hundred dollars ($100), as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of this code, Section 5304 of the Public Resources Code and Section 27401 of the Education Code, and Chapter 3 (commencing with Section 65100) of Title 7 of the Government Code.

CHAPTER 115

An act to amend Section 68097.5 of, and to add Sections 68097.55 and 68097.9 to, the Government Code, relating to court proceedings.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 68097.5 of the Government Code is amended to read:

68097.5. No member of the California Highway Patrol, sheriff, deputy sheriff or city policeman shall be ordered to return by the court for subsequent proceedings beyond the day stated in the subpoena referred to in Sections 68097.1, 68097.2, 68097.3 and 68097.4, or the day upon which such witness appeared pursuant to the provisions of Section 68097.9, unless the party at whose request such subpoena was issued or the party at whose request the witness is ordered to return, shall first deposit with the clerk of the court or with the tribunal the same sum required to be deposited for the issuance of a subpoena in the first instance.

SEC. 2. Section 68097.55 is added to the Government Code, to read:

68097.55. Notwithstanding the provisions of Section 68097.5, the court, upon good cause shown, may relieve a party of the duty to make any deposit or payment, or portion thereof, required by Sections 68097.1, 68097.2, 68097.3, 68097.4, and 68097.5, other than for the first day's attendance.

SEC. 3. Section 68097.9 is added to the Government Code, to read:

68097.9. A member of the California Highway Patrol, sheriff, deputy sheriff or city policeman who has been subpoenaed pursuant to the provisions of Section 68097.1, 68097.3, or 68097.6, may, in lieu of attendance at the time specified in

the subpoena, agree with the party at whose request such subpoena was issued to appear at another time or pursuant to such notice as may be agreed upon.

CHAPTER 116

An act to amend Sections 3784.5 and 5012.5 of the Elections Code, relating to ballot arguments.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 3784.5 of the Elections Code is amended to read:

3784.5. A ballot argument shall not be accepted under this article unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five persons the signatures of the first five shall be printed.

SEC. 2. Section 5012.5 of the Elections Code is amended to read:

5012.5. A ballot argument shall not be accepted under this article unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five persons the signatures of the first five shall be printed.

CHAPTER 117

An act to amend Sections 4.4, 4.15, 15, and 16 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), relating to the powers of the Placer County Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 4.4 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is amended to read:

Sec. 4.4. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works, to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act, and to make payments in lieu of taxes to any or all political subdivisions, including but not limited to school districts, upon works acquired by the agency situate within such political subdivisions.

SEC. 2. Section 4.15 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is amended to read:

Sec. 4.15. Notwithstanding the provisions of Section 13 of this act and in addition to the other powers provided in this act, the agency by agreement authorized by resolution of the board may incur an indebtedness for the agency or for any zone or participating zones designated in such resolution for acquisition or construction of any works or property, including water or water rights, for any purposes of the agency, to be repaid and liquidated as to both principal and interest only from revenues designated in such agreement which are produced from the collection of rates, tolls or charges for any water or services or facilities furnished, sold or leased by the agency, provided the proposal to incur such indebtedness is first approved at an election at which there is submitted to the qualified voters of the agency, if the indebtedness is to be incurred for the agency, or to the qualified voters of the zone or participating zones, if the indebtedness is to be incurred for a zone or participating zones, the proposition whether such indebtedness shall be incurred. Such election shall be held as nearly as practicable in accordance with the procedures set forth in Section 15 of this act except that the incurring of such indebtedness shall be approved if a majority or more of the votes cast on such proposition are in favor thereof. In the agreement incurring said indebtedness, the agency may pledge to the payment of the amounts to become due thereunder all or any part of the revenue from which such amounts are payable. In connection with such pledge the agreement may contain such covenants, promises, restrictions and provisions as the agency may deem necessary or desirable, including, but not limited to, covenants, promises, restrictions and provisions relating to (a) the operation, maintenance and preservation of the works or property so acquired or constructed, (b) the rates, tolls or charges from which said indebtedness is to be repaid, (c) the incurring of additional indebtedness payable from the revenue pledged, and (d) the establishment, maintenance and use of reserve funds, maintenance and operation funds, funds for the payment of amounts due under the agreement and other funds for the security of the one to whom the indebtedness is owed.

SEC. 3. Section 15 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is amended to read:

Sec. 15. (a) The board by resolution shall establish such zones within the agency as in the judgment of said board are necessary to equitably apportion the benefits of the agency to the lands within the respective zones. Such zones may be established within the agency without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. The lands comprising a zone need not be contiguous. All zones shall be established only with respect to projects for the benefit of such zones and proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in this section.

(b) The board may institute projects for the financing, acquisition, constructing, maintaining, operating, extending, repairing or otherwise improving any work of benefit to single zones or two or more zones. In cases of projects for the benefit of two or more zones, such zones shall become, and shall be referred to as, participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone or participating zones and fixing a time and place for public hearing of said resolution. The resolution shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in two public places designated by the board, in such zone or in each of said participating zones. Publication shall be completed at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the resolution and the map or maps of the proposed project may be seen by any interested person; said resolution and map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

(c) At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, or a portion thereof, unless prior to the conclusion of said hearing written protests have been filed against the proposed project signed by owners of real property within the zone or participating zone the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total

assessed value of the real property of such zone, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned at the discretion of the board.

(d) The board shall have power, in any year:

(1) To levy taxes upon all taxable property in each or any of said zones according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, acquiring, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes and shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation, exclusive of any tax levied pursuant to subdivision (f), hereof.

(2) Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said agency taxes shall be paid into the county treasury to the credit of the agency and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for acquiring, constructing, maintaining, operating, extending, repairing or otherwise improving any works located in any other zone, except in the case of projects for the benefit of participating zones or for projects authorized or established outside such zone or zones, but for the benefit thereof.

(e) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work in any zone or participating zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Placer County within five (5) days after its adoption. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(f) After the filing for record of the resolution specified in subdivision (e) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and

the interest thereon shall be paid from revenue derived from annual taxes levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

(g) The board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in the resolution referred to in subdivision (e) of this section. The resolution calling the bond election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of the resolution referred to in subdivision (e) of this section. The resolution calling such special bond election shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on said indebtedness. Said resolution shall also fix the date on which such special election shall be held and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election said board shall in said resolution calling said bond election establish a special bond election precinct or precincts within the boundaries of each zone and participating zones and may form election precincts by consolidating the precincts established for general elections in the agency to a number not exceeding six general precincts for each such special bond election precinct. Said resolution shall also designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

(h) In all particulars not recited in said resolution calling said bond election, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

(i) The board shall cause a map to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed work and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

(j) Said resolution calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation The last publication of such resolution must be at least fourteen (14) days before said election, and if there be no such newspaper, then such resolution shall be posted in two public places

designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

(k) Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds of the votes cast in the zone or in each of the participating zones are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings may be issued and sold as in this act provided.

(*l*) The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day and date and at a place to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

(m) The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different dates from those of any other series The maturity dates of each series shall comply with this section. The board may fix a date not more than two (2) years from the date of issuance for the earliest maturity of each issue or series of bonds The final maturity date of each issue or series shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by such issue or series.

(n) The bonds shall be issued in such denomination as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six percent (6%) per annum, and shall be made payable annually or semiannually, and the bonds of each issue or series shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. One of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

(o) Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale

by publication in a newspaper of general circulation circulating in the agency inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

(p) Any bonds issued under the provisions of this section, and the interest thereon, shall be paid by revenues derived from an annual tax upon all taxable property in the zone or participating zones sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other zone. Such taxes shall be levied and collected in the respective zones or participating zones, together with and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury of said Placer County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. It is hereby declared that for the purposes of any tax levied pursuant to this subdivision (p), the property so taxed within a given zone is equally benefited

SEC. 4. Section 16 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is amended to read:

Sec. 16. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941; provided, however, that, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy; and provided, further, that notwithstanding the provisions of Section 54400 of the Government Code, the board may determine and provide, in any resolution for the issuance of revenue bonds, for maturity dates of the revenue bonds not exceeding 50 years from their date of issuance.

If the interest and principal of the revenue bonds and all charges to protect or secure them have been paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the agency, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the agency, payments in lieu of taxes to any or all political subdivisions, including but not limited to school districts, upon works of the agency situate within such political subdivisions in the County of Placer, and the purchase or obtaining of additional water supplies.

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

To assist in the effective operation of the Placer County Water Agency and in the immediate financing of water facilities and other revenue-producing works in the agency, which operation and financing is necessary for the preservation of the public health and safety, it is imperative that this act go into effect immediately.

CHAPTER 118

An act to amend Section 35221 of the Agricultural Code as proposed by Senate Bill No. 1, relating to frozen milk products licensing fees.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 35221 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

35221. Every person, except a hospital or sanitarium, that is engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, ice milk, sherbet, or any similar frozen product, or that is engaged in the business of manufacturing, freezing, or processing imitation ice cream, imitation ice milk, or any similar frozen product, shall pay the following fees:

(a) A license fee of forty dollars ($40), for the calendar year for which such license is issued.

(b) A fee for the renewal of a license of forty dollars ($40), plus three dollars ($3) for each additional 10,000 gallons or fraction of 10,000 gallons over and above 20,000 gallons which were manufactured during the preceding year, ending the 31st day of December.

SEC. 2. Any revenues derived from any increase in fees provided for in this act shall not be available for expenditure unless appropriated.

CHAPTER 119

An act to maintain the Code of Civil Procedure by amending Sections 663a, 710, and 1243, relating to civil procedure.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 663a of the Code of Civil Procedure is amended to read:

663a. The party intending to make the motion mentioned in the last section must file with the clerk and serve upon the adverse party a notice of his intention, designating the grounds upon which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts or in which the judgment or decree is not consistent with the special verdict, either

1. Before the entry of judgment;

2. Within 10 days of the date of mailing of notice of entry of judgment by the clerk of the court pursuant to Section 664.5, or service upon him by any party of written notice of entry of judgment, or within 180 days after the entry of judgment, whichever is earlier.

An order of the court granting such motion may be reviewed on appeal in the same manner as a special order made after final judgment.

SEC. 2. Section 710 of the Code of Civil Procedure is amended to read:

710. (a) Whenever a judgment for the payment of money is rendered by any court of this state against a defendant to whom money is owing and unpaid by this state or by any county, city and county, city or municipality, quasi-municipality or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this state to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the

state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission presents the claim of such judgment debtor therefor to the State Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact that the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, and after deducting therefrom an amount equal to one-half the salary or wages owing to the judgment debtor for his personal services to the state rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2. If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor, less an amount equal to one-half the salary or wages owing by the county, city and county, city, municipality, quasi-municipality, or public corporation to the judgment debtor for his personal services to such public body rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents ($2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor. The procedure for determining the claim of exemption shall be governed by the procedure set forth in 690.26 of this code.

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, and Attorney General.

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which payments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

SEC. 3. Section 1243 of the Code of Civil Procedure is amended to read:

1243. All proceedings under this title must be commenced in the superior court of the county in which the property sought to be taken is situated; provided, that where, of any

one piece or article of property, or of any one interest in or to property, sought to be taken, a portion thereof is situated in one county and another portion thereof is situated in another county, the plaintiff may commence such proceedings in any of the counties where any portion of such piece or article of property, or interest in or to property, is situated, and the county so selected is the proper county for the trial of such proceedings; and provided, further, that when the plaintiff is a county, city and county, incorporated city or town, or a municipal water district, and the property sought to be taken is situated in more than one county, then the proceeding may be brought, at the option of the plaintiff, in any county wherein is situated any of the property sought to be taken, and said proceeding may be tried in said county, with reference to any property situated in the state; provided, however, that the right in this section granted to any plaintiff to commence and try an action in any county other than the county in which may be located any property in said action sought to be taken, shall be limited to property which is owned by the defendant, or by the defendant in common with the other defendants, or some of them. All such proceedings must be commenced by filing a complaint and issuing a summons. The provisions of this code for the change of place of trial of actions shall apply to proceedings under this title except as in this section otherwise provided. Nothing herein contained shall be construed to repeal any law of this state giving jurisdiction to the Public Utilities Commission to ascertain the just compensation which must be paid in eminent domain proceedings. A lis pendens shall be recorded in the office of the county recorder at the time of the commencement of the action in every county in which any of the property to be affected shall be located.

CHAPTER 120

An act to maintain the Education Code by amending Sections 5014, 25444, and 27509, by amending and renumbering the headings of Article 17 (commencing with Section 6481), Chapter 6, Division 6 (as added by Chapter 1536 of the Statutes of 1965), and Chapter 6 (commencing with Section 25546.01), Division 18.5 (as added by Chapter 1790 of the Statutes of 1963), and Section 1111.2 (as added by Chapter 774 of the Statutes of 1965). Sections 6481, 6482, 6483, 6484, 6485, 6486 (as added by Chapter 1536 of the Statutes of 1965), and Sections 6487, 6488, 6489, 12915 (as added by Chapter 1648 of the Statutes of 1965), 25450.30, 25457.6 (as added by Chapter 1572 of the Statutes of 1965), and by repealing Sections 1111.1, 1111.3 (as added by Chapter 12 of the Statutes of 1965), 1111.7, 1111.9, 1111.11, 13581.1 (as added by Chapter 1928 of the Statutes of 1965), 19591.5, 23601.8 (as added by Chapter 1229 of the Statutes of 1965),

and 25505.9 (as added by Chapter 818 of the Statutes of 1965) thereof, relating to schools, libraries, and institutions of learning, including their establishment, maintenance, government and operation.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 1111.1 of the Education Code is repealed.

SEC. 2. Section 1111.2 of the Education Code, as added by Chapter 774 of the Statutes of 1965, is amended and renumbered to read:

1111.8. (a) Notwithstanding any other provision of law, upon the recommendation of the county superintendent of schools and with the approval of the county board of supervisors, the election of governing board members of school districts whose boundaries are coterminous with the boundaries of the county, shall be consolidated with the November general elections held in the county pursuant to Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

In such case, the terms of members of the governing board elected in the general election pursuant to this section shall begin at noon on the first Monday after the first day in January following such general election and shall end at noon on the first Monday after the first day in January four years thereafter.

In such case, the terms of members of the governing board expiring on June 30th of any odd-numbered year next succeeding any general election, shall expire at noon on the first Monday after the first day in January following such general election.

(b) When the term of an incumbent expires at midnight June 30 of an odd-numbered year and no successor has been elected because of the provisions of subdivision (a) of this section, the members of the board whose terms have not expired shall appoint a successor to serve until a successor is elected and qualified pursuant to subdivision (a) of this section.

SEC. 3. Section 1111.3 of the Education Code, as added by Chapter 12 of the Statutes of 1965, is repealed.

SEC. 4. Section 1111.7 of the Education Code is repealed.

SEC. 5. Section 1111.9 of the Education Code is repealed.

SEC. 6. Section 1111.11 of the Education Code is repealed.

SEC. 7. Section 5014 of the Education Code is amended to read:

5014. Each junior college district shall establish and maintain at least one junior college, as provided in Section 25500.5 of this code.

SEC. 8. The heading of Article 17 (commencing with Section 6481), Chapter 6, Division 6 of the Education Code, as

added by Chapter 1536 of the Statutes of 1965, is amended and renumbered to read:

Article 6.6. English Language Centers

SEC. 9. Section 6481 of the Education Code, as added by Chapter 1536 of the Statutes of 1965, is amended and renumbered to read:

6070. The Legislature hereby declares that there is a need in this state for special instruction programs in the English language at all levels of education, including preschool, regular school and adult education. It is the intention of the Legislature in enacting this article to provide for the establishment and maintenance of English language centers, to be supported by federal funds, where instructional programs in the English language are provided for children, minors and adults, of all ages, whose inability to read, write and speak the English language, impairs their ability to cope with the challenges of an ordinary education program or impairs their ability to obtain and retain employment of a kind which is commensurate with their unrealized abilities. It is the further intention of the Legislature that the county superintendent of each county, and that the governing board of a unified or junior college school district, participate in the establishment of English language centers pursuant to this article.

SEC. 10. Section 6482 of the Education Code, as added by Chapter 1536 of the Statutes of 1965, is amended and renumbered to read:

6071. A county superintendent of schools may establish and maintain one or more English language centers pursuant to this article.

The governing board of any unified or junior college school district may establish and maintain one or more English language centers pursuant to this article.

SEC. 11. Section 6483 of the Education Code, as added by Chapter 1536 of the Statutes of 1965, is amended and renumbered to read:

6072. Each English language center shall provide an instructional program in the English language at all levels of education, including preschool, regular school and adult education.

SEC. 12. Section 6484 of the Education Code, as added by Chapter 1536 of the Statutes of 1965, is amended and renumbered to read:

6073. Each English language center shall, subject to the approval of the State Department of Education, utilize any available technique or method in language instruction, including audiovisual methodology, so that the most effective techniques may be utilized, including any which may meet individual requirements of deficient pupils at the center.

SEC. 13. Section 6485 of the Education Code, as added by Chapter 1536 of the Statutes of 1965, is amended and renumbered to read:

6074. Any person, including children, minors, and adults, is eligible to attend an English language center whose inability to read, write or speak the English language impairs his ability to cope with the challenges of an ordinary educational program, or impairs his ability to obtain and retain employment of a kind commensurate with his unrealized abilities.

SEC. 14. Section 6486 of the Education Code, as added by Chapter 1536 of the Statutes of 1965, is amended and renumbered to read:

6075. Each English language center shall be maintained and operated, and provide an instructional program in the English language, according to uniform standards prescribed by the State Department of Education.

SEC. 15. Section 6487 of the Education Code is amended and renumbered to read:

6076. A county superintendent of schools or the governing board of a unified or junior college school district that wishes to establish and maintain an English language center may apply to the State Department of Education for an allocation of funds for such purpose. Upon application the State Department of Education shall allocate to such county superintendent of schools or the governing board of a unified or junior college school district, as the case may be, such funds as may be available to establish and maintain the center.

SEC. 16. Section 6488 of the Education Code is amended and renumbered to read:

6077. The State Board of Education shall accept and receive any funds under the "National Defense Education Act of 1958," under the "Economic Opportunity Act of 1964," or under the "Elementary and Secondary Education Act of 1965," or similar provisions of any act of Congress, for the purposes of this article, and shall for this article have all the powers it has under Section 553.

SEC. 17. Section 6489 of the Education Code is amended and renumbered to read:

6078. The State Department of Education shall administer this article, and shall establish by rules and regulations uniform standards under which an English language center shall be operated and maintained, and under which an instructional program in the English language shall be provided. The State Department of Education may adopt such other rules and regulations as may be necessary to administer this article.

SEC. 18. Section 12915 of the Education Code, as added by Chapter 1648 of the Statutes of 1965, is amended and renumbered to read:

12916. (a) Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or menaced, by any pupil, it shall be the duty of

such employee, and the duty of any person under whose direction or supervision such employee is employed in the public school system who has knowledge of such incident, to promptly report the same to the appropriate law enforcement authorities of the county or city in which the same occurred. Failure to make such report shall be a misdemeanor punishable by a fine of not more than two hundred dollars ($200).

(b) An act by any member of the governing board of a school district, a county superintendent of schools, or any employee of any school district or the office of any county superintendent of schools, which is designed directly or indirectly to influence or urge a person under a duty to make the report prescribed by subdivision (a) not to make such report, shall be a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars ($100) or more than two hundred dollars ($200).

SEC. 19. Section 13581.1 of the Education Code, as added by Chapter 1928 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 13581.1 of the Education Code, as added by Chapter 1829 of the Statutes of 1965.

SEC. 20. Section 19591.5 of the Education Code is repealed.

SEC. 21. Section 23601 8 of the Education Code, as added by Chapter 1229 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 23601.8 of the Education Code, as added by Chapter 1241 of the Statutes of 1965.

SEC. 22. Section 25444 of the Education Code is amended to read:

25444. If it appears from the certificate filed by the superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the junior college district, the junior college district is formed effective as provided in Sections 1703 and 1704 of this code. The county clerk shall record the certificate in full in his record of school districts.

SEC. 23. Section 25450.30 of the Education Code is amended and renumbered to read:

25450.35. A junior college district formed pursuant to the provisions of this article shall, upon its formation, acquire all rights created and assume all obligations incurred by the petitioning district for junior college purposes prior to the formation of such junior college district. In addition to the transfer of balances provided in Section 25542.5 of this code, the petitioning district shall transfer to the building fund of the newly formed junior college district all funds in the building fund of the petitioning district, regardless of the source of said funds, which are or have been budgeted, allocated, apportioned or appropriated for junior college purposes and which are on hand as of the date upon which the junior college district becomes effective for all purposes.

SEC. 24. Section 25457.6 of the Education Code, as added by Chapter 1572 of the States of 1965, is amended and renumbered to read:

25457.8. If the county committee on school district organization fails to submit plans and recommendations, as provided in Section 25457.5, the Department of Education shall prepare a plan or plans and submit them to the State Board of Education on or before September 15, 1968, for its approval. Plans formulated by the Department of Education may include any or all provisions authorized to be included in a recommendation of a county committee pursuant to Chapter 10 (commencing with Section 3101), Division 5, and Chapter 2 (commencing with Section 25430), Division 18.5, of the Education Code.

SEC. 25. Section 25505.9 of the Education Code, as added by Chapter 818 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 25505.9 of the Education Code, as added by Chapter 1876 of the Statutes of 1965.

SEC. 26. The heading of Chapter 6 (commencing with Section 25546.01), Division 18.5, of the Education Code, as added by Chapter 1790 of the Statutes of 1963 is amended and renumbered to read:

CHAPTER 7. JUNIOR COLLEGE FACILITY CONSTRUCTION LAW OF 1963

SEC. 27. Section 27509 of the Education Code is amended to read:

27509. The trustees shall serve without compensation.

CHAPTER 121

An act to maintain the Elections Code by amending Sections 30100 and 30201, and amending and renumbering Section 15405.5 as added by Chapter 488 of the Statutes of 1965, Section 15416 as added by Chapter 76 of the Statutes of 1964 (First Extraordinary Session), and the heading of Part 3 (commencing with Section 24000), Division 12, as added by Chapter 346 of the Statutes of 1965, relating to elections and legislative districts.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 15405.5 of the Elections Code, as added by Chapter 488 of the Statutes of 1965, is amended and renumbered to read:

15405.6. In any election where ballots are to be counted both manually and by electromechanical tabulating devices,

the marking device used for marking ballots to be counted electromechanically may be used for marking ballots to be counted manually.

SEC. 2. Section 15416 of the Elections Code, as added by Chapter 76 of the Statutes of 1964, First Extraordinary Session, is amended and renumbered to read:

15416.5. In the event absent voter ballots are to be tabulated by an electronic or electromechanical tabulating device, the clerk may also deliver to the applicant a marking device which would make a mark suitable for use with the electronic or electromechanical device or a supply of stickers which would be suitable for use with the electronic or electromechanical tabulating device.

SEC. 3. The heading of Part 3 (commencing with Section 24000), Division 12, of the Elections Code as added by Chapter 346 of the Statutes of 1965, is amended and renumbered to read:

PART 4. DISTRICT ELECTIONS

SEC. 4. Section 30100 of the Elections Code is amended to read:

30100. The state is divided into 40 senatorial districts, which shall be designated and constituted as follows:

1. The Counties of Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, Sonoma, and Lake, shall constitute the First Senatorial District.

2. The Counties of Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, and Yolo, together with all that portion of the County of Solano bounded and described as follows:

Beginning at an angle point in the boundary of Solano County at the southeast corner of Section 36, T. 6 N., R. 2 E., M.D.B. & M.; thence westerly and southerly along the center of Lookout Slough to its junction with the center of Cache Slough; thence northwesterly along the center of Cache Slough to the easterly prolongation of the center line of Main Prairie Road; thence along the center lines of the following named streets, roads and highways, to wit: westerly on Main Prairie Road or its extension to State Highway Route 113, northerly on said Route 113 to Hayes Road, westerly on Hayes Road to Lewis Road, northerly on Lewis Road to Hartley Midway Road, westerly on Hartley Midway Road to Meridian Road (Getchel Road), northerly on Meridian Road and North Sweeney Road to Sweeney Road, westerly on Sweeney Road to Geithle Road, northerly and westerly on Geithle Road to Boyce Road (Sweeney Road), northwesterly on Boyce Road and its northwesterly prolongation to the boundary of the County of Solano in Putah Creek; thence easterly and southerly along said county boundary to the point of beginning, shall constitute the Second Senatorial District.

The roads, highways, sloughs, creeks, and other landmarks set forth as bounding the Solano part of the Second Senatorial

District are those roads, highways, sloughs, creeks, and other landmarks as shown on the following maps: County Road System, Solano County, California, prepared by the State-Wide Highway Planning Survey, Division of Highways, Department of Public Works, in cooperation with the United State Department of Commerce, Bureau of Roads, and the County, 1953, as revised in 1962.

3. The Counties of Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, Amador, Calaveras, Tuolumne, and Stanislaus, shall constitute the Third Senatorial District.

4. The Counties of Marin and Napa, together with all that portion of the County of Solano not included in the Second Senatorial District as fixed and defined by this section, shall constitute the Fourth Senatorial District.

5. All that portion of the County of Sacramento lying north and west of the following described line:

Beginning at the point where the southerly boundary of the City of Sacramento as it existed on August 1, 1965, intersected the westerly boundary of the County of Sacramento in the Sacramento River channel (about 0.8 mile south of Meadowview Road and Freeport Boulevard); thence generally easterly and southerly along said city boundary to the center line of Franklin Boulevard (near Ehrhardt Avenue); thence along the center lines of the following named streets, to wit: northerly on Franklin Boulevard to Mack Road, easterly on Mack Road and Elsie Avenue to Power Inn Road, northerly on Power Inn Road to Gerber Road, easterly on Gerber Road to Elk Grove-Florin Road, northerly on Elk Grove-Florin Road and its northerly continuation to the intersection of Jackson Road with Manlove Road, northerly on Manlove Road to Folsom Boulevard, southwesterly on Folsom Boulevard to Watt Avenue, northerly on Watt Avenue to the center of the American River channel; thence easterly along the center of the American River channel to the prolongation of the center line of Estates Drive southeasterly from American River Drive; thence northwesterly along the prolongation and center line of Estates Drive to the center line of Elderberry Lane; thence along the center lines of the following named streets, to wit: northeasterly on Elderberry Lane to Estates Drive, northwesterly on Estates Drive to Fair Oaks Boulevard, northeasterly on Fair Oaks Boulevard to Eastern Avenue, northerly on Eastern Avenue to El Camino Avenue, westerly on El Camino Avenue to the center line of the Southern Pacific Railroad right of way; thence northeasterly along the center line of said right of way to the northerly prolongation of the center line of Connie Drive; thence southerly along the prolongation and center line of Connie Drive to the center line of Auburn Boulevard; thence along the center lines of the following named streets or highways, to wit: northeasterly on Auburn Boulevard to Watt Avenue, northerly on Watt Avenue to Interstate Route 80, northeasterly on Interstate Route 80 to Spruce Avenue, southerly on Spruce Avenue to Madison Avenue, easterly on Madi-

son Avenue to Manzanita Avenue, southerly on Manzanita Avenue to Fair Oaks Boulevard, easterly on Fair Oaks Boulevard to San Juan Avenue, northerly on San Juan Avenue to Madison Avenue, easterly on Madison Avenue to Kenneth Avenue, northerly on Kenneth Avenue to Greenback Lane, easterly on Greenback Lane to Almond Avenue, northerly on Almond and its continuation to Oak Avenue, westerly on Oak Avenue to Wachtel Way, northerly on Wachtel Way to Old Auburn Road, northeasterly on Old Auburn Road to the northerly boundary of the County of Sacramento, shall constitute the Fifth Senatorial District.

6. The County of San Joaquin, together with all that portion of the County of Sacramento not otherwise described as constituting a portion of the Fifth Senatorial District as defined by this section, shall constitute the Sixth Senatorial District

7. The County of Contra Costa, shall constitute the Seventh Senatorial District.

8. All that portion of the County of Alameda not otherwise described as constituting a portion of the 14th Senatorial District as fixed and described by this section, shall constitute the Eighth Senatorial District.

9. The City and County of San Francisco, shall constitute the Ninth Senatorial District.

10. The City and County of San Francisco, shall constitute the 10th Senatorial District.

11. All that portion of the County of Alameda not otherwise described as constituting a portion of the 14th Senatorial District as fixed and described by this section, shall constitute the 11th Senatorial District.

12. The County of San Mateo shall constitute the 12th Senatorial District.

13. All that portion of the County of Santa Clara bounded and described as follows:

Beginning at the intersection of the center line of State Freeway Route 101 with the northerly boundary of the County of Santa Clara; thence southeasterly along the center line of State Freeway Route 101 to the center line of State Freeway Route 85; thence southerly along the center line of State Freeway Route 85 to the center line of Homestead Road; thence westerly along the center line of Homestead Road to the center line of the Southern Pacific Railroad right of way; thence southeasterly along the center line of the Southern Pacific Railroad right of way to the center line of Prospect Road; thence easterly along the center line of Prospect Road to the center line of Saratoga Avenue; thence southwesterly along the center line of Saratoga Avenue to the center line of Quito Road; thence southerly along the center line of Quito Road to the center line of the Southern Pacific Railroad right of way; thence southeasterly along the center line of the right of way of the Southern Pacific Railroad to the center line of Wedgewood Avenue; thence easterly along the center line of Wedgewood Avenue and continuing easterly along the center line of

Pollard Road to the center line of Winchester Boulevard; thence southeasterly along a line from the intersection of center lines of Winchester Boulevard and Pollard Road to the intersection of center lines of Burton Road and Oka Lane; thence southeasterly along the center line of Burton Road and its continuation to the center line of Bascom Avenue; thence northeasterly along the center line of Bascom Avenue to the center line of National Avenue; thence southerly along the center line of National Avenue to the center line of Branham Lane; thence easterly along the center line of Branham Lane to the center line of Elester Drive; thence northerly along the center line of Elester Drive to the center line of Branham Lane; thence easterly along the center line of Branham Lane to the center line of Union Avenue; thence northerly along the center line of Union Avenue to the center line of McGlincy Avenue; thence southwesterly along the center line of McGlincy Avenue to the center line of Casey Road; thence westerly along the center line of Casey Road and its westerly prolongation to the center line of State Freeway Route 17; thence northerly along the center line of State Freeway Route 17 to the center line of Forest Avenue; thence easterly along the center line of Forest Avenue to the center line of Naglee Avenue; thence northeasterly along the center line of Naglee Avenue to the center line of Park Avenue; thence southeasterly along the center line of Park Avenue to the center line of Meridian Avenue; thence southerly along the center line of Meridian Avenue to the center line of Fruitdale Avenue; thence easterly along the center line of Fruitdale Avenue and its easterly prolongation to the center of Los Gatos Creek; thence northeasterly along the center of Los Gatos Creek to the center line of Lincoln Avenue near Pedro Street; hence southeasterly along the center line of Lincoln Avenue to the center line of Willow Street; thence northeasterly along the center line of Willow Street; thence northeasterly along the center line of Willow Street to the center line of the right of way of the Southern Pacific Railroad near McLellan Avenue; thence southeasterly along the center line of the right of way of the Southern Pacific Railroad to the center line of Almaden Road (G8); thence southerly along the center line of Almaden Road (G8) to the center line of Hillsdale Avenue; thence easterly on the center line of Hillsdale Avenue to the center line of Monterey Road; thence southeasterly along the center line of Monterey Road to the center line of Senter Road; thence easterly and northerly along the center line of Senter Road to the center line of Coyote Road; thence easterly along the center line of Coyote Road to the center line of State Freeway Route 101; thence northerly along the center line of State Freeway Route 101 to Hallyer Avenue; thence easterly about ¼ of a mile along an unnamed road to an unnamed pond; thence easterly from said unnamed pond along the center of an unnamed creek to the Pacific Gas and Electric Topock-Milpitas Gas Pipe Line; thence southeasterly along said pipe line to its intersec-

tion with the Pacific Gas and Electric Moraga-San Mateo-Metcalfe Power Line easterly from the community of Coyote; thence northerly along said power line to the northerly boundary of the County of Santa Clara in Section 23, T. 5 S., R. 1 E., M.D B. & M ; thence westerly along the boundary of the County of Santa Clara to the point of beginning, shall constitute the 13th Senatorial District.

14. All that portion of the County of Santa Clara not otherwise described as constituting a portion of the 13th Senatorial District as fixed and defined by this section, together with all that portion of the County of Alameda bounded and described as follows:

Beginning at the intersection of the boundary of the County of Alameda with the east shore line of Calaveras Reservoir; thence northerly along the east shore line of Calaveras Reservoir to the center of Calaveras Creek; thence northerly and westerly in a meandering course along the center of Calaveras Creek and Alameda Creek to an angle point in the boundary of the City of Fremont as it existed January 1, 1960, in the southwest corner of Section 12, T. 4 S., R.1W., M.D.B.&M.; thence westerly and northwesterly along the boundary of the City of Fremont and its northwesterly prolongation to the center of the south branch of Dry Creek on the southwest line of partial Section 4, T.4S., R.1W., M.D.B.&M.; thence northwesterly along the center of the south branch of Dry Creek and Dry Creek to the center line of Mission Boulevard near Tamarack Drive; thence northwesterly along the center line of Mission Boulevard to the northernmost boundary of Union City as it existed January 1, 1960, near the southern boundary of Cypress Cemetery; thence westerly along said boundary of Union City and its westerly prolongation to the center line of the right-of-way of the Southern Pacific Railroad near Troy Place; thence northwesterly along the center line of the right-of-way of the Southern Pacific Railroad to the center line of the right-of-way of the Western Pacific Railroad near St. Annes Place; thence northeasterly along the center line of the right-of-way of the Western Pacific Railroad to the center line of Grove Way; thence along the center lines of the following named streets and highways, to wit: northeasterly on Grove Way to Montgomery Avenue, northwesterly on Montgomery Avenue to Medford Avenue, northeasterly on Medford Avenue to Mission Boulevard, northwesterly on Mission Boulevard to Mattox Road, northeasterly on Mattox Road to State Freeway Route 238, northwesterly on State Freeway Route 238 to Interstate Freeway Route 580, northwesterly on Interstate Freeway Route 580 to the southwesterly prolongation of the property line of Fairmont Hospital as it existed January 1, 1960, near Manchester Road; thence northeasterly along said prolongation and said property line of Fairmont Hospital to the East Bay Municipal Utilities District fence line as it existed January 1, 1960; thence generally southeasterly and northeasterly

along the East Bay Municipal Utilities District fence line and its prolongation to the center line of Lake Chabot Road; thence northwesterly along the center line of Lake Chabot Road to the easterly boundary of the City of San Leandro as it existed January 1, 1960; thence northerly along said boundary of the City of San Leandro to its junction with the boundary line of the City of Oakland as it existed January 1, 1960, at San Leandro Creek; thence generally easterly and northerly along said boundary of the City of Oakland to its point of junction with the boundary of the County of Alameda near Redwood Peak; thence easterly, southerly, and westerly along the boundary of the County of Alameda to the point of beginning, except all that territory situated in Census Tracts HA-50, HA-62, HA-65, and HA-66, and except all that portion of the County of Alameda bounded and described as follows:

All that certain real property situated in the Township of Washington, County of Alameda, State of California, described as follows:

Commencing at the most easterly corner of that certain territory annexed to the City of Union City under Ordinance No. 43-62, adopted April 17, 1962, a map of which was filed May 17, 1962, in Map Book 43 at page 68 thereof, Records of Alameda County, California, said corner being a point on the northeasterly line of Plot No. 15", as said plot is delineated and so designated on that certain map entitled "Map of a Part of the Rancho Arroyo de la Alameda showing Tracts Recently Sold by J. G. Clark", etc., filed November 24, 1884, in Book 7 of Maps at page 70 thereof, Records of Alameda County, California, and running thence southwesterly along the southeasterly boundary line of said territory annexed under Ordinance No. 43-62 to an intersection thereof with the northeasterly boundary line of the City of Union City, as said northeasterly boundary line was established under Resolution No. 89527 of the Board of Supervisors of Alameda County, adopted January 19, 1959, and filed in Minute Book 104 at page 666 thereof, said northeasterly boundary line being also the southwesterly line of State Highway Route V, known as Mission Boulevard, formerly Castro Street, 100.00 feet in width; thence southeasterly along said northeasterly boundary line to the point of intersection thereof with the general northerly boundary line of the City of Fremont, as said general northerly boundary line was established under Resolution No. 77752 of the Board of Supervisors of Alameda County, adopted November 3, 1955, and filed in Minute Book 98 at page 156 thereof, last said point being a point on a direct line drawn northeasterly from the intersection of the northwesterly boundary line of the lands shown on that certain map entitled "Map of the California Nursery Company Subdivision No. 1", etc., filed May 9, 1921, in Book 7 of Maps at page 82 thereof, Records of Alameda County, California with the southwesterly line of the Central Pacific Railway

Company's Right of Way to the intersection of the direct production northeasterly of the line dividing Lot No. 17 from Lot No. 18, as said lots are delineated and so designated on the aforesaid "Map of a Part of the Rancho Arroyo de la Alameda Showing Tracts Recently Sold by J. G. Clark" with the northeasterly boundary line of the Rancho Arroyo de la Alameda; thence northeasterly along said general northerly boundary line of the City of Fremont to an intersection thereof with said northeasterly boundary line of the Rancho Arroyo de la Alameda; thence southeasterly continuing along said general northerly boundary line of the City of Fremont to an angle point therein at the intersection thereof with the center line of Alameda Creek; thence continuing in a general northeasterly direction along the general northerly boundary line of the City of Fremont to an intersection thereof with the westerly line of Section 11, T4S, R1W, M.D.B. & M; thence northerly along said westerly line to an intersection thereof with the northerly line of said Section 11; thence easterly along said northerly line of Section 11 to an intersection thereof with the westerly right-of-way line of County Road No. 7784, commonly known as Palomares Road, formerly Stony Brook Road, 50 feet in width; thence northerly along said westerly right-of-way line to an intersection thereof with the southerly line of Section 35, T3S, R1W, M.D.B. & M; thence westerly along said southerly line of Section 35 450 13 feet more or less, to an intersection thereof with the easterly line of the southwest ¼ of the southwest ¼ of said Section 35; thence northerly along said easterly line 387.16 feet, more or less, to an intersection thereof with the northerly line of that certain, 4.867 acre parcel of land designated "Parcel 4", conveyed by Vernon Ellsworth, a single man, to Eugene C. Grau and Ethel V. Grau, his wife, by deed dated September 17, 1954, and recorded in Book 7137 of Official Records at page 173 thereof, Records of Alameda County, California; thence easterly along said northerly line 250.31 feet, more or less, to an intersection thereof with the general northeasterly line of that certain 38.293 acre, more or less, parcel of land conveyed by George King and Grace J. King, to Elmer J. O'Connell and Clara C. O'Connell, his wife, by deed dated June 17, 1948, and recorded in Book 5544 of Official Records at page 194 thereof, Records of Alameda County, California, thence in a general northwesterly direction along said general northeasterly line to an intersection thereof with the northwesterly line of said 38.293 acre, more or less, parcel of land; thence southwesterly along said northwesterly line to the southwest corner of the northwest ¼ of Section 35, T3S, R1W, M.D.B. & M.; thence northerly along the westerly line of said Section 35 to an intersection thereof with the southwesterly right of way line of the aforesaid Palomares Road; thence northwesterly along said southwesterly right of way line to an intersection thereof with the northerly line of the southeast ¼ of the northeast ¼ of Section 34, T3S, R1W, M.D.B. & M, said northerly

line being also a course in the general northerly boundary line of that certain parcel of land designated "Parcel 3" and conveyed by Elmer S. O'Connell and Elsie C. O'Connell, his wife, to Glen Company, a partnership, by deed dated May 12, 1961, and recorded in Reel 324 of Official Records, Image 543, Records of Alameda County, California; thence along the general northerly line of said "Parcel 3" as follows: westerly to an intersection thereof with the westerly line of the southeast ¼ of the northeast ¼ of said Section 34; thence southerly along said westerly line to an intersection thereof with the northerly line of the southeast ¼ of said Section 34; thence westerly along said northerly line to an intersection thereof with the easterly line of the northwest ¼ of said Section 34; thence northerly along said easterly line to an intersection thereof with the northerly line of said Section 34; thence westerly along said northerly line to the northwest corner of said Section 34; thence leaving the general northerly boundary line of "Parcel 3" westerly along the northerly line of Section 33, T3S, R2W, M.D.B. & M to an intersection thereof with the westerly line of said Section 33; thence southerly along said westerly line to an intersection thereof with the line dividing Township 3 South, Range 1 West from Township 4 South, Range 1 West, M.D.B. & M; thence westerly along said dividing line to an intersection thereof with the aforesaid northeasterly boundary line of the Rancho Arroyo de la Alameda; thence southeasterly along said northeasterly boundary line 110.22 feet, more or less to an intersection thereof with the northwesterly boundary line of Plot No. 13 as said plot is delineated and so designated on the aforesaid "Map of a Part of the Rancho Arroyo de la Alameda showing Tracts Recently Sold by J. G. Clark", etc.; thence southeasterly along said northwesterly boundary line to an intersection thereof with the line dividing said Plot 13 from Plot 12, as said plots are delineated and so designated on last said map; thence in a general easterly direction along said dividing line to an intersection thereof with the line dividing said Plot 12 from Plot 14, as said plots are delineated and so designated on last said map; thence southerly along last said dividing line to an intersection thereof with the general northeasterly boundary line of said territory annexed to Union City under Ordinance No. 43-62; thence in a general southeasterly direction along said general northeasterly boundary line to the point of commencement.

Being all of Plot 13 and a portion of Plot 14, as said plots are shown on said "Map of a Portion of the Rancho Arroyo de la Alameda Showing Tracts Recently Sold by "J. G. Clark", etc , a portion of the lands of the Ex-Mission of San Jose, a portion of Township 4 South, Range 1 West, M.D.B. & M, and a portion of Township 3 South, Range 1 West, M.D B & M, and containing 3.500 acres more or less; shall constitute the 14th Senatorial District.

15. The Counties of Madera, Merced, Mariposa, Mono, Inyo, and Tulare, together with all that portion of the County of Fresno bounded and described as follows:

Beginning at the intersection of the center of the channel of the Kings River with the southeasterly boundary of the County of Fresno; thence generally northerly along the center of the channel of the Kings River in its meandering course to a point of intersection with the center line of Goodfellow Avenue; thence westerly, northerly and westerly along the center lines of Goodfellow Avenue and Central Avenue to the center line of the Southern Pacific Railroad right of way near Newmark Avenue; thence northwesterly along the center line of said railroad right of way to the center line of Academy Avenue; thence northerly along the center line of Academy Avenue to the center line of Kings Canyon Road (State Route 180); thence easterly along the center line of Kings Canyon Road to the center line of Rainbow Route; thence southwesterly along the center line of Rainbow Route to the center line of Riverbend Avenue; thence southerly along the center line of Riverbend Avenue to the center line of Annadale Avenue; thence easterly along the center line of Annadale Avenue to the center of the channel of the Kings River, thence generally northeasterly along the center of the channel of the Kings River in its meandering course to its intersection with the center of the Friant-Kern Canal; thence southeasterly along the center of the Friant-Kern Canal to the center line of American Avenue; thence easterly along the center line of American Avenue to the boundary of the County of Fresno; thence southerly and westerly along said county boundary to the point of beginning, shall constitute the 15th Senatorial District.

16. All that portion of the County of Fresno not included in the 15th Senatorial District as fixed and defined by this section, shall constitute the 16th Senatorial District.

17. The Counties of Santa Cruz, Monterey, San Benito, and San Luis Obispo, shall constitute the 17th Senatorial District.

18. The Counties of Kings and Kern shall constitute the 18th Senatorial District.

19. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the westerly boundary of the City of Arcadia with the center line of Huntington Drive; thence westerly along the center line of Huntington Drive to the boundary of the City of San Marino; thence generally northerly, westerly, southerly and westerly on said city boundary to the intersection of Los Robles Avenue and Marengo Avenue; thence along center lines of streets as follows: northwesterly and northerly on Marengo Avenue to California Boulevard, westerly on California Boulevard to Arroyo Boulevard, northerly on Arroyo Boulevard to the Colorado Freeway, west-

erly on the Colorado Freeway to the west boundary of the City of Pasadena; thence northerly on said city boundary to the boundary of the City of Glendale; thence generally northwesterly and northerly along the easterly boundary of the City of Glendale to the north line of Section 21, T. 2 N., R. 13 W., S B.B. & M.; thence easterly along the north section lines of Sections 21 and 22 to the northeast corner of Section 22; thence south along the east line of Sections 22 and 27 of said township and range to the southwest corner of the NW ¼ of the NW ¼ of Section 26 in said township and range; thence east and north along the boundaries of said NW ¼ of the NW ¼ to the north line of said Section 26; thence east along last said north line of Sections 26 and 25 of said township and range to the westerly boundary of the City of Pasadena as the same existed April 30, 1961; thence north along said westerly city boundary to its most northerly intersection with the center line of State Highway Route 2 (Angeles Crest Highway); thence in a general northeasterly direction along said State Highway Route 2 to the center line of Angeles Forest Highway (Forest Highway 59); thence northwesterly and in a general northeasterly direction along said Angeles Forest Highway to the township line between T. 3 N. and T. 4 N., S.B B. & M.; thence east along said township line to the easterly boundary of the County of Los Angeles; thence generally southerly along said county boundary to its intersection with the southern boundary of the Angeles National Forest (on the northerly line of Section 24, T. 1 N., R. 8 W., S.B.B. & M.); thence westerly, southerly and westerly along said forest boundary to its intersection with the center line of San Dimas Canyon Road; thence along the center line of the following named streets, to wit: southwesterly on San Dimas Canyon Road to Romola Road, southerly on Romola Road to Foothill Boulevard, southeasterly on Foothill Boulevard to Grand Avenue, southwesterly on Grand Avenue to Gladstone Street, southeasterly on Gladstone Street to Sedalia Avenue, southwesterly on Sedalia Avenue to Bonita Avenue (4th Street), northwesterly on Bonita Avenue to the westerly boundary of the City of LaVerne; thence generally southerly along said boundary (passing east of Ruddingstone Reservoir) to its intersection with the boundary of the City of Pomona; thence southerly and easterly along the boundary of the City of Pomona as it existed on June 30, 1965, to the center line of the San Bernardino (Route 10); thence westerly along center line of San Bernardino Freeway to its intersection with the westerly boundary of the City of Pomona at San Dimas Avenue; thence southerly, easterly, and southwesterly along said boundary to its intersection with the boundary of the City of Walnut; thence generally northerly and westerly along the boundary of the City of Walnut as it existed on April 30, 1961, to an intersection with the easterly prolongation of Amar Road; thence westerly along said prolongation and the center

line of Amar Road to the easterly boundary of the City of La Puente at Aileron Avenue; thence generally southerly along said boundary to its intersection with the center line of Hill Street (or its easterly projection); thence along the center line of the following named streets, to wit: westerly on Hill Street to Stimpson Avenue, northerly on Stimpson Avenue to Temple Avenue, westerly and northwesterly on Temple Avenue to Hacienda Boulevard, southwesterly on Hacienda Boulevard to Nelson Avenue, northwesterly on Nelson Avenue to Orange Avenue, northeasterly on Orange Avenue to the San Bernardino Freeway (Route 10), westerly on the San Bernardino Freeway to its intersection with the westerly boundary of the City of West Covina at Ardilla Avenue; thence generally northeasterly and easterly along said boundary as it existed on April 30, 1965, to its intersection with the center line of Badillo Street at Orange Avenue; thence easterly along Badillo Street to its intersection with the boundary of the City of West Covina west of Vincent Avenue; thence easterly, northeasterly, and southeasterly along said boundary to the center line of Lark Ellen Avenue; thence along the center line of the following named streets, to wit: southerly on Lark Ellen Avenue to Badillo Street, easterly on Badillo Street to Azusa Avenue, northerly on Azusa Avenue to the westerly prolongation of Covina Boulevard, easterly on Covina Boulevard and its prolongation to Ben Lomond Avenue, northerly on Ben Lomond Avenue to State Highway Route 66 (Alosta Avenue), west on said State Highway Route 66 (Alosta Avenue and Foothill Boulevard) to Fish Canyon Road, north along Fish Canyon Road to Royal Oaks Drive, northeasterly and easterly along Royal Oaks Drive to Melcanyon Road, north on Melcanyon Road to the northerly line of Rancho Azusa; thence westerly along the northerly line of Rancho Azusa to the intersection with the boundary of the City of Duarte as it existed on April 30, 1961; thence generally southerly and westerly along said city boundary to the center line of Huntington Drive; thence west along the center line of Huntington Drive to the center line of Sawpit Wash; thence southerly along Sawpit Wash to the easterly prolongation of the southerly boundary of the City of Monrovia, near Hurstview Avenue, as same existed on April 30, 1961; thence west along said boundary of the City of Monrovia and its easterly prolongation thereof and meandering in a general southwesterly, westerly, northerly, and westerly direction to an angle point therein on the easterly side of Peck Road northerly of El Norte Street; thence westerly in a direct line to an angle point in said boundary of the City of Monrovia on the westerly side of Peck Road; thence westerly along the boundary of the City of Monrovia to the easterly boundary of the City of Arcadia near Estrella Avenue; thence southwesterly along the boundary of the City of Arcadia to the center line of Live Oak Avenue near Santa Anita Wash; thence westerly along the center line of Live Oak Avenue to

the center line of Baldwin Avenue; thence northerly along the center line of Baldwin Avenue to the center line of Duarte Road; westerly along the center line of Duarte Road to the westerly boundary of the City of Arcadia near Oak Avenue; thence generally northerly along said boundary of the City of Arcadia to the point of beginning, shall constitute the 19th Senatorial District.

20. All that portion of the County of San Bernardino not included within the 36th Senatorial District, as fixed and defined by this section, shall constitute the 20th Senatorial District.

21. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the most northwesterly corner of the County of Los Angeles; thence southeasterly along the western boundary of said county to the westerly extension of the south line of Section 14, T. 3 N., R. 17 W., S.B.B.&M.; thence easterly along said westerly extension and the south line of Sections 14 and 13 of said township and range to the range line between Range 17 West and Range 16 West; thence north along said range line to the north line of Section 19, T. 3 N., R. 16 W., S.B.B.&M.; thence east along the north line of Sections 19, 20, 21, 22, 23, and 24 of last said township and range to the center line of State Highway Route 14; thence southeasterly on the center line of State Highway Route 14 to the northerly boundary of the City of Los Angeles (as it existed on March 1, 1961); thence generally southeasterly, east, south, east, southeasterly and southwesterly along said city boundary to the center line of Osborne Street (Little Tujunga Road); thence southwesterly along the center line of Osborne Street to the northerly prolongation of the center line of Clybourn Avenue; thence southerly along said northerly prolongation and center line of Clybourn Avenue to its intersection with the center line of Foothill Boulevard; thence southerly along a straight line connecting the intersection of the center lines of Clybourn Avenue and Foothill Boulevard to the center line of the road on top of the easterly end of Hansen Dam at its intersection with the easterly grant boundary of the Rancho Ex Mission de San Fernando; thence southeasterly along said grant line which coincides with parts of Clybourn Avenue, Stonehurst Avenue and Sunland Boulevard to Tuxford Street; thence along the center line of the following named streets, to wit: southeasterly and easterly on Tuxford Street to Wheatland Avenue, southerly on Wheatland Avenue and its extension to Glenoaks Boulevard, southeasterly on Glenoaks Boulevard to Lanark Street, southwesterly on Lanark Street to DeGarmo Avenue, southeasterly on DeGarmo Avenue to Arcola Avenue, southerly on Arcola Avenue to San Fernando Boulevard, southeasterly on San Fernando Boulevard to the northerly boundary of the City of Burbank at Cohasset Street; thence easterly along said boundary of the City of Burbank to the center line of Glenoaks Boulevard; thence along the center

line of the following named streets, to wit: southeasterly on Glenoaks Boulevard to Naomi Street, northeasterly on Naomi Street to Kenneth Road, easterly and southeasterly on Kenneth Road to Cambridge Drive, northeasterly on Cambridge Drive to Bel Aire Drive, southeasterly on Bel Aire Drive to Walnut Avenue, northeasterly on Walnut Avenue to Sunset Canyon Drive, southeasterly on Sunset Canyon Drive to the boundary of the cities of Burbank and Glendale at Alameda Avenue; thence generally southwesterly along said boundary to its intersection with the boundary of the City of Los Angeles; thence generally westerly along the boundary common to the cities of Burbank and Los Angeles to the southerly prolongation of the center line of Main Street; thence southeasterly along the prolongation of Main Street to the westerly boundary of Rancho de Los Felis; thence southwesterly and southerly along said rancho boundary to the north line of Section 35, T. 1 N., R. 14 W., S.B.B.&M.; thence west on the north line, south on the west line and east on the south line, all of said Section 35 in said township and range to the center line of Beachwood Drive; thence along the center line of the following named streets and highways, to wit: southerly on Beachwood Drive to Franklin Avenue, westerly on Franklin Avenue to Gower Street, southerly on Gower Street to the Hollywood Freeway (Route 101), southeasterly on the Hollywood Freeway to Hollywood Boulevard, easterly and southeasterly on Hollywood Boulevard to Sunset Boulevard, east and southeast on Sunset Boulevard to Fountain Avenue, east on Fountain Avenue, northerly on Hyperion Avenue and in a northerly, northwesterly, and northeasterly direction along the center line of Glendale Boulevard to the southerly boundary of the City of Glendale near the Southern Pacific Railroad; thence southeasterly, northeasterly and northwesterly along said boundary and its various courses to the southerly boundary of the Forest Lawn Memorial Park; thence southeasterly, northeasterly and southeasterly along said Park boundary to the westerly extension of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the center line of said road and the westerly extension thereof, to the center line of Verdugo Road; thence northerly along the center line of Verdugo Road to the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and easterly along last said city boundary to the center line of Huntington Drive; thence along the center lines of the following streets, to wit: southerly along Huntington Drive to Main Street, east, southeast and east, along Main Street to Curtis Avenue, north on Curtis Avenue to Woodward Avenue, northeast along Woodward Avenue to Garfield Avenue, southeast on Garfield Avenue to Main Street, northeast and easterly on Main Street

and Las Tunas Drive to Baldwin Avenue, northerly on Baldwin Avenue to Duarte Road, westerly on Duarte Road to the westerly boundary of the City of Arcadia near Oak Avenue; thence generally northerly along said boundary of the City of Arcadia to the center line of Huntington Drive; thence westerly on said center line to the boundary of the City of San Marino; thence generally northerly, westerly, southerly and westerly on said city boundary to the intersection of Los Robles Avenue and Marengo Avenue; thence along center lines of streets as follows: northwesterly and northerly on Marengo Avenue to California Boulevard, westerly on California Boulevard to Arroyo Boulevard, northerly on Arroyo Boulevard to the Colorado Freeway, westerly on the Colorado Freeway to the west boundary of the City of Pasadena; thence northerly on said city boundary to the boundary of the City of Glendale; thence generally northwesterly and northerly along the easterly boundary of the City of Glendale to the north line of Section 21, T. 2 N., R. 13 W., S.B.B.&M.; thence, easterly along the north section lines of Sections 21 and 22 to the northeast corner of Section 22; thence south along the east line of Sections 22 and 27 of said township and range to the SW corner of the NW ¼ of the NW ¼ of Section 26 in said township and range; thence east and north along the boundaries of said NW ¼ of the NW ¼ to the north line of said Section 26; thence east along last said north line of Sections 26 and 25 of said township and range to the westerly boundary of the City of Pasadena as the same existed April 30, 1961; thence north along said westerly city boundary to its most northerly intersection with the center line of State Highway Route 2 (Angeles Crest Highway); thence in a general northeasterly direction along said State Highway Route 2 to the center line of Angeles Forest Highway (Forest Highway 59); thence northwesterly and in a general northeasterly direction along said Angeles Forest Highway to the township line between T. 3 N. and T. 4 N., S.B.B.&M.; thence east along said township line to the easterly boundary of the County of Los Angeles; thence northerly along said county boundary to the northern boundary of the County of Los Angeles; thence west along said county boundary to the point of beginning, shall constitute the 21st Senatorial District.

22. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Van Nuys Boulevard and Sherman Way; thence along the center line of the following named streets, to wit: west on Sherman Way to White Oak Avenue, north on White Oak Avenue to Saticoy Street, west on Saticoy Street to Lindley Avenue, north on Lindley Avenue to Roscoe Boulevard, east on Roscoe Boulevard to Balboa Boulevard, north on Balboa Boulevard to Rinaldi Street, west on Rinaldi Street to Hesperia Avenue, northerly

on Hesperia Avenue to the northwesterly boundary of the City of Los Angeles (as it existed on March 1, 1961) in Aliso Canyon; thence northwesterly along said city boundary to the grant boundary of the Rancho Ex Mission de San Fernando common with the northerly boundary of the City of Los Angeles; thence southeasterly, northeasterly and southeasterly along said common boundary to the north boundary of the City of Los Angeles in the vicinity of Grapevine Canyon; thence east, south, east, southeasterly (passing to the west and south of the U.S. Veterans Reservation) on said city boundary and continuing southerly and easterly along said city boundary to the center line of Osborne Street (Little Tujunga Road); thence southwesterly along the center line of Osborne Street to the northerly prolongation of the center line of Clybourn Avenue; thence southerly along said northerly prolongation and center line of Clybourn Avenue to its intersection with the center line of Foothill Boulevard; thence southerly along a straight line connecting the intersection of the center lines of Clybourn Avenue and Foothill Boulevard to the center line of the road on top of the easterly end of Hansen Dam at its intersection with the easterly grant boundary of Rancho Ex Mission de San Fernando; thence southeasterly along said grant line which coincides with parts of Clybourn Avenue, Stonehurst Avenue and Sunland Boulevard to Tuxford Street; thence along the center line of the following named streets, to wit: southeasterly and easterly on Tuxford Street to Wheatland Avenue, southerly on Wheatland Avenue and its extension to Glenoaks Boulevard, southeasterly on Glenoaks Boulevard to Lanark Street, southwesterly on Lanark Street to DeGarmo Avenue, southeasterly on DeGarmo Avenue to Arcola Avenue, southerly on Arcola Avenue to San Fernando Boulevard, southeasterly on San Fernando Boulevard to the northerly boundary of the City of Burbank at Cohasset Street; thence easterly along said boundary of the City of Burbank to the center line of Glenoaks Boulevard; thence along the center line of the following named streets, to wit: southeasterly on Glenoaks Boulevard to Naomi Street, northeasterly on Naomi Street to Kenneth Road, easterly and southeasterly on Kenneth Road to Cambridge Drive, northeasterly on Cambridge Drive to Bel Aire Drive, southeasterly on Bel Aire Drive to Walnut Avenue, northeasterly on Walnut Avenue to Sunset Canyon Drive, southeasterly on Sunset Canyon Drive to Magnolia Boulevard, southwesterly on Magnolia Boulevard to Clybourn Avenue, southeasterly on Clybourn Avenue to Clark Avenue (Addison Street), westerly on Clark Avenue and Addison Street to Riverton Avenue, south on Riverton Avenue to Morrison Street, west on Morrison Street to Vineland Avenue, north on Vineland Avenue to Morrison Street, west on Morrison Street to Lankershim Boulevard, northwesterly on Lankershim Boulevard to Chandler Boulevard, west on Chandler Boulevard to Van Nuys Boulevard, north on Van Nuys Boule-

vard to the point of beginning, shall constitute the 22nd Senatorial District.

23. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Oxnard and Van Nuys Boulevard; thence along the center line of the following named streets, to wit: north on Van Nuys Boulevard to Sherman Way, west on Sherman Way to White Oak Avenue, north on White Oak Avenue to Saticoy Street, west on Saticoy Street to Lindley Avenue, north on Lindley Avenue to Roscoe Boulevard, east on Roscoe Boulevard to Balboa Boulevard, north on Balboa Boulevard to Rinaldi Street, west on Rinaldi Street to Hesperia Avenue, northerly on Hesperia Avenue to the northwesterly boundary of the City of Los Angeles in Aliso Canyon; thence northwesterly along said city boundary to the grant boundary of the Rancho Ex Mission de San Fernando common with the northerly boundary of the City of Los Angeles; thence southeasterly and northeasterly along last said boundary to the center line of State Highway Route 23 (U.S. Route 6); thence along the center line of State Highway Route 23 to the north line of Section 24, T. 3 N., R. 16 W., S.B.B. & M.; thence west along said section line and the north line of Sections 23, 22, 21, 20, and 19 of said township and range to the range line between Range 16 West and Range 17 West; thence south along said range line to the south line of Section 13, T. 3 N., R. 17 W., S.B.B. & M; thence westerly along the south line of Sections 13 and 14 of said township and range and the westerly extension thereof to the western boundary of the County of Los Angeles; thence in a southeasterly, west, south and west direction along said county boundary to the north line of Section 8, T. 1 S., R. 19 W., S.B.B. & M.; thence easterly along section lines to the northeast corner of Section 11, last said township and range; thence southerly along section lines to the northwest corner of Section 13, last said township and range; thence easterly and southerly along the north and east lines of said section to the northwest corner of Section 19, T. 1 S., R. 18 W., S.B.B. & M.; thence easterly along section lines to the westerly boundary of the City of Los Angeles at the most westerly corner of the Rancho San Vicente y Santa Monica; thence northeasterly, easterly and southeasterly along the boundary of said Rancho San Vicente y Santa Monica to the easterly corner of said Rancho approximately due west of the southeast corner of Section 10, T. 1 S., R. 15 W., S.B.B. & M.; thence northeasterly in a direct line to the intersection of the center lines of Angelo Drive and Hillgrove Drive; thence easterly along the center line of Hillgrove Drive to the center line of Benedict Canyon Drive; thence southeasterly on last said center line to the boundary of the City of Beverly Hills; thence northerly, easterly, northerly and easterly on said city boundary to the center line of Summitridge Drive; thence meandering in a general northerly direction on said center line to the south line of Section 2, T. 1

S., R. 15 W., S.B.B. & M.; thence west on said south line to the southwest corner of the southeast ¼ of said Section 2; thence north on ¼ section lines to the north line of said Section 2; thence east on section lines to the center line of Coldwater Canyon Drive; thence northeasterly on said center line to the center line of Eden Drive; thence southeasterly on last said center line to the easterly boundary of Tract No. 21031 (M.B. 607-29 to 31); thence northerly on said boundary to the north line of Section 1, said T. 1 S., R. 15 W.; thence east on section lines to the northerly prolongation of the westerly boundary of Tract No. 15007 (M.B. 392-45 to 49); thence southerly on said prolongation and westerly boundary, and southerly on the easterly boundary of Tract No. 17931 (M.B. 654-40 to 42) to the boundary of the City of Beverly Hills, as same existed on April 30, 1961; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Doheny Road; thence along the center lines of the following named streets and State Highway Routes, to wit: east on Doheny Road to Sunset Boulevard, east and northeasterly on Sunset Boulevard to Laurel Canyon Boulevard, northerly on Laurel Canyon Boulevard to Hollywood Boulevard, easterly on Hollywood Boulevard to La Brea Avenue, northwesterly on La Brea Avenue to Franklin Avenue, easterly on Franklin Avenue to Highland Avenue, northeasterly on Highland Avenue to Franklin Avenue, east on Franklin Avenue to the Hollywood Freeway (U.S. 101), southeasterly on the Hollywood Freeway to Gower Street, north on Gower Street to Franklin Avenue, easterly on Franklin Avenue to Beachwood Drive, northerly on Beachwood Drive to the south line of Section 35, T. 1 N., R. 14 W., S.B.B. & M.; thence west on the south line, north on the west line and east on the north line, all of said Section 35 in said township and range, to the westerly boundary of the Rancho de Los Felis, thence northerly and northeasterly along last said Rancho boundary to the southeasterly extension of Main Street; thence northwesterly along the southeasterly extension of Main Street to its intersection with the boundary common to the Cities of Burbank and Los Angeles; thence generally easterly along said common boundary to its intersection with the boundary common to the Cities of Burbank and Glendale; thence generally northeasterly along the boundary of the Cities of Burbank and Glendale to the center line of Sunset Canyon Drive; thence along the center line of the following named streets, to wit: northwesterly along Sunset Canyon Drive to Magnolia Boulevard, southwesterly on Magnolia Boulevard to Clybourn Avenue, southeasterly on Clybourn Avenue to Clark Avenue (Addison Street), westerly on Clark Avenue and Addison Street to Riverton Avenue, south on Riverton Avenue to Morrison Street, west on Morrison Street to Vineland Avenue, north on Vineland Avenue to Morrison Street, west on Morrison Street to Lankershim Boulevard, northwesterly on Lankershim Boulevard to Chandler Boulevard, west on Chandler Boulevard to Van Nuys Boulevard, north on Van Nuys Boule-

vard to the point of beginning, shall constitute the 23rd Senatorial District.

24. The Counties of Santa Barbara and Ventura shall constitute the 24th Senatorial District.

25. All that portion of the County of Los Angeles bounded and described as follows: Beginning at the intersection of the northwesterly boundary of the County of Los Angeles with the north line of Section 8, T. 1 S., R. 19 W., S.B.B. & M.; thence easterly along section lines to the northeast corner of Section 11, last said township and range; thence southerly along section lines to the northwest corner of Section 13, last said township and range; thence easterly and southerly along the north and east lines of said Section to the northwest corner of Section 19, T. 1 S., R. 18 W., S.B.B. & M.; thence easterly along section lines to the westerly boundary of the City of Los Angeles at the most westerly corner of the Rancho San Vicente y Santa Monica; thence northeasterly, easterly and southeasterly along the boundaries of said Rancho San Vicente y Santa Monica to the easterly corner of said Rancho near Brown Canyon and approximately due west of the southeast corner of Section 10, T. 1 S., R. 15 W., S.B.B. & M.; thence northeasterly in a direct line to the intersection of the center lines of Angelo Drive and Hillgrove Drive; thence easterly along the center line of Hillgrove Drive to the center line of Benedict Canyon Drive; thence southeasterly on last said center line to the boundary of the City of Beverly Hills; thence meandering in a southerly and southeasterly direction along said city boundary and the southeasterly extension thereof to the center line of Pico Boulevard; thence along the center lines of the following named streets, to wit: southwesterly on Pico Boulevard to Prosser Avenue, northwesterly on Prosser Avenue to Olympic Boulevard, southwesterly on Olympic Boulevard to Centinela Avenue, southeasterly on Centinela Avenue to Ocean Park Boulevard, northeast on Ocean Park Boulevard to Bundy Drive, southeasterly on Bundy Drive to the southeast boundary of the City of Santa Monica, near Dewey Street; thence southwest along last said city boundary to the center line of Washington Boulevard; thence generally southeasterly along the center line of Washington Boulevard to the center line of Venice Boulevard; thence northeasterly along the center line of Venice Boulevard to the center line of the Pacific Electric Railway right-of-way; thence southeasterly along the center line of the Pacific Electric Railway right-of-way to the center line of Ballona Creek; thence northeasterly along the center of Ballona Creek to the center line of McConnell Avenue; thence northwesterly along the center line of McConnell Avenue to the center line of Braddock Drive; thence northeasterly along the center line of Braddock Drive to the center line of Centinela Avenue; thence southeasterly along the center line of Centinela Avenue to the center line of Jefferson Boulevard; thence northeasterly along the center line of Jefferson Boulevard and continuing easterly and southeasterly along the cen-

ter line of Centinela to its intersection with the center line of Sepulveda Boulevard; thence along the center line of the following named streets, to wit: southerly on Sepulveda Boulevard to Imperial Highway, east on Imperial Highway to Aviation Boulevard, south on Aviation Boulevard to Robinson Street, west on Robinson Street to Aviation Boulevard, south on Aviation Boulevard and Aviation Way to Artesia Boulevard, east on Artesia Boulevard to Flagler Lane, southerly on Flagler Lane to Beryl Street, northeasterly on Beryl Street to the boundary of the City of Redondo Beach at Dominguez Park; thence northerly along said city boundary to the center line of 190th Street; thence along the center line of the following named streets, to wit: east on 190th Street to Hawthorne Avenue, southerly on Hawthorne Avenue to Torrance Boulevard, easterly along Torrance Boulevard to a northeasterly prolongation of El Prado Avenue, southwesterly along the prolongation of El Prado Avenue and El Prado Avenue to Arlington Avenue, southeasterly and southerly on Arlington Avenue to the northerly boundary of the City of Lomita at or near a westerly prolongation of 240th Street; thence westerly along said city boundary to the center line of Crenshaw Boulevard; thence southerly along the center line of Crenshaw Boulevard and Atkinson Avenue to the center line of State Route 1 (Pacific Coast Highway); thence easterly along the center line of State Route 1 to the center line of Narbonne Avenue; thence generally southerly along the center line of Narbonne Avenue, Palos Verdes Drive East and Palos Verdes Drive South to the westerly prolongation of the boundary of the City of Los Angeles from its angle point northeasterly of 25th Street; thence easterly along said prolongation of the boundary of the City of Los Angeles to the angle point northeasterly of 25th Street; thence southwesterly along the boundary of the City of Los Angeles as it existed June 1, 1965 to the shoreline of the Pacific Ocean near Palos Verdes Shoreline Park; thence northwesterly along the shoreline of the Pacific Ocean to the boundary of the County of Los Angeles with Ventura County; thence northerly and northeasterly along the boundary of the County of Los Angeles to the point of beginning, shall constitute the 25th Senatorial District.

26. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of Washington Boulevard and the southeast boundary of the City of Santa Monica near Dewey Street; thence northeast along said boundary to the center line of Bundy Drive (Centinela Avenue); thence along the center lines of the following named streets, to wit: northwesterly on Bundy Drive to Ocean Park Boulevard, southwest on Ocean Park Boulevard to Centinela Avenue, northwesterly on Centinela Avenue to Olympic Boulevard, northeasterly on Olympic Boulevard to Prosser Avenue, southeasterly on Prosser Avenue to Pico Boulevard, northeasterly on

Pico Boulevard to the southeasterly extension of the southwesterly boundary of the City of Beverly Hills; thence northwesterly along last said extension and boundary, passing through a point on the south line of Section 11, T. 1 S., R. 15 W., S.B B. & M., near Benedict Canyon Drive and continuing along last said city boundary in a general easterly and northerly direction along last said city boundary to the center line of Summitridge Drive; thence meandering in a general northerly direction on said center line to the south line of Section 2, T. 1 S., R. 15 W., S.B.B. & M.; thence west on said south line to the southwest corner of the SE ¼ of said Section 2; thence north on ¼ section lines to the north line of said Section 2; thence east on section lines to the center line of Coldwater Canyon Drive; thence northeasterly on said center line to the center line of Eden Drive; thence southeasterly on last said center line to the easterly boundary of Tract No. 21031 (M B. 607-29 to 31); thence northerly on said boundary to the north line of Section 1, said T. 1 S., R. 15 W.; thence east on section lines to the northerly prolongation of the westerly boundary of Tract No. 15007 (M.B. 392-45 to 49); thence southerly on said prolongation and westerly boundary, and southerly on the easterly boundary of Tract No. 17931 (M B. 654-40 to 42) to the boundary of the City of Beverly Hills as same existed on April 30, 1961; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Doheny Road; thence along the center lines of the following named streets, to wit: east on Doheny Road to Sunset Boulevard, east and northeasterly on Sunset Boulevard to Laurel Canyon Boulevard, northerly on Laurel Canyon Boulevard to Hollywood Boulevard, easterly on Hollywood Boulevard to La Brea Avenue, northwesterly on La Brea Avenue to Franklin Avenue, easterly on Franklin Avenue to Highland Avenue, northeasterly on Highland Avenue to Franklin Avenue, easterly on Franklin Avenue to the Hollywood Freeway (U S. 101), southeasterly on the Hollywood Freeway to Gower Street, south on Gower Street to Melrose Avenue, east on Melrose Avenue to Western Avenue, south on Western Avenue to Wilshire Boulevard, west on Wilshire Boulevard to Rimpau Boulevard, southwesterly on Rimpau Boulevard to 8th Street, westerly on 8th Street to Mansfield Avenue, southwesterly on Mansfield Avenue, Edgewood Place and La Brea Avenue to 12th Street, westerly on 12th Street to Redondo Boulevard, southwesterly on Redondo Boulevard to Venice Boulevard, easterly on Venice Boulevard to La Brea Avenue, southwesterly on La Brea Avenue to the northerly boundary of the City of Los Angeles as it existed on April 30, 1961; thence generally southwesterly and northerly along the boundary of the City of Los Angeles to the easterly prolongation of the southerly intersection of the boundary of Culver City and La Cienega Boulevard; thence westerly and generally southwesterly along the said prolongation and boundary of Culver City near Baldwin Hills as the same existed on April 30, 1961 to the center line of

the San Diego Freeway (Route 405); thence along the center line of the following named streets and highways, to wit: southeasterly on the San Diego Freeway to Centinela Avenue, northwesterly and westerly on Centinela and continuing southwesterly on Jefferson Boulevard to Centinela Avenue, northwesterly on Centinela Avenue to Braddock Drive, southwesterly on Braddock Drive to McConnell Avenue, southeasterly on McConnell Avenue to the center of Bollona Creek; thence southwesterly along the center of Bollona Creek to the center line of the Pacific Electric Railway right of way; thence northwesterly along the center line of the Pacific Electric Railway right of way to the center line of Venice Boulevard; thence southwesterly along the center line of Venice Boulevard to the center line of Washington Boulevard; thence northwesterly along the center line of Washington Boulevard to the point of beginning, shall constitute the 26th Senatorial District.

27. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of the Hollywood Freeway (Route 101) and Gower Street; thence along the center line of the following named streets and highways, to wit: southeasterly on the Hollywood Freeway to Hollywood Boulevard, easterly and southeasterly on Hollywood Boulevard to Sunset Boulevard, east and southeast on Sunset Boulevard to Fountain Avenue, east on Fountain Avenue, northerly on Hyperion Avenue and in a northerly, northwesterly, and northeasterly direction along the center line of Glendale Boulevard to the southerly boundary of the City of Glendale near the Southern Pacific Railroad; thence southeasterly, northeasterly and northwesterly along said boundary and its various courses to the southerly boundary of the Forest Lawn Memorial Park; thence southeasterly, northeasterly and southeasterly along said Park boundary to the westerly extension of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the center line of said road and the westerly extension thereof, to the center line of Verdugo Road; thence northerly along the center line of Verdugo Road to the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and easterly along last said City boundary to the center line of Huntington Drive; thence along the center lines of the following streets, to wit: southerly along Huntington Drive to Main Street, east, southeast and east, along Main Street to Curtis Avenue, north on Curtis Avenue to Woodward Avenue, northeast along Woodward Avenue to Garfield Avenue, southeast on Garfield Avenue to Main Street, southwest on Main Street to Atlantic Boulevard, south along Atlantic Boulevard to Garvey Avenue, westerly on Garvey Avenue to its intersection with the north line of Section 29, T. 1 S., R. 12 W., S. B. B. & M.; thence

west along said section line to the boundary of the City of Los Angeles; thence continuing westerly and southerly along said boundary to the center line of Lorena Street; thence along the center line of the following described streets, to wit: southwesterly on Lorena Street to Sixth Street, southeasterly on Sixth Street to Spence Street, southwesterly and southerly on Spence Streets and it's continuation to the boundary of the City of Los Angeles; thence generally westerly along said city boundary to the center line of Alameda Street; thence northerly along the center line of Alameda Street to the center line of Olympic Boulevard; thence along the center lines of the following named streets, to wit: northwesterly on Olympic Boulevard and Ninth Street to Hill Street, northeasterly on Hill Street to Fifth Street, northwesterly on Fifth Street to Figueroa Street, southwesterly on Figueroa Street to Seventh Street, northwesterly on Seventh Street to Hoover Street, north on Hoover Street and its extension to Sixth Street, west on Sixth Street to Vermont Avenue, south on Vermont Avenue to Ninth Street, west on Ninth Street to Irolo Street, north on Irolo Street to Wilshire Boulevard, west on Wilshire Boulevard to Western Avenue, north on Western Avenue to Melrose Avenue, west on Melrose Avenue to Gower Street, north on Gower Street to the point of beginning, shall constitute the 27th Senatorial District.

28. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point of intersection of the center lines of the San Bernardino Freeway (State Highway Route 10) and Orange Avenue; thence along the center line of the following named streets or State highway routes, to wit: westerly on the San Bernardino Freeway to its intersection with the westerly boundary with the City of West Covina at Ardilla Avenue; thence generally northeasterly and easterly along said boundary as it existed on April 30, 1965 to its intersection with the center line of Badillo Street at Orange Avenue; thence easterly along Badillo Street to its intersection with the boundary of the City of West Covina west of Vincent Avenue; thence easterly, northeasterly and southeasterly along said boundary to the center line of Lark Ellen Avenue; thence along the center line of the following named streets, to wit: southerly on Lark Ellen Avenue to Badillo Street, easterly on Badillo Street to Azusa Avenue, northerly on Azusa Avenue to the westerly prolongation of Covina Boulevard, east on Covina Boulevard and its prolongation to Ben Lomond Avenue, north on Ben Lomond Avenue to State Highway Route 66 (Alosta Avenue), west on said State Highway Route 66 (Alosta Avenue and Foothill Boulevard) to Fish Canyon Road, north along Fish Canyon Road to Royal Oaks Drive, northeasterly and easterly along Royal Oaks Drive to Melcanyon Road, north on Melcanyon Road to the northerly line of Rancho Azusa; thence westerly along the northerly line of Rancho Azusa to the intersection with the boundary of the City of Duarte as it existed

on April 30, 1961; thence generally southerly and westerly along said city boundary to the center line of Huntington Drive; thence west along the center line of Huntington Drive to the center line of Sawpit Wash; thence southerly along Sawpit Wash to the easterly prolongation of the southerly boundary of the City of Monrovia, near Hurstview Avenue, as same existed on April 30, 1961; thence west along said boundary of City of Monrovia and its easterly prolongation thereof and meandering in a general southwesterly, westerly, northerly, and westerly direction to an angle point therein on the easterly side of Peck Road northerly of El Norte Street; thence westerly in a direct line to an angle point in said boundary of the City of Monrovia on the westerly side of Peck Road; thence westerly and southwesterly along said city boundary to the easterly boundary of the City of Arcadia, as same existed on April 30, 1961; thence southwesterly along the easterly boundary of the City of Arcadia to the center line of Live Oak Avenue; thence along the center lines of the following named streets or State highway routes, to wit: westerly on Live Oak Avenue to Baldwin Avenue, northerly on Baldwin Avenue to Las Tunas Drive, southwesterly, westerly and again southwesterly on Las Tunas Drive and Main Street to Atlantic Boulevard, south on Atlantic Boulevard to Garvey Avenue, westerly on Garvey Avenue to its intersection with the north line of Section 29, T. 1 S., R. 12 W., S. B. B. & M.; thence west along said section line to the boundary of the City of Los Angeles; thence continuing westerly and southerly along said boundary to the center line of Lorena Street; thence along the center line of the following named streets, to wit: southwesterly on Lorena Street to Sixth Street, southeasterly on Sixth Street to Spence Street, southwesterly and southerly on Spence Street and its continuation to the boundary of the City of Los Angeles; thence easterly and northerly along said boundary to the center line of the Santa Ana Freeway (Interstate Highway Route 5); thence easterly and southeasterly along the center line of said freeway to the southwesterly extension of the center line of Kern Avenue; thence northeasterly along the center line of Kern Avenue and its southwesterly extension to the center line of Third Street; thence east along the center lines of Third Street and Pomona Boulevard to the northwest corner of the City of Montebello; thence easterly, southeasterly, northeasterly, easterly, and southeasterly along last said city boundary and its various courses, as it existed on April 30, 1961, to the center line of Lincoln Avenue; thence northeasterly on said center line to the center line of San Gabriel Boulevard; thence southeasterly and easterly on said center line to the center line of the Rio Hondo; thence southerly and southwesterly along the center line of Rio Hondo to the center of Whittier Narrows Dam; thence generally easterly along the center of Whittier Narrows Dam to its second intersection with the northeasterly boundary of the City of Pico Rivera (between San Gabriel River Channel and San

Gabriel River Freeway); thence southeasterly and southwesterly along said city boundary to the center line of Rose Hills Road; thence along the center line of the following named streets, to wit: southeasterly on Rose Hills Road to Workman Mill Road, southwesterly and southerly on Workman Mill Road to the northerly boundary of the City of Whittier as it existed on June 1, 1965; thence easterly and southerly along said city boundary to the center line of Skyline Drive; thence along the center line of the following named streets, to wit: southeasterly on Skyline Drive to Turnbull Canyon Road, generally easterly and northeasterly on Turnbull Canyon Road to Valley Boulevard, northwesterly on Valley Boulevard to California Avenue, northeasterly on California Avenue to Nelson Avenue, northwesterly on Nelson Avenue to Orange Avenue, northeasterly on Orange Avenue to the San Bernardino Freeway (Route 10), easterly on the San Bernardino Freeway to the point of beginning, shall constitute the 28th Senatorial District.

29. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the center lines of the intersection of Alameda Street and Olympic Boulevard; thence along the center lines of the following named streets, to wit: northwesterly on Olympic Boulevard and Ninth Street to Hill Street, northeasterly on Hill Street to Fifth Street, northwesterly on Fifth Street to Figueroa Street, southwesterly on Figueroa Street to Seventh Street, northwesterly on Seventh Street to Hoover Street, north on Hoover Street and its extension to Sixth Street, west on Sixth Street to Vermont Avenue, south on Vermont Avenue to Ninth Street, west on Ninth Street to Irolo Street, north on Irolo Street to Wilshire Boulevard, west on Wilshire Boulevard to Rimpau Boulevard, southwesterly on Rimpau Boulevard to 8th Street, westerly on 8th Street to Mansfield Avenue, southwesterly on Mansfield Avenue, Edgewood Place and LaBrea Avenue to 12th Street, westerly on 12th Street to Redondo Boulevard, southwesterly on Redondo Boulevard to Venice Boulevard, easterly on Venice Boulevard to LaBrea Avenue, southwesterly on LaBrea Avenue to Jefferson Boulevard, easterly on Jefferson Boulevard to Crenshaw Boulevard, south on Crenshaw Boulevard to Exposition Boulevard, southerly and east on Exposition Boulevard to Vermont Avenue, south on Vermont Avenue to Santa Barbara Avenue, east on Santa Barbara Avenue to Hoover Street, southerly on Hoover Street to Century Boulevard, easterly on Century Boulevard to Central Avenue, south on Central Avenue to 103d Street, easterly on 103d Street to Alameda Street, northerly on Alameda Street to Florence Avenue, westerly on Florence Avenue to the center line of the Pacific Electric Railway right of way at South Avenue; thence northerly along the center line of the Pacific Electric Railway right of way (situated between Long Beach Avenue East and Long Beach Avenue West within the City of Los Angeles) to its intersection with the

center line of the Pacific Electric Railway right of way south of 25th Street; thence easterly along the center line of the Pacific Electric Railway right of way to the center line of Alameda Street north of 25th Street; thence northerly along the center line of Alameda Street to the point of beginning, shall constitute the 29th Senatorial District.

30. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the easterly boundary of the City of Los Angeles at Indiana Street and the center line of the Santa Ana Freeway (Interstate Highway Route 5); thence easterly and southeasterly along the center line of said freeway to the southwesterly extension of the center line of Kern Avenue; thence northeasterly along the center line of Kern Avenue and its southwesterly extension to the center line of Third Street; thence east along the center lines of Third Street and Pomona Boulevard to the northwest corner of the City of Montebello; thence easterly, southeasterly, northeasterly, easterly, and southeasterly along last said city boundary and its various courses, as it existed on April 30, 1961, to the center line of Lincoln Avenue; thence northeasterly on said center line to the center line of San Gabriel Boulevard; thence southeasterly and easterly on said center line to the center line of the Rio Hondo; thence southerly and southwesterly along the center line of Rio Hondo to the center of Whittier Narrows Dam; thence generally easterly along the center of Whittier Narrows Dam to its second intersection with the northeasterly boundary of the City of Pico Rivera (between San Gabriel River Channel and San Gabriel River Freeway); thence southeasterly and southwesterly along said city boundary to the center line of Rose Hills Road; thence along the center line of the following named streets, to wit: southeasterly on Rose Hills Road to Workman Mill Road, southwesterly and southerly on Workman Mill Road to the northerly boundary of the City of Whittier as it existed on June 1, 1965; thence along the center line of the following named streets, to wit: southeasterly on Workman Mill Road to Beverly Boulevard, northwesterly on Beverly Boulevard to Carley Avenue, southwesterly on Carley Avenue to Orange Grove Avenue, northwesterly on Orange Grove Avenue to Mesagrove Avenue, southwesterly on Mesagrove Avenue and its prolongation to the center line of the right of way of the Union Pacific Railroad; thence southeasterly along the center line of the right of way of the Union Pacific Railroad to the northeasterly prolongation of the center line of Lockheed Avenue; thence southwesterly along the prolongation and center line of Lockheed Avenue to the center line of Whittier Boulevard; thence northwesterly along the center line of Whittier Boulevard to the center of the San Gabriel River; thence southwesterly along the center of the San Gabriel River to the center line of Mines Boulevard; thence southeasterly along the center line of Mines Boulevard to the center line of the right of way of the Pacific Electric

Railway near Gretna Avenue; thence southwesterly along the center line of the right of way of the Pacific Electric Railway to the center line of Washington Boulevard; thence southeasterly along the center line of Washington Boulevard to the boundary of the City of Whittier as it existed on June 1, 1965 near Appledale Avenue; thence southerly along said boundary of the City of Whittier to the center line of Santa Fe Springs Road at Mulberry Drive; thence southwesterly along the center line of Santa Fe Springs Road to the center line of the right of way of the Atchison, Topeka and Santa Fe Railway near Murray Avenue; thence southerly along the center line of the right of way of the Atchison, Topeka and Santa Fe Railway to the center line of Telegraph Road; thence easterly along the center line of Telegraph Road to the center line of Norwalk Boulevard; thence southerly along the center line of Norwalk Boulevard to the boundary of the City of Santa Fe Springs as it existed June 1, 1965 at Lakeland Road; thence southerly and easterly along the boundary of the City of Santa Fe Springs and its southerly prolongation to the center line of Imperial Highway at Bloomfield Avenue; thence along the center line of the following named streets, to wit: westerly and northwesterly on Imperial Highway to Paramount Boulevard, southwesterly on Paramount Boulevard to Century Boulevard, northwesterly on Century Boulevard to Atlantic Avenue, northeasterly on Atlantic Avenue to Imperial Highway, westerly on Imperial Highway to Alameda Street, northerly on Alameda Street to Florence Avenue, westerly on Florence Avenue to the center line of the Pacific Electric Railway right of way at South Avenue; thence northerly along the center line of the Pacific Electric Railway right of way (situated between Long Beach Avenue East and Long Beach Avenue West within the City of Los Angeles) to its intersection with the center line of the Pacific Electric Railway right of way south of 25th Street; thence easterly along the center line of the Pacific Electric Railway right of way to the center line of Alameda Street north of 25th Street; thence southerly along the center line of Alameda Street to the boundary of the City of Los Angeles with the City of Vernon; thence generally easterly and northerly along said boundary of the City of Los Angeles to the point of beginning, shall constitute the 30th Senatorial District.

31. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of La Brea Avenue and Jefferson Boulevard; thence along the center lines of the following named streets or state highways, to wit: east on Jefferson Boulevard to Crenshaw Boulevard, south on Crenshaw Boulevard to Exposition Boulevard, southeasterly and east on Exposition Boulevard to Vermont Avenue, southerly on Vermont Avenue to Santa Barbara Avenue, easterly on Santa Barbara Avenue to Hoover Street, southerly on Hoover Street to El Segundo Boulevard, westerly on El Segundo

Boulevard to Vermont Avenue, southerly on Vermont Avenue to 135th Street, westerly on 135th Street to Budlong Avenue, southerly on Budlong Avenue to 139th Street, westerly on 139th to Western Avenue, southerly on Western Avenue to Rosecrans Avenue, westerly on Rosecrans Avenue to Gramercy Place, southerly on Gramercy Place to 147th Street, westerly on 147th Street to Van Ness Avenue, southerly on Van Ness Avenue to Compton Boulevard, westerly on Compton Boulevard to Crenshaw Boulevard, northerly on Crenshaw Boulevard to Rosecrans Avenue, westerly on Rosecrans Avenue to its intersection with the boundary common to the Cities of Lawndale and to Hawthorne near Prairie Avenue; thence generally westerly and southerly along the boundary of the City of Lawndale to its intersection with the center line of Manhattan Beach Boulevard; thence along the center line of the following named streets, to wit: westerly on Manhattan Beach Boulevard to Aviation Boulevard, northerly on Aviation Boulevard to Imperial Highway, westerly on Imperial Highway to Sepulveda Boulevard, northerly on Sepulveda Boulevard to Centinela Avenue, southeasterly on Centinela Avenue to the San Diego Freeway (Route 405), northwesterly on said San Diego Freeway to the easterly boundary of Culver City, near Baldwin Hills, as the same existed on April 30, 1961; thence generally northeasterly on said city boundary to the southerly intersection of the boundary of Culver City and the center line of La Cienega Boulevard; thence easterly on said southerly boundary of Culver City and the easterly prolongation thereof to the boundary of the City of Los Angeles, near Baldwin Hills Reservoir, as the same existed on April 30, 1961; thence southerly and northeasterly on said city boundary to the center line of La Brea Avenue; thence northerly on the center line of La Brea Avenue to the point of beginning, shall constitute the 31st Senatorial District.

32. All that portion of the County of Los Angeles not included in the 19th, 21st, 22nd, 23rd, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 33rd, 35th, and 37th Senatorial Districts as fixed and defined by this section, together with the Islands of Santa Catalina and San Clemente, shall constitute the 32nd Senatorial District.

33. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of the Imperial Highway with the center of San Gabriel River; thence southerly along the center of the San Gabriel River to the center line of Artesia Boulevard; thence westerly along the center line of Artesia Boulevard to the center line of Palo Verde Avenue; thence southerly along the center line of Palo Verde Avenue to the center line of South Street; thence easterly along the center line of South Street to the center of the San Gabriel River; thence southerly along the center of the San Gabriel River to the center line of Carson Street; thence along the center lines of the following named streets, to

wit: westerly on Carson Street to Bellflower Boulevard, northerly on Bellflower Boulevard to Del Amo Boulevard, westerly on Del Amo Boulevard to Lakewood Boulevard, southerly on Lakewood Boulevard to Carson Street, westerly on Carson Street to Cherry Avenue, southerly on Cherry Avenue to Bixby Road, westerly on Bixby Road to Atlantic Avenue, southerly on Atlantic Avenue to the center line of the right of way of the Pacific Electric Railway; thence southeasterly along the center line of the right of way of the Pacific Electric Railway to the center line of Orange Avenue at Hill Street; thence southerly along the center line of Orange Avenue to the center line of Anaheim Street; thence westerly along the center line of Anaheim Street to the center line of Atlantic Avenue; thence southerly along the center line of Atlantic Avenue to the center line of Broadway and its westerly prolongation; thence westerly along the center line of Broadway and its prolongation to the center of the Los Angeles River Channel; thence northerly along the center of said channel to the center line of Pacific Coast Highway (State Route 1); thence westerly along the center line of Pacific Coast Highway to an intersection with a line connecting two angle points of the boundary of the City of Los Angeles situated on either side of Pacific Coast Highway at Dominguez Channel; thence northwesterly along said connecting line and continuing northwesterly, westerly, northeasterly, and westerly along the boundary of the City of Los Angeles to its intersection with the center line of Avalon Boulevard; thence along the center line of the following named streets, to wit: northerly on Avalon Boulevard to Artesia Boulevard, easterly on Artesia Boulevard to Central Avenue, northerly on Central Avenue to Rosecrans Avenue, easterly on Rosecrans Avenue to the center of Compton Creek; thence northwesterly along the center of Compton Creek to the northerly boundary of the City of Compton near 127th Street; thence generally easterly along said boundary to the center line of Wilmington Avenue; thence along the center line of the following named streets, to wit: northerly on Wilmington Avenue to 103rd Street, easterly on 103rd Street to Alameda Boulevard, southerly on Alameda Boulevard to Imperial Highway, easterly on Imperial Highway to Atlantic Avenue, southwesterly on Atlantic Avenue to Century Boulevard, southeasterly on Century Boulevard to Paramount Boulevard, northerly and northeasterly on Paramount Boulevard to Imperial Highway, southeasterly and easterly on Imperial Highway to the point of beginning, shall constitute the 33rd Senatorial District.

34. All that portion of the County of Orange lying generally south and east of the following described line:

Beginning at the point where the center line of Garden Grove Boulevard intersects the boundary of the County of Orange in the channel of the San Gabriel River; thence along the center lines of the following named streets and highways, to wit: easterly along Garden Grove Boulevard and Garden

Grove Freeway (Interstate Freeway Route 405) to the northerly prolongation of Bolsa Chica Avenue, southerly on the prolongation and on Bolsa Chica Avenue to Edinger Avenue, easterly on Edinger Avenue to Cannery Street, northerly on Cannery Street to Bolsa Avenue, easterly on Bolsa Avenue to Harbor Boulevard, northerly on Harbor Boulevard to Trask Avenue, westerly on Trask Avenue to Gilbert Street, northerly on Gilbert Street to Riverside Freeway (State Route 91), easterly on Riverside Freeway to the center of the channel of the Santa Ana River near Jefferson Street; thence easterly along the center of the channel of the Santa Ana River to the boundary of the County of Orange, shall constitute the 34th Senatorial District.

35. All that portion of the County of Orange not included in the 34th Senatorial District as fixed and defined by this section, together with all that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point where the boundary of the County of Los Angeles intersects the southern boundary of the Angeles National Forest (on the northerly line of Section 24, T. 1 N., R. 8 W., S.B.B.&M.); thence westerly, southerly and westerly along said forest boundary to its intersection with the center line of San Dimas Canyon Road; thence along the center line of the following named streets, to wit: southwesterly on San Dimas Canyon Road to Romola Road, southerly on Romola Road to Foothill Boulevard, southeasterly on Foothill Boulevard to Grand Avenue, southwesterly on Grand Avenue to Gladstone Street, southeasterly on Gladstone Street to Sedalia Avenue, southwesterly on Sedalia Avenue to Bonita Avenue (4th Street), northwesterly on Bonita Avenue to the westerly boundary of the City of LaVerne; thence generally southerly along said boundary (passing east of Ruddingstone Reservoir) to its intersection with the boundary of the City of Pomona; thence southerly and easterly along the boundary of the City of Pomona as it existed on June 30, 1965, to the center line of the San Bernardino Freeway (Route 10); thence westerly along center line of San Bernardino Freeway to its intersection with the westerly boundary of the City of Pomona at San Dimas Avenue; thence southerly, easterly, and southwesterly along said boundary to its intersection with the boundary of the City of Walnut; thence generally northerly and westerly along the boundary of the City of Walnut as it existed on April 30, 1961, to an intersection with the easterly prolongation of Amar Road; thence westerly along said prolongation and the center line of Amar Road to the easterly boundary of the City of La Puente at Aileron Avenue; thence generally southerly along said boundary to its intersection with the center line of Hill Street (or its easterly projection); thence along the center line of the following named streets, to wit: westerly on Hill Street to Stimpson Avenue, northerly on Stimpson Avenue to Temple Avenue, westerly and northwesterly on Temple Avenue to Hacienda Boulevard,

southwesterly on Hacienda Boulevard to Nelson Avenue, northwesterly on Nelson Avenue to California Avenue, southwesterly on California Avenue to Valley Boulevard, southeasterly on Valley Boulevard to Turnbull Canyon Road, generally southerly and southwesterly on Turnbull Canyon Road to Skyline Drive, northwesterly on Skyline Drive to the northerly boundary of the City of Whittier as it existed on June 1, 1965; thence southerly along said boundary of the City of Whittier to the northeasterly prolongation of Catalina Avenue; thence southwesterly along the prolongation and center line of Catalina Avenue to the center line of Whittier Boulevard; thence southeasterly along the center line of Whittier Boulevard to the boundary of the County of Los Angeles; thence northerly and easterly along the boundary of the County of Los Angeles to the point of beginning, shall constitute the 35th Senatorial District.

36. The County of Riverside, together with all that portion of the County of San Bernardino bounded and described as follows:

Beginning at the point where the center line of State Highway Route 395 intersects the Riverside County-San Bernardino County Boundary; thence northeasterly along the center line of State Freeway Route 395; thence northeasterly along the center line of State Freeway Route 395 to the center line of State Freeway Route 10; thence easterly along the center line of State Freeway Route 10 to the center line of Mountain View Avenue; thence northerly along the center lines of Mountain View Avenue and Trolley Way and its northerly prolongation to the southerly boundary of Norton Air Force Base; thence generally northeasterly, northerly and westerly along said boundary to the southerly prolongation of the center line of Sterling Avenue; thence northerly along the southerly prolongation and center line of Sterling Avenue to its intersection with the San Bernardino National Forest Boundary at Foothill Drive; thence easterly along the said National Forest Boundary to the westerly boundary of the San Manuel Indian Reservation; thence northerly, easterly and southerly along the boundary of the San Manuel Indian Reservation to its intersection with the boundary of the San Bernardino National Forest at the southeast corner of Section 20, T. 1 N., R. 3 W., S.B.B. & M.; thence generally and southerly along the boundary of the San Bernardino National Forest to its intersection with the San Bernardino-Riverside County Boundary; thence generally westerly along said county boundary to the point of beginning, shall constitute the 36th Senatorial District.

37. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point where the center line of Whittier Boulevard intersects the boundary of the County of Los Angeles; thence northwesterly along the center line of Whittier Boulevard to the center line of Catalina Avenue; thence northeasterly along the center line of Catalina Avenue and its pro-

longation to the boundary of the City of Whittier as it existed on June 1, 1965; thence northerly and westerly along said boundary of the City of Whittier to the center line of Workman Mill Road; thence along the center lines of the following named streets, to wit: southeasterly on Workman Mill Road to Beverly Boulevard, northwesterly on Beverly Boulevard to Carley Avenue, southwesterly on Carley Avenue to Orange Grove Avenue, northwesterly on Orange Grove Avenue to Mesagrove Avenue, southwesterly on Mesagrove Avenue and its prolongation to the center line of the right of way of the Union Pacific Railroad; thence southeasterly along the center line of the right of way of the Union Pacific Railroad to the northeasterly prolongation of the center line of Lockheed Avenue; thence southwesterly along the prolongation and center line of Lockheed Avenue to the center line of Whittier Boulevard; thence northwesterly along the center line of Whittier Boulevard to the center of the San Gabriel River; thence southwesterly along the center of the San Gabriel River to the center line of Mines Boulevard; thence southeasterly along the center line of Mines Boulevard to the center line of the right of way of the Pacific Electric Railway near Gretna Avenue; thence southwesterly along the center line of the right of way of the Pacific Electric Railway to the center line of Washington Boulevard; thence southeasterly along the center line of Washington Boulevard to the boundary of the City of Whittier as it existed on June 1, 1965, near Appledale Avenue; thence southerly along said boundary of the City of Whittier to the center line of Santa Fe Springs Road at Mulberry Drive; thence southwesterly along the center line of Santa Fe Springs Road to the center line of the right of way of the Atchison, Topeka and Santa Fe Railway near Murray Avenue; thence southerly along the center line of the right of way of the Atchison, Topeka and Santa Fe Railway to the center line of Telegraph Road; thence easterly along the center line of Telegraph Road to the center line of Norwalk Boulevard; thence southerly along the center line of Norwalk Boulevard to the boundary of the City of Santa Fe Springs as it existed June 1, 1965, at Lakeland Road; thence southerly and easterly along the boundary of the City of Santa Fe Springs and its southerly prolongation to the center line of Imperial Highway at Bloomfield Avenue; thence westerly along the center line of Imperial Highway to the center of the San Gabriel River; thence southerly along the center of the San Gabriel River to the center line of Artesia Boulevard; thence westerly along the center line of Artesia Boulevard to the center line of Palo Verde Avenue; thence southerly along the center line of Palo Verde Avenue to the center line of South Street; thence easterly along the center line of South Street to the center of the San Gabriel River; thence southerly along the center of the San Gabriel River to the center line of Carson Street; thence along the center lines of the following named streets, to wit: westerly on Carson Street to Bellflower Boulevard, northerly

on Bellflower Boulevard to Del Amo Boulevard, westerly on Del Amo Boulevard to Lakewood Boulevard, southerly on Lakewood Boulevard to Carson Street, westerly on Carson Street to Cherry Avenue, southerly on Cherry Avenue to Bixby Road, westerly on Bixby Road to Atlantic Avenue, southerly on Atlantic Avenue to the center line of the right of way of the Pacific Electric Railway; thence southeasterly along the center line of the right of way of the Pacific Electric Railway to the center line of Orange Avenue at Hill Street; thence southerly along the center line of Orange Avenue to the center line of Anaheim Street; thence westerly along the center line of Anaheim Street to the center line of Atlantic Avenue; thence southerly along the center line of Atlantic Avenue and its prolongation to the shore line of San Pedro Bay; thence easterly along the shore line of San Pedro Bay, including piers, breakwaters and inlets, to the boundary of the County of Los Angeles; thence, northerly along the boundary of the County of Los Angeles to the point of beginning, shall constitute the 37th Senatorial District.

38. All that portion of the County of San Diego bounded and described as follows:

Beginning at intersection of the shoreline of the Pacific Ocean with the northwesterly boundary of the City of San Diego and the City of Del Mar; thence southeasterly and generally northerly and easterly along the boundary of the City of San Diego to its intersection with the center line of 4th Street near the northwest corner of Section 16, T. 14 S., R. 3 W., S B.B. & M.; thence easterly along the center line of 4th Street to the center line of Carmel Valley Road (A-38); thence generally easterly along the center line of Carmel Valley Road to the center line of Black Mountain Road; thence southerly along the center line of Black Mountain Road to the center of the creek bottom of Los Penasquitos Canyon; thence easterly along said creek bottom to the center line of State Freeway Route 395; thence along the center lines of the following freeways, streets and roads, to wit: southerly on State Freeway Route 395 to Kearny Villa Road, southerly on Kearny Villa Road to Murphy Canyon Road; southerly on Murphy Canyon Road and Ward Road to the center line of Adams Avenue, easterly on Adams Avenue to Terrace Drive, northerly on Terrace Drive to Alder Drive, easterly on Alder Drive to 42nd Street, southerly on 42nd Street to Monroe Avenue, easterly on Monroe Avenue to Van Dyke Avenue, southerly on Van Dyke Avenue to Meade Avenue, easterly on Meade Avenue to Fairmount Avenue, southerly on Fairmount Avenue to University Avenue, easterly on University Avenue to College Avenue, southeasterly on College Avenue to Broadway, southwesterly on Broadway to San Miguel Avenue, easterly on San Miguel Avenue to 69th Street, southerly along 69th Street and its southerly prolongation to Lisbon Street, easterly on Lisbon Street to Jamacha Road, generally easterly on Jamacha Road to Sweetwater Road, southerly on Sweetwater

Road to Elkelton Place, southeasterly on Elkelton Place and its prolongation to Quarry Road; easterly on Quarry Road to Lakeview Avenue, southerly on Lakeview Avenue to Atwater Street; thence easterly along the center line of Atwater Street and its prolongation to the north shore of Sweetwater Reservoir; thence along the north shore of the Sweetwater Reservoir to its confluence with Sweetwater River; thence northeasterly along the center of Sweetwater River to the center line of State Highway Route 94; thence northerly along the center line of State Highway Route 94 to the center line of Jamacha Road, thence easterly and northerly along the center line of Jamacha Road to the center line of Hillsdale Road; thence easterly along the center line of Hillsdale Road to the center line of Willow Glenn Drive; thence northerly along the center line of Willow Glen Drive to the center line of Dehesa Road; thence easterly along the center line of Dehesa Road to the center of Sloan Ranch Truck Trail west of Dehesa; thence southerly along the center of Sloan Ranch Truck Trail to the center of Sweetwater River near the west side of the southeast quarter of Section 14 T. 16 S., R. 1 E., S.B.B.& M.; thence generally easterly along the center of the meandering course of the Sweetwater River to the Loveland Reservoir; thence easterly along the north shore of the Loveland Reservoir to the center line of Japatul Road (Japatul Dehesa Road) in the southeast quarter of Section 11, T. 16 S., R. 2 E., S.B.B.& M.; thence southeasterly along the center line of Japatul Road to the center line of Japatul Lyons Valley Road; thence southwesterly along the center line of Japatul Lyons Valley Road to the center of Barrett Truck Trail near the west line of Section 27, T. 16 S., R. 3 E., S.B.B.& M.; thence southwesterly along the center of Barrett Truck Trail to the center of Skye Valley Truck Trail near the site of Barrett Honor Camp; thence generally southeasterly along the center of Skye Valley Truck Trail to the center of Pine Valley Creek; thence generally northeasterly in a meandering course along the center of Pine Valley Creek to the center line of State Highway Route 8; thence southeasterly along the center line of State Highway Route 8 to the center line of Sunrise Highway; thence generally northerly along the center line of Sunrise Highway to the center line of State Highway Route 79; thence northerly along the center line of State Highway Route 79 to the center line of Road Z-1423; thence easterly and northerly along the center line of Road Z-1423 to the center line of State Highway Route 78 at Banner; thence northeasterly along the center line of State Highway Route 78 to the center line of Grapevine Canyon Road; thence northwesterly along the center line of Grapevine Canyon Road to the west boundary of the Anza Borrego Desert State Park; thence generally northerly along the boundary of Anza Borrego Desert State Park to the boundary of the County of San Diego; thence westerly along the boundary of the County of San Diego to the shoreline of the Pacific Ocean; thence southerly along the shoreline of the

Pacific Ocean to the point of beginning, shall constitute the 38th Senatorial District.

39. All that portion of the County of San Diego bounded and described as follows:

Beginning at intersection of the shoreline of the Pacific Ocean with the northwesterly boundary of the City of San Diego and the City of Del Mar; thence southeasterly and generally northerly and easterly along the boundary of the City of San Diego to its intersection with the center line of 4th Street near the northwest corner of Section 16, T. 14 S., R. 3W., S.B.B.&M.; thence easterly along the center line of 4th Street to the center line of Carmel Valley Road (A-38); thence generally easterly along the center line of Carmel Valley Road to the center line of Black Mountain Road; thence southerly along the center line of Black Mountain Road to the center of the creek bottom of Los Penasquitos Canyon; thence easterly along said creek bottom to the center line of State Freeway Route 395; thence along the center lines of the following freeways, streets and roads, to wit: southerly on State Freeway Route 395 to Kearny Villa Road, southerly on Kearny Villa Road to Murphy Canyon Road, southerly on Murphy Canyon Road and Ward Road to the center line of Adams Avenue, easterly on Adams Avenue to Terrace Drive, northerly on Terrace Drive to Alder Drive, easterly on Alder Drive to 42nd Street, southerly on 42nd Street to Monroe Avenue, easterly on Monroe Avenue to Van Dyke Avenue, southerly on Van Dyke Avenue to Meade Avenue, easterly on Meade Avenue to Fairmount Avenue, southerly on Fairmount Avenue to University Avenue, westerly on University Avenue to State Freeway Route 805, southeasterly on State Freeway Route 805 to Wabash Boulevard, southerly on Wabash Boulevard to the easterly prolongation of the center line of A Street; thence westerly along the prolongation and center line of A Street (including its continuation) to the center line of 28th Street; thence northerly along the center line of 28th Street to the easterly prolongation of the center line of Russ Boulevard at the southern boundary of Balboa Park; thence westerly along the center line of Russ Boulevard (including its prolongations and continuations) to the center line of 11th Avenue; thence along the center lines of the following named streets or highways, to wit: northerly on 11th Avenue to Ash Street, westerly on Ash Street to State Street, northerly on State Street to Date Street, easterly on Date Street, and its prolongation to State Freeway Route 5, northwesterly on State Freeway Route 5 to Laurel Street, southwesterly on Laurel Street to Pacific Highway, northwesterly on Pacific Highway to Barnett Avenue, southwesterly on Barnett Avenue to Lytton Street, northwesterly on Lytton Street to Rosecrans Street, southwesterly on Rosecrans Street to Lowell Street, southeasterly on Lowell Street to North Harbor Drive, easterly and southerly along the center line of North Harbor Drive, Harbor Lane, Harbor Drive and Montgomery Freeway to the

easterly prolongation of the boundary common to the City of Chula Vista and National City near the mouth of Sweetwater River; thence westerly along the prolongations and boundary of said cities to the easterly boundary of the City of Coronado; thence generally southerly and westerly along the boundary of the City of Coronado to the shoreline of the Pacific Ocean at the north boundary of Imperial Beach; thence generally northerly along the shoreline of the Pacific Ocean to its intersection with a line produced due easterly from the southern tip of Point Loma; thence due west along said line to the southern tip of Point Loma; thence generally northerly along the shoreline of the Pacific Ocean to the point of beginning shall constitute the 39th Senatorial District.

40. The County of Imperial, together with all that portion of the County of San Diego not otherwise described as constituting a portion of the 38th and 39th Senatorial Districts, shall constitute the 40th Senatorial District.

SEC. 5. Section 30201 of the Elections Code is amended to read:

30201. The state is divided into 80 assembly districts, which shall be designated and constituted as follows:

1. The Counties of Del Norte, Siskiyou, Trinity, Shasta, Tehama, Modoc, Lassen, Plumas and Sierra, together with all that portion of the County of Humboldt not otherwise described as constituting a portion of the Second Assembly District, shall constitute the First Assembly District.

2. All of the following described territory:

(a) The County of Mendocino;

(b) All that portion of the County of Humboldt lying south and west of the following described line:

Beginning at the point where the quarter section line running east and west through the center of Section 1, T. 6 N., R. 1 W., H. B. & M. intersects the high tide line of the Pacific Ocean; thence easterly along said quarter section line to the quarter corner in the center of said Section 1; thence southerly one-half mile to the quarter corner between Sections 1 and 12, T. 6 N., R. 1 W.; thence easterly one-half mile to the northwest corner of Section 7, T. 6 N., R. 1 E.; thence southerly along the west line of said Section 7 one-fourth mile to the northwest corner of the southwest quarter of the northwest quarter of said Section 7; thence easterly along the subdivisional line one-half mile to the northeast corner of the southeast quarter of the northwest quarter of said Section 7; thence southerly along the quarter section line one-fourth mile to the quarter corner in the center of said Section 7; thence easterly on the quarter section lines of Sections 7, 8, and 9 about two miles and thirty-five chains to a point five chains west of the quarter corner on the east line of Section 9, T. 6 N., R. 1 E.; thence southerly to the center of the Mad River; thence generally southeasterly along the center of the Mad River to the point of intersection with the east line of Section 1, T. 2 N., R. 4 E., H. B. & M.; thence northerly on the township line to

the township line dividing T. 3 N. and T. 4 N.; thence easterly along said township line to the Humboldt County-Trinity County Boundary;

(c) All that portion of the County of Sonoma lying north and east of the following described line:

Beginning at the point where a westerly prolongation of the line between T. 6 N. and T. 7 N. of R. 10 W. meets the Pacific Ocean (in the vicinity of Ocean View); thence east along said prolongation to the west boundary of Section 33, T. 7 N.; thence north along said west boundary and the west boundary of Sections 28, 21, and 16, T. 7 N. to the north boundary of said Section 16; thence east along said north boundary and the north boundary of Sections 15, 14, and 13, T. 7 N. and easterly along a prolongation of such north boundary to the center line of Laguna De Santa Rosa; thence southerly and easterly along said center line to the most northerly intersection of Laguna De Santa Rosa with the center line of Todd Road; thence northerly and easterly along the center line of Todd Road to the intersection of Todd Road with the center line of U. S. Highway 101 (freeway); thence southerly along the center line of U. S. Highway 101 and the intersection of said center line of U. S. Highway 101 and the center line of a westerly prolongation of Mountain View Avenue; thence easterly along the center line of said prolongation and along the center line of Mountain View Avenue and an easterly prolongation of Mountain View Avenue to the intersection of said prolongation with the center line of Petaluma Hill Road; thence southerly and easterly along the center line of Petaluma Hill Road to its intersection with a westerly prolongation of the north boundary of Section 16, T. 6 N. R. 7 W.; thence easterly along the prolongation of the north boundary of said Section 16 and the north boundary of Sections 16, 15, 14, and 13, T. 6 N., to the east boundary of Section 12, T. 6 N., R. 7 W.; thence northerly along said east boundary of Section 12 and a northerly prolongation thereof to the intersection of said prolongation and a westerly prolongation of the southerly boundary of Sections 21 and 22, T. 7 N., R. 6 W.; thence easterly along said prolongation of the southerly boundary of Sections 21 and 22 and easterly along the southerly boundary of Sections 21, 22, and 23, T. 7 N., to the intersection of said boundary with the Sonoma County-Napa County Boundary; shall constitute the Second Assembly District.

3. All that portion of the County of Sacramento not included in the Eighth and Ninth Assembly Districts as fixed and defined by this section, shall constitute the Third Assembly District.

4. The counties of Lake, Glenn, Butte, Colusa and Sutter, together with all that portion of the County of Yolo not otherwise described as constituting a portion of the Ninth Assembly District, shall constitute the Fourth Assembly District.

5. The Counties of Napa and Solano shall constitute the Fifth Assembly District.

6. The Counties of Yuba, Nevada, Placer, El Dorado, Amador, Alpine, Calaveras, Tuolumne, Mariposa, Mono and Inyo shall constitute the Sixth Assembly District.

7. The County of Marin, together with all that portion of the County of Sonoma not otherwise described as constituting a portion of the Second Assembly District, shall constitute the Seventh Assembly District.

8. All that portion of the County of Sacramento bounded and described as follows:

Commencing at the point of intersection of an extension of the center line of Eye Street in the City of Sacramento with the westerly boundary of the county; thence easterly along the center line of Eye Street to the center line of 7th Street; thence northerly along the center line of 7th Street to the center line of H Street; thence easterly along the center line of H Street to the center line of Alhambra Boulevard; thence southerly along the center line of Alhambra Boulevard to the center line of the Southern Pacific Railroad right of way near R Street; thence easterly along the center line of said railroad right of way to the center line of 65th Street; thence northerly and northeasterly along the center line of 65th Street and the northeasterly prolongation thereof to the city limit line of the City of Sacramento as it existed on June 1, 1961 at Elvas Avenue; thence along said city limit line which meanders northeasterly, southeasterly, easterly and northerly passing south of the Sacramento State College and east of the Sacramento City filtration plant site to the middle of the channel of the American River; thence easterly along said channel to the center line of Watt Avenue; thence north along the center line of Watt Avenue to the center line of El Camino Avenue; thence easterly along the center line of El Camino Avenue to the center line of Eastern Avenue; thence northerly along the center line of Eastern Avenue to the center line of Whitney Avenue; thence westerly along the center line of Whitney Avenue to the center line of Norris Avenue; thence generally northerly along the center line of Norris Avenue to the center line of Auburn Boulevard; thence northeasterly along the center line of Auburn Boulevard to the center of Arcade Creek; thence generally northeasterly along the center of Arcade Creek to the southerly prolongation of the center line of Spruce Avenue; thence northerly along said prolongation and along the center line of Spruce Avenue to the center line of State Route 80 (Roseville Freeway); thence northeasterly along the center line of State Route 80 to the boundary of the County of Sacramento (near Roseville); thence westerly and generally southerly along said boundary back to the point of beginning; shall constitute the Eighth Assembly District.

9. All that portion of Sacramento County lying southwesterly of the following described line:

Commencing at the point of intersection of an extension of the center line of Eye Street in the City of Sacramento with the westerly boundary of the county; thence easterly along the center line of Eye Street to the center line of 7th Street; thence northerly along the center line of 7th Street to the center line of H Street; thence easterly along the center line of H Street to the center line of Alhambra Boulevard; thence southerly along the center line of Alhambra Boulevard to the center line of the Southern Pacific Railroad right of way near R Street; thence easterly along the center line of said railroad right of way to the center line of Stockton Boulevard; thence southeasterly along the center line of Stockton Boulevard to the center line of 47th Avenue; thence westerly along the center line of 47th Avenue to the center line of the South Sacramento Freeway (U.S. 99); thence southeasterly along the center line of the South Sacramento Freeway (U.S. 99) to the southerly boundary of the County of Sacramento near Galt; together with all that portion of the County of Yolo situated east and south of the following described line:

Commencing at the point where the Yolo County-Solano County Boundary is intersected by the township line separating T. 7 N. and T. 8 N.; thence easterly along said township line to the township line separating R. 3 E. and R. 4 E.; thence northerly along said township line to the Yolo County-Sacramento County Boundary; shall constitute the Ninth Assembly District.

10. All that portion of the County of Contra Costa not included within the 11th Assembly District, as fixed and defined by this section, shall constitute the 10th Assembly District.

11. All that portion of Contra Costa County situate westerly of the following described line: Beginning at the intersection of the northerly boundary of Contra Costa County and the boundary line common to the second and third supervisorial districts as they existed in 1961; thence southerly along said common boundary line to a juncture with the westerly boundary of the San Ramon Valley High School District; thence southerly along last said boundary line to the southerly boundary of Contra Costa County, shall constitute the 11th Assembly District.

12. All that portion of the County of San Joaquin not otherwise described as constituting a portion of the 30th Assembly District shall constitute the 12th Assembly District.

13. All that portion of the County of Alameda lying to the southeast of the following described line:

Beginning at the intersection of the westerly boundary of Alameda County with the corporate limit line common to the Cities of Oakland and Hayward; thence northeasterly along said corporate limit line to the corporate limit line common to the Cities of Hayward and San Leandro near the shoreline of San Francisco Bay; thence east, south, east and northeasterly along said common corporate limit line to the center line of the Southern Pacific Railroad near San Lorenzo Creek;

thence southeasterly along said Southern Pacific center line to the southwesterly extension of Bandoni Avenue; thence northeasterly along the center line of Bandoni Avenue to the intersection of Bockman Road and Channel Street; thence northerly along the center line of Channel Street to the center line of Via Manzanas; thence northeasterly along the center line of Via Manzanas and its easterly prolongation to the center line of Hesperian Boulevard; thence southerly along the center line of Hesperian Boulevard to the center line of Hacienda Avenue; thence northeasterly along the center line of Hacienda Avenue to State Highway Route 69 (The Nimitz Freeway); thence northwesterly on said Freeway center line to the center line of San Lorenzo Creek; thence easterly along the center line of said creek to Mattox Road near Mission Boulevard (E. 14th Street); thence along the center lines of the following named streets, to wit: easterly and northeasterly on Mattox Road to Oak Street, southeasterly on Oak Street to Grove Way, southwesterly on Grove Way to Foothill Boulevard, southeasterly on Foothill Boulevard to the center line of San Lorenzo Creek near Russell Way; thence generally northeasterly along said creek to the center line of State Highway Route 5 (Interstate Freeway Route 5W); thence generally northeasterly along said State Highway Route 5 to Eden Canyon Road; thence northerly along Eden Canyon Road to the road in Hollis Canyon; thence generally northeasterly along last said road to its intersection with the east line of Section 32, T. 2 S., R. 1 W., M. D. B. & M.; thence north along said east line of Section 32 and continuing north along the east line of Section 29 of said Township and Range to the easterly boundary of the County of Alameda, shall constitute the 13th Assembly District.

14. All that portion of the County of Alameda bounded and described as follows:

Beginning at the point of intersection of the Lake Merritt Canal and the center line of 12th Street in the City of Oakland; thence northeasterly along said Lake Merritt Canal and the northeasterly prolongation thereof to a point at the intersection of the westerly prolongation of the center line of Brooklyn Avenue in Lake Merritt; thence easterly on said center line of Brooklyn Avenue and the westerly prolongation thereof to the center line of Newton Avenue; thence along the center lines of the following named streets, to wit: southerly on Newton Avenue to Park Boulevard, southwesterly on Park Boulevard to East 20th Street, southwesterly on East 20th Street to 13th Avenue, southwesterly on 13th Avenue to East 14th Street, southeasterly on East 14th Street to Fruitvale Avenue, southwesterly on Fruitvale Avenue to the center line of the main track of the Southern Pacific Railroad; thence southeasterly along said center line of the main track of said railroad to the center line of 73rd Avenue; thence along the center lines of the following named streets, to wit: northeasterly on 73rd Avenue to East 14th Street, southeasterly on

East 14th Street to the corporate limit line common to the Cities of Oakland and San Leandro near Durant Avenue; thence easterly and southeasterly along said common corporate limit line generally near Durant Avenue, Foothill Boulevard, MacArthur Boulevard and San Leandro Creek to the easterly corporate limit of the City of San Leandro westerly from the spillway of Lake Chabot; thence southerly along said easterly corporate limit line of the City of San Leandro passing to the west side of the Alameda County Prison Farm and the Mt. Calvary Cemetery to the southwest corner of said cemetery; thence continuing along said corporate limit line of San Leandro westerly to the vicinity of Foothill Boulevard and continuing southeasterly, southwesterly and again southeasterly to a point at the intersection of said corporate limit line with the center line of 150th Avenue near the southwest corner of the Fairmont Schoolyard; thence southwesterly along the center line of 150th Avenue to the center line of East 14th Street; thence southerly along the center line of East 14th Street to the southeasterly property line of the land now occupied by drive-in movie theaters; thence southwesterly along said property line to the center line of Hesperian Boulevard; thence southerly along Hesperian Boulevard to the center line of State Highway Route 69 (The Nimitz Freeway); thence along said Freeway center line to the center line of Hacienda Avenue; thence southwesterly along the center line of Hacienda Avenue to the center line of Hesperian Boulevard; thence northerly along the center line of Hesperian Boulevard to the easterly prolongation of the center line of Via Manzanas; thence westerly along the center line of Via Manzanas to the center line of Channel Street; thence southerly along the center line of Channel Street to its intersection with Bockman Road and Bandoni Avenue; thence southwesterly along the center line of Bandoni Avenue and its westerly prolongation to the center line of the tracks of the Southern Pacific Railroad; thence northwesterly along said center line of railroad to the corporate limit line of the City of San Leandro near San Lorenzo Creek; thence southwesterly along said corporate limit line of San Leandro to the common corporate limit line of the Cities of San Leandro and Hayward near the shoreline of the San Francisco Bay; thence westerly, northerly and again westerly along last said line to the corporate limit line common to the Cities of Hayward and Oakland; thence southwesterly along last said common corporate limit line to the westerly boundary line of the County of Alameda; thence northwesterly along said westerly county boundary line to the point of intersection of the corporate limit line common to the Cities of Oakland and Alameda near the Oakland Inner Harbor; thence southeasterly along last said common corporate limit line to the southwesterly prolongation of the Lake Merritt Canal; thence northeasterly along said Canal and the southwesterly prolongation thereof to the point of beginning, shall constitute the 14th Assembly District.

15. All that port on of the County of Alameda bounded and described as follows:

Beginning at the intersection of Park Boulevard and the easterly boundary of the County of Alameda; thence in a generally southwesterly direction along the center lines of Park Boulevard, Shepherd Canyon Road, Snake Road, Warren Boulevard and Park Boulevard to the center line of Leimert Boulevard; thence easterly along the center line of Leimert Boulevard to the westerly edge of Dimond Park; thence southerly along said boundary of Dimond Park to the center line of Canon Avenue; thence along the center lines of the following named streets, to wit: southwesterly on Canon Avenue to MacArthur Boulevard, easterly on MacArthur Boulevard to Fruitvale Avenue, southwesterly on Fruitvale Avenue to East 14th Street; thence continuing southwesterly along the center line of Fruitvale Avenue to the center line of the main track of the Southern Pacific Railroad; thence southeasterly along said center line of the main track of said railroad to the center line of 73rd Avenue; thence along the center lines of the following named streets, to wit: northeasterly on 73rd Avenue to East 14th Street, southeasterly on East 14th Street to the corporate limit line common to the Cities of Oakland and San Leandro near Durant Avenue; thence easterly and southeasterly along said common corporate limit line generally near Durant Avenue, Foothill Boulevard, MacArthur Boulevard and San Leandro Creek to the easterly corporate limit of the City of San Leandro westerly from the spillway of Lake Chabot; thence southerly along said easterly corporate limit line of the City of San Leandro passing to the west side of the Alameda County Prison Farm and the Mt. Calvary Cemetery to the southwest corner of said cemetery; thence continuing along said corporate limit line of San Leandro westerly to the vicinity of Foothill Boulevard and continuing southeasterly, southwesterly and again southeasterly to a point at the intersection of said corporate limit line with the center line of 150th Avenue near the southwest corner of the Fairmont Schoolyard; thence southwesterly along the center line of 150th Avenue to the center line of East 14th Street; thence southerly along the center line of East 14th Street to the southeasterly property line of the land now occupied by drive-in movie theaters; thence southwesterly along said property line to the center line of Hesperian Boulevard; thence southerly along Hesperian Boulevard to the center line of State Highway Route 69 (the Nimitz Freeway); thence along said Freeway center line to the center line of San Lorenzo Creek; thence easterly along the center line of said creek to Mattox Road near Mission Boulevard (East 14th Street); thence along the center lines of the following named streets, to wit: easterly and northeasterly on Mattox Road to Oak Street, southeasterly on Oak Street to Grove Way, southwesterly on Grove Way to Foothill

Boulevard, southeasterly on Foothill Boulevard to the center line of San Lorenzo Creek near Russell Way; thence generally northeasterly along said creek to the center line of State Highway Route 5 (Interstate Freeway Route 5W); thence generally northeasterly along said State Highway Route 5 to Eden Canyon Road; thence northerly along Eden Canyon Road to the road in Hollis Canyon; thence generally northeasterly along last said road to the intersection with the east line of Section 32, T. 2 S., R. 1 W., M. D. B. & M.; thence north along said east line of Section 32 and continuing north along the east line of Section 29 of said Township and Range to the easterly boundary of the County of Alameda; thence generally northwesterly along said county boundary line to the point of beginning, shall constitute the 15th Assembly District.

16. All that portion of the County of Alameda bounded and described as follows:

Beginning at the point of intersection of the Lake Merritt Canal and the center line of 12th Street in the City of Oakland; thence along the center line of the following named streets, to wit: northwesterly on 12th Street to Alice Street, northeasterly on Alice Street to 14th Street, northwesterly on 14th Street to Broadway, northeasterly on Broadway to Telegraph Avenue, northerly on Telegraph Avenue to Ashby Avenue, westerly on Ashby Avenue to Fulton Street, northerly on Fulton Street and Oxford Street to Center Street, westerly on Center Street to Shattuck Avenue, northerly on Shattuck Avenue to Virginia Avenue, easterly on Virginia Avenue to Spruce Street, northerly on Spruce Street to the easterly boundary of Alameda County near Summit Reservoir; thence meandering southeasterly along said easterly boundary of said county to the center line of Park Boulevard; thence in a generally southwesterly direction along the center lines of Park Boulevard, Shepherd Canyon Road, Snake Road, Warren Boulevard and Park Boulevard to the center line of Leimert Boulevard; thence easterly along the center line of Leimert Boulevard to the westerly edge of Dimond Park; thence southerly along said boundary of Dimond Park to the center line of Canon Avenue; thence along the center lines of the following named streets, to wit: southwesterly on Canon Avenue to MacArthur Boulevard, easterly on MacArthur Boulevard to Fruitvale Avenue, southwesterly on Fruitvale Avenue to East 14th Street, northwesterly on East 14th Street to 13th Avenue, northeasterly on 13th Avenue to East 20th Street, northwesterly on East 20th Street to Park Boulevard, northeasterly on Park Boulevard to Newton Avenue, northerly on Newton Avenue to Brooklyn Avenue, westerly on Brooklyn Avenue and the westerly prolongation thereof to a point in Lake Merritt at the intersection of the northeasterly prolongation of the Lake Merritt Canal; thence southwesterly along said Lake Merritt Canal and the northeasterly prolongation thereof to the point of beginning, shall constitute the 16th Assembly District.

17. All that portion of the County of Alameda bounded and described as follows:

Beginning at the point of intersection of the corporate limit line common to the Cities of Oakland and Alameda with the westerly boundary line of the County of Alameda near the Oakland Inner Harbor; thence southeasterly along said common corporate limit line to the southwesterly prolongation of the Lake Merritt Canal; thence northeasterly along said canal and the southwesterly prolongation thereof to the intersection of the center line of 12th Street in the City of Oakland; thence along the center lines of the following named streets, to wit: northwesterly on 12th Street to Alice Street, northeasterly on Alice Street to 14th Street, northwesterly on 14th Street to Broadway, northeasterly on Broadway to Telegraph Avenue, northerly on Telegraph Avenue to Ashby Avenue, westerly along Ashby Avenue to Fulton Street, northerly on Fulton Street and Oxford Street to Center Street, westerly on Center Street to Shattuck Avenue, northerly on Shattuck Avenue to Virginia Avenue, easterly on Virginia Avenue to Spruce Street, northerly on Spruce Street to the easterly boundary of Alameda County near Summit Reservoir; thence northerly along said easterly county boundary to the northerly boundary of said county; thence westerly along said northerly boundary of Alameda County to the westerly boundary of said county; thence southeasterly along said westerly county boundary to the point of beginning, shall constitute the 17th Assembly District.

18. All that portion of the City and County of San Francisco bounded and described as follows:

Beginning at the point of intersection of the center lines of Lombard Street and Laguna Street; thence westerly along the center line of Lombard Street to the center line of Lyon Street; thence southerly along the center line of Lyon Street and its southerly extension to the center line of Clay Street; thence westerly along the center line of Clay Street to the center line of Presidio Avenue; thence southerly along the center line of Presidio Avenue to the center line of Masonic Avenue; thence southwesterly and southerly along the center line of Masonic Avenue to the center line of Fulton Street; thence westerly along the center line of Fulton Street to the center line of Stanyan Street; thence southerly along the center line of Stanyan Street and its southerly extension to the center line of Clarendon Avenue; thence easterly and northeasterly along the center line of Clarendon Avenue, Twin Peaks Boulevard, and Clayton Street to the center line of Seventeenth Street; thence easterly along the center line of Seventeenth Street to the center line of Douglass Street; thence southerly along the center line of Douglass Street to the center line of Nineteenth Street; thence easterly along the center line of Nineteenth Street to the center line of Harrison Street; thence northerly and northeasterly along the center line of Harrison Street to the center line of Eighth Street; thence northwesterly along

the center line of Eighth Street to the center line of Market Street; thence northeasterly along the center line of Market Street to the center line of Leavenworth Street; thence northerly along the center line of Leavenworth Street to the center line of Green Street; thence westerly along the center line of Green Street to the center line of Laguna Street; thence northerly along the center line of Laguna Street to the point of beginning, shall constitute the 18th Assembly District.

19. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the point of intersection of the shoreline of San Francisco Bay and the southern and southwestern boundary of the Presidio United States Military Reservation; thence southeasterly and easterly along said boundary to the center line of 20th Avenue; thence southerly along the center line of 20th Avenue to the center line of Fulton Street; thence in a straight line southerly between the point of intersection of the center lines of 20th Avenue and Fulton Street across Golden Gate Park to the point of intersection of the center lines of Lincoln Way and 19th Avenue; thence easterly along the center line of Lincoln Way to the center line of 9th Avenue; thence southerly along the center line of 9th Avenue to the center line of Pacheco Street; thence westerly along the center line of Pacheco Street to the center line of Oriole Way; thence southwesterly along the center line of Oriole Way to the center line of Cragmont Avenue; thence southerly along the center line of Cragmont Avenue to the center line of Quintara Street; thence westerly along the center line of Quintara Street to the center line of 12th Avenue; thence southerly along the center line of 12th Avenue and its southerly extension to the center line of Castenada Avenue; thence easterly along the center line of Castenada Avenue to the center line of Montalvo Avenue; thence southeasterly and southerly along the center line of Montalvo Avenue to the center line of Claremont Boulevard; thence southerly along the center line of Claremont Boulevard to the center line of Portola Drive; thence southwesterly along the center line of Portola Drive to the center line of Sloat Boulevard; thence westerly along the center line of Sloat Boulevard to the center line of 19th Avenue; thence along the center lines of the following named streets, to wit: southerly on 19th Avenue to Holloway Avenue, easterly on Holloway Avenue to Ashton Avenue, north on Ashton Avenue to Ocean Avenue, northwesterly on Ocean Avenue to Manor Drive, northerly on Manor Drive to Upland Drive, easterly on Upland Drive to North Gate Drive, northerly on North Gate Drive to Monterey Boulevard, easterly on Monterey Boulevard, San Jose Avenue, and Bosworth Street to Mission Street, southwesterly on Mission Street to Rolph Street, southeasterly on Rolph Street and South Hill Boulevard to the southern boundary of the City and County of San Francisco; thence west along said county boundary to the shoreline of the Pacific Ocean; thence northerly and easterly along said shoreline to

the point of commencement, shall constitute the 19th Assembly District.

20. All that portion of the City and County of San Francisco bounded and described as follows:

Beginning at the point of intersection of a northerly extension of the center line of Scott Street and the boundary of the City and County of San Francisco; thence generally easterly, northerly, southerly and westerly along said boundary to the center line of Bayshore Boulevard; thence northeasterly along the center line of Bayshore Boulevard to the center line of the James Lick Freeway (State Route 101); thence northeasterly and northerly along the center line of said freeway to the center line of Cortland Avenue; thence westerly along the center line of Cortland Avenue to the center line of Mission Street; thence northeasterly along the center line of Mission Street to the center line of Valencia Street; thence northerly along the center line of Valencia Street to the center line of 19th Street; thence easterly along the center line of 19th Street to the center line of Harrison Street; thence northerly and northeasterly along the center line of Harrison Street to the center line of 8th Street; thence northwesterly along the center line of 8th Street to the center line of Market Street; thence northeasterly along the center line of Market Street to the center line of Leavenworth Street; thence northerly along the center line of Leavenworth Street to the center line of Green Street; thence westerly along the center line of Green Street to the center line of Laguna Street; thence northerly along the center line of Laguna Street to the center line of Lombard Street; thence westerly along the center line of Lombard Street to the center line of Fillmore Street; thence northerly along the center line of Fillmore Street to the center line of Cervantes Boulevard; thence northwesterly along the center line of Cervantes Boulevard to the center line of Scott Street; thence northerly along the center line of Scott Street and a northerly extension thereof back to the point of beginning, and including all the piers and islands in the Bay of San Francisco, and the islands in the Pacific Ocean which are within the territorial boundaries of the City and County of San Francisco, shall constitute the 20th Assembly District.

21. The County of Kings, together with all that portion of the County of Tulare not otherwise described as constituting a portion of the 29th Assembly District, shall constitute the 21st Assembly District.

22. All that portion of the County of Santa Clara bounded and described as follows:

Beginning at the point of intersection of the eastern boundary of Santa Clara County and the township line dividing T. 9 S. and T. 10 S ; thence westerly along said township line to the township line dividing R. 5 E. and R. 6 E.; thence southerly along said township line to the southern boundary of Sections 13, 14, 15, 16, 17, and 18 of T. 10 S. and R. 5 E., M.D.B. & M.; thence westerly along said southern boundary to the

center line of Canada Road; thence generally northerly along the center line of Canada Road to the center line of Gilroy Hot Springs Road; thence generally westerly along the center line of Gilroy Hot Springs Road to the northeasterly boundary of Rancho La Polka; thence northwesterly along said boundary to the center of Coyote Creek; thence generally northerly and northwesterly along the center of Coyote Creek to the point of intersection with a prolongation of the center line of Maple Avenue (southeast of Anderson Reservoir); thence southwesterly along said prolongation and along said center line to the center line of Monterey Road; thence northwesterly along the center line of Monterey Road to the center line of Watsonville Road; thence southwesterly along the center line of Watsonville Road to the center line of Bowden Avenue; thence northwesterly along the center line of Bowden Avenue to the center line of Sycamore Avenue; thence generally westerly and northwesterly along the center lines of the following streets: Sycamore Avenue to Machado Avenue, to Oak Glen Avenue; thence along the center line of Oak Glen Avenue to its intersection with the center line of Uvas Road in the vicinity of the Chesbo Reservoir; thence generally northwesterly along the center line of Uvas Road and along the center line of McKean Road to the center line of Almaden Road; thence northerly along the center line of Almaden Road to the center line of Kooser Road; thence southwesterly on Kooser Road to the center line of Camden Avenue; thence generally northwesterly along the center line of Camden Avenue to the center line of Union Avenue; thence southerly along the center line of Union Avenue to the center line of Branham Lane; thence westerly along the center line of Branham Lane to the center line of National Avenue; thence northerly along the center line of National Avenue to the center line of Camino Del Sol; thence generally westerly along the center line of Camino Del Sol to the center line of Bascom Avenue; thence southerly along the center line of Bascom Avenue to the center line of Lark Avenue; thence northwesterly along the center line of Lark Avenue and its prolongation to the center of Los Gatos Creek; thence in a straight line from the point of intersection of the prolongation of the center line of Lark Avenue and Los Gatos Creek to the point of intersection of Winchester Boulevard and the center of the right of way of the Southern Pacific Railroad (near Newell Avenue); thence northwesterly along the center of said right of way to the center line of Quito Road; thence northerly along the center line of Quito Road to the center line of Saratoga Avenue; thence northeasterly along the center line of Saratoga Avenue to the center line of Prospect Road; thence westerly along the center line of Prospect Road to the center line of Saratoga Sunnyvale Road; thence northerly along the center line of Saratoga Sunnyvale Road to the center line of El Camino Real (State Highway 82); thence northwesterly along the center line of El Camino Real to the center line of Knick-

erbocker Drive; thence southwesterly along the center line of Knickerbocker Drive to the center line of Parkington Avenue; thence in a straight line from the point of intersection of the center lines of Knickerbocker Drive and Parkington Avenue through the southwestern corner of the Cherry Chase Golf Course to the center of Stevens Creek; thence generally northwesterly along the center of Stevens Creek to the center of the right of way of the Southern Pacific Railroad (near Evelyn Avenue); thence northwesterly along the center of said right of way to the northerly prolongation of the center line of Calderon Avenue; thence southerly along the prolongation and along the center line of Calderon Avenue to the center line of Dana Street; thence westerly along the center line of Dana Street to the center line of Bush Street; thence southwesterly along the center line of Bush Street to the center line of El Camino Real; thence northwesterly along the center line of El Camino Real to the center line of Bailey Avenue; thence northerly along the center line of Bailey Avenue to the center line of Villa Street; thence northwesterly along the center line of Villa Street to the center of Permanente Creek; thence northerly along the center of Permanente Creek to the center line of the Bayshore Freeway (State Route 101); thence northwesterly along the center line of said Freeway to the western boundary of the County of Santa Clara; thence generally southwesterly, southerly, easterly, and northerly along said boundary back to the point of beginning, shall constitute the 22nd Assembly District.

23. All that portion of the City and County of San Francisco not otherwise described as constituting the 18th, 19th, or 20th Assembly District, shall constitute the 23d Assembly District.

24. All that portion of the County of Santa Clara bounded and described as follows:

Beginning at the point of intersection of the center line of Union Avenue and the center line of Branham Lane; thence westerly along the center line of Branham Lane to the center line of National Avenue; thence northerly along the center line of National Avenue to the center line of Camino Del Sol; thence generally westerly along the center line of Camino Del Sol to the center line of Bascom Avenue; thence southerly along the center line of Bascom Avenue to the center line of Lark Avenue; thence northwesterly along the center line of Lark Avenue and its prolongation to the center of Los Gatos Creek; thence in a straight line from the point of intersection of the prolongation of the center line of Lark Avenue and Los Gatos Creek to the point of intersection of Winchester Boulevard and the center of the right of way of the Southern Pacific Railroad (near Newell Avenue); thence northwesterly along the center of said right of way to the center line of Quito Road; thence northerly along the center line of Quito Road to the center line of Saratoga Avenue; thence northeasterly along the center line of Saratoga Avenue to the center line of Prospect Road; thence westerly along the center line of Prospect

Road to the center line of Saratoga Sunnyvale Road; thence northerly along the center line of Saratoga Sunnyvale Road to the center line of El Camino Real (State Highway 82); thence northwesterly along the center line of El Camino Real to the center line of Knickerbocker Drive; thence southwesterly along the center line of Knickerbocker Drive to the center line of Parkington Avenue; thence in a straight line from the point of intersection of the center lines of Knickerbocker Drive and Parkington Avenue through the southwestern corner of the Cherry Chase Golf Course to the center of Stevens Creek; thence generally northwesterly along the center of Stevens Creek to the center of the right of way of the Southern Pacific Railroad (near Evelyn Avenue); thence northwesterly along the center of said right of way to the northerly prolongation of the center line of Calderon Avenue; thence southerly along the prolongation and along the center line of Calderon Avenue to the center line of Dana Street; thence westerly along the center line of Dana Street to the center line of Bush Street; thence southwesterly along the center line of Bush Street to the center line of El Camino Real; thence northwesterly along the center line of El Camino Real to the center line of Bailey Avenue; thence northerly along the center line of Bailey Avenue to the center line of Villa Street; thence northwesterly along the center line of Villa Street to the center of Permanente Creek; thence northerly along the center of Permanente Creek to the center line of the Bayshore Freeway (State Route 101); thence northwesterly along the center line of said Freeway to the western boundary of the County of Santa Clara; thence generally northerly, northeasterly and easterly along said boundary to the center line of State Route 17 (Nimitz Freeway); thence southerly and southwesterly along the center line of State Route 17 to the center line of Forest Avenue; thence easterly along the center line of Forest Avenue to the center line of Wabash Avenue; thence southerly along the center line of Wabash Avenue to the center line of West San Carlos Street; thence easterly along the center line of West San Carlos Street to the center line of Meridian Avenue; thence northerly along the center line of Meridian Avenue to the center line of Park Avenue; thence easterly along the center line of Park Avenue to the center of Los Gatos Creek; thence generally southerly along the center of Los Gatos Creek to the center line of Fruitdale Avenue; thence westerly along the center line of Fruitdale Avenue to the center of the right of way of the Southern Pacific Railroad (near Nevin Way); thence southwesterly along the center of said right of way to the center line of State Route 17; thence generally southerly and southwesterly along the center line of State Route 17 to the point where said center line intersects a due westerly prolongation of the center line of Apricot Avenue; thence easterly along said prolongation to the center line of Union Avenue; thence southerly along the center line of

Union Avenue back to the point of beginning, shall constitute the 24th Assembly District.

25 All that portion of the County of Santa Clara not included in the 22d and 24th Assembly Districts, as fixed and defined by this section, shall constitute the 25th Assembly District.

26. All that portion of the County of San Mateo not included within the 27th Assembly District, as fixed and defined by this section, shall constitute the 26th Assembly District.

27. All that portion of the County of San Mateo, lying northerly of the following described line: Beginning at the intersection of the shoreline of the Pacific Ocean with the southerly line of the San Pedro Rancho north of Point Montara; thence northeasterly along said southerly line of the San Pedro Rancho to its intersection with the south line of fractional Section 22, T. 4 S., R. 6 W., M. D. B. & M.; thence east along said south line of Section 22 and continuing east along the south line of Sections 23 and 24 of said township and range, and again continuing east along the south line of Sections 19, 20, 21, and 22, T. 4 S., R. 5 W., M. D. B. & M. to the boundary line common to the Buri Buri Rancho and the San Mateo Rancho; thence northeasterly along said common rancho boundary to a point on the corporate limit line of the City of Hillsborough along Skyline Boulevard near Summit Drive; thence northeasterly and easterly along said corporate limit line to the center line of Oak Grove Avenue or its southwesterly extension to the northeasterly right of way of the Southern Pacific Company Railroad; thence southeasterly along said northeasterly right of way line to the intersection with the southern boundary of the City of San Mateo; thence generally northeasterly and easterly along said city boundary to the point of intersection with the center line of the Bayshore Freeway (State Route 101); thence in a straight line due east of said point to the boundary of San Mateo County in San Francisco Bay, shall constitute the 27th Assembly District.

28. All that portion of the County of Kern, not otherwise described as constituting a portion of the 29th Assembly District, shall constitute the 28th Assembly District.

29. All of the following territory:

(a) All that portion of the County of Kern bounded and described as follows:

Beginning at the point where the northern boundary of the County of Kern is intersected by the center line of State Route 65; thence southerly along the center line of said State Route 65 and its due southerly prolongation to the center line of the right of way of the Southern Pacific Railroad (near the intersection of Snow Road and Fruitvale Avenue); thence southeasterly along the center line of last named right of way to the center line of Beardsley Canal; thence northeasterly along the center line of said Beardsley Canal to the west line of Section 8, T. 29 S., R. 28 E., M.D.B. & M.; thence southerly along

the west line of said Section 8 and the east line of Section 18, T. 29 S., R. 28 E., M.D.B. & M., a distance of one and one-quarter miles, more or less, to a point in the corporate limits of the City of Bakersfield; thence southwesterly along the line of the corporate limits of the City of Bakersfield to the west boundary line of Union Avenue, which boundary line also lies on the corporate limits of the City of Bakersfield; thence south 0° 13′ 15″ west along the west line and extensions thereof of said Union Avenue and along said corporate limits to a point that is distant 57.75 feet west of and as measured at right angles to the center line of said Union Avenue from the intersection of last named corporate line with the westerly extension of the south line of Jeffrey Street; thence along the said corporate limits the following courses, north 89° 14′ 40″ west a distance of 415.00 feet; thence south 14° 10′ 40″ east a distance of 146.50 feet; thence south 6° 29′ 40″ west a distance of 183.62 feet; thence south 26° 21′ 00″ east a distance of 354.65 feet; thence south 89° 14′ 40″ east and parallel with the north line of Section 19, T. 29 S., R. 28 E., M.D.B. & M., a distance of 240 feet to the west boundary of Union Avenue and the corporate limits of the City of Bakersfield; thence south along said west boundary line of said corporate limits to intercept the south boundary of 34th Street; thence east along the easterly extension of the south boundary of 34th Street and the corporate limits of the City of Bakersfield to the center line of Union Avenue; thence south along the center line of said Union Avenue to the center line of the Southern Pacific Railroad main line; thence southeasterly along last named center line to a point in the east line of the west half of Section 28, T. 29 S., R. 28 E, M.D.B. & M. and a point in the exterior limits of the City of Bakersfield; thence southerly along last named east line and said corporate limits to a point in the south line of Truxton Avenue; thence westerly along last named corporate limits and the south line of said Truxton Avenue to a point in the west line of Washington Avenue; thence southerly along last named west line and said corporate limits to a point in the north line of California Avenue; thence westerly along last named north line and said corporate limits to a point in the easterly line of the right of way of the Southern Pacific Railroad Asphalto Branch and a point in the corporate limits of the City of Bakersfield; thence southwesterly along the southeast right of way line of said Asphalto Branch to a point on said southeasterly right of way line that is distant southwesterly along said line a distance of 454.84 feet from its point of intersection with the north line of the south half of Section 33, T. 29 S., R. 28 E., M.D.B. & M. as same is shown upon a Record of Survey Map of a Survey showing a portion of the south half of Section 33, T. 29 S., R. 28 E., M.D.B. & M. filed June 17, 1947 on page 114 in Record of Survey Map Book 5; thence as per said Record of Survey Map south 0° 05′ 18″ west a distance of 2235.45 feet to a point in the south line of said Section 33 and the center line of Brun-

dage Lane, said last named point bears north 89° 31′ 31″ east a distance of 961.68 feet from the southwest corner of said Section 33; thence westerly along the center lines of Brundage Lane and Stockdale Highway to a point in the center line of Enos Lane, being the northwest corner of Section 1, T. 30 S., R. 25 E., M.D B. & M.; thence southerly along section lines to the southwest corner of Section 12, T. 31 S., R. 25 E., M.D B. & M. and a point in the center line of Union Road; thence easterly along Union Road to Coles Levee Road; thence southerly along Coles Levee Road to Pieri Road; thence easterly along Pieri Road to Hill Road; thence south along Hill Road to Millux Road; thence easterly along Millux Road to a point in the east line of Section 31, T. 31 S., R. 27 E., M.D.B & M. and the center line of Old River Road; thence southerly along section lines and said Old River Road to the center line of Copus Road; thence easterly along Copus Road to the easterly line of Golden State Highway being California State Highway Route 99; thence southeasterly along last named easterly line to a point in the south line of Section 12, T. 11 N., R. 20 W., S.B.B. & M.; thence easterly along section lines to the northwest corner of Section 18, T. 11 N., R. 19 W., S.B.B. & M.; thence easterly along the north boundary line of said Section 18 to the northeast corner thereof; thence south along section lines 4 miles, more or less, to the southwest corner of Section 32, T. 11 N., R. 19 W., S.B.B. & M.; thence east along the south boundary line of said T. 11 N., R. 19 W., S.B.B. & M. to the southeast corner of said Township; thence south along the southerly extension of the east boundary line of T. 11 N., R. 19 W., S.B.B. & M. to intersect the easterly extension of the north boundary line of T. 9 N., R. 19 W., S.B.B. & M.; thence east along the easterly extension of said north boundary line to intersect the northerly extension of the east boundary line of T. 9 N., R. 19 W., S.B.B. & M.; thence south along the said east boundary line and northerly extension of T. 9 N., R. 19 W., S B B & M. to the southeast corner of T. 9 N., R. 19 W., S.B.B. & M. being a point on the south boundary line of the County of Kern; thence westerly and northerly along the exterior boundary of the County of Kern to the northwest corner of Section 6, T. 25 S., R. 17 E., M.D.B. & M.; thence easterly along the north boundary of the County of Kern to the point of beginning;

(b) All that portion of the County of Tulare bounded and described as follows:

Beginning at the northwest corner of Section 7, T. 23 S., R. 23 E., M.D.B. & M., said corner being on the Tulare-Kings County line; thence East four miles; thence north one mile; thence east three miles; thence north three miles to the northwest corner of Section 20, T. 22 S., R. 24 E., M.D.B. & M.; thence east seven miles; thence north one mile; thence east four miles to the northeast corner of Section 13, T. 22 S., R. 25 E., M.D.B. & M.; thence south one-half mile; thence east one-half mile; thence north one-half mile; thence east two and one-

half miles to the northeast corner of Section 16, T. 22 S., R. 26 E., M.D.B. & M.; thence south one mile; thence east three miles; thence south one mile; thence east one and one-half miles to the northeast corner of the west half of Section 29, T. 22 S., R. 27 E., M.D.B. & M.; thence south along the east line of the west half of said Section 29, three-fourths mile, more or less, to its intersection with the center line of Deer Creek; thence northeasterly along the center line of Deer Creek to its intersection with the east line of Section 26 of said last mentioned Township and Range; thence south two and one-eighth miles, more or less, to the center line of Terra Bella Avenue; thence East along the center line of Terra Bella Avenue, one mile, to its intersection with the east line of Section 1, T. 23 S., R. 27 E., M.D.B. & M.; thence south two and three-eighths miles, more or less, to the northwest corner of the south half of Section 18, T. 23 S., R. 28 E., M.D.B. & M.; thence east two miles; thence south one-half mile; thence east one mile; thence south nine miles to the southeast corner of Section 33, T. 24 S., R. 28 E., M.D.B. & M., said corner being on the Tulare-Kern County line; thence west along the Tulare-Kern County line thirty-three miles, more or less, to the southwest corner of Tulare County; thence north along the Tulare-Kings County line eleven miles, more or less, to the point of beginning;

(c) All that portion of the County of San Luis Obispo not otherwise described as forming a portion of the 36th Assembly District shall constitute the 29th Assembly District.

30. The County of Stanislaus, together with all that portion of the County of San Joaquin bounded and described as follows:

Beginning at the point where the center line of the San Joaquin River intersects the San Joaquin County-Stanislaus County Boundary; thence generally northerly along the center of said river in its meandering course to the point of intersection with a due westerly prolongation of the center line of Clayton Avenue; thence easterly along said prolongation and along the center line of Clayton Avenue and its easterly prolongation to the center of the right of way of the Southern Pacific Railroad; thence northeasterly along the center of said right of way to the center line of Charter Way; thence easterly along the center line of Charter Way to the center of Mormon Slough; thence generally easterly along the center of Mormon Slough to the center line of Jack Tone Road; thence southerly along the center line of Jack Tone Road to the center line of Mariposa Road; thence southeasterly along the center line of Mariposa Road to the center line of Gawne Road; thence easterly along the center line of Gawne Road to the center line of Escalon-Bellota Road; thence southerly along the center line of Escalon-Bellota Road to the center line of Carter Road; thence easterly along the center line of Carter Road to the easterly boundary of the County of San Joaquin; thence southerly and generally southwesterly along said bound-

ary back to the point of beginning; shall constitute the 30th Assembly District.

31. The Counties of Merced, Santa Cruz and San Benito shall constitute the 31st Assembly District.

32. All that portion of the County of Fresno bounded and described as follows:

Beginning at the point of intersection of the northern boundary of the County of Fresno and the northerly prolongation of the center line of Monroe Avenue; thence southerly along the northerly prolongation of the center line of Monroe Avenue to the center line of Barstow Avenue; thence easterly along the center line of Barstow Avenue to the center line of Chateau Fresno Avenue; thence southerly along the center line of Chateau Fresno Avenue to the center line of West Central Avenue; thence easterly along the center line of West Central Avenue to the center line of South Marks Avenue; thence northerly along the center line of South Marks Avenue to the center line of West North Avenue; then easterly along the center line of West North Avenue to the center line of South Fruit Avenue; thence southerly along the center line of South Fruit Avenue to the center of the North Central Canal; thence easterly along the center of the North Central Canal to the center line of South Elm Avenue; thence northerly along the center line of South Elm Avenue to the center line of East Annadale Avenue; thence easterly along the center line of East Annadale Avenue and its easterly prolongation to the center of the right of way of the Southern Pacific Railroad; thence northwesterly along the center of said right of way to the center line of East California Avenue; thence easterly along the center line of East California Avenue to the center line of South Chestnut Avenue; thence northerly along the center line of South Chestnut Avenue to the center line of East Kings Canyon Road; thence easterly along the center line of East Kings Canyon Road to the center line of South Clovis Avenue; thence northerly along the center line of South Clovis Avenue and North Clovis Avenue to the center line of East Shaw Avenue; thence westerly along the center line of East Shaw Avenue and West Shaw Avenue to the center line of North Marks Avenue; thence northerly along the center line of North Marks Avenue to the center line of West Herndon Avenue; thence westerly along the center line of West Herndon Avenue to the center line of North Valentine Avenue; thence northerly, westerly, and northerly along North Valentine Avenue, Valentine Avenue, and North Valentine Avenue and its northerly prolongation to the northern boundary of the County of Fresno; thence generally westerly along said boundary back to the point of beginning, shall constitute the 32d Assembly District.

33. The County of Madera, together with all that portion of the County of Fresno not included in the 32d Assembly District, shall constitute the 33d Assembly District.

34. The County of Monterey shall constitute the 34th Assembly District.

35. All that portion of the County of San Bernardino bounded and described as follows:

Beginning at the point of intersection of the center line of 7th Street and the San Bernardino County-Riverside County Boundary near Crestmore; thence northeasterly along the center line of 7th Street to the center line of Locust Avenue; thence northerly along the center line of Locust Avenue to the center line of the San Bernardino Freeway (Route 10); thence westerly along the center line of the San Bernardino Freeway to the center line of Archibald Avenue; thence northerly along the center line of Archibald Avenue to the center line of 8th Street; thence westerly along the center line of 8th Street to the center line of Grove Avenue; thence northerly along the center line of Grove Avenue to the boundary of the City of Upland as it existed on January 1, 1965; thence westerly, southerly, and westerly along the southern boundary of the City of Upland (generally following the course of the Atchison, Topeka and Santa Fe Railway, West Cucamonga Wash, San Bernardino Freeway, Benson Avenue and the westerly prolongation of Ninth Street) to the western boundary of the County of San Bernardino; thence generally southerly westerly, southerly, southeasterly, northerly and easterly along said boundary back to the point of beginning, together with all that portion of the County of Orange not in the 69th, 70th and 71st Assembly Districts as fixed and defined by this section, shall constitute the 35th Assembly District.

36. The County of Santa Barbara, together with all that portion of the County of San Luis Obispo included within the territory of the 4th Supervisorial District of that county as said supervisorial district existed and was constituted on November 3, 1964; shall constitute the 36th Assembly District.

37. The County of Ventura shall constitute the 37th Assembly District.

38. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of the San Gabriel River and the Santa Ana Freeway (Interstate Route 5); thence southwesterly and southerly on the center line of the San Gabriel River to the south boundary of the City of Bellflower and the easterly extension thereof (at Artesia Boulevard); thence generally westerly on said city boundary and its easterly extension to the center line of Downey Avenue; thence north on the center line of Downey Avenue to the center line of 70th Street; thence west on 70th Street and the westerly extension thereof to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of 72nd Street; thence west on the center line of 72nd Street and the westerly extension thereof to the boundary of the City of Long Beach; thence southerly on said city boundary to the center line of Greenleaf Drive and the easterly extension thereof; thence west on the center line of Greenleaf Drive and its easterly extension to the city

boundary of the City of Compton near Compton College; thence south on last said city boundary to the center line of Artesia Boulevard; thence west on the center line of Artesia Boulevard to the center line of Central Avenue; thence along the center lines of the following named streets, to wit: northerly on Central Avenue to Rosecrans Avenue, east on Rosecrans Avenue to Alameda Street, northerly on Alameda Street to Imperial Highway, easterly on Imperial Highway to Atlantic Avenue, southwesterly on Atlantic Avenue to Century Boulevard, southeasterly on Century Boulevard to the intersection of the center lines of Century Boulevard and Check Avenue near the Long Beach Freeway; thence on a line from said intersection southeasterly to the northwesterly corner of the City of Paramount; thence southeasterly and southerly on the boundary of said city to Century Boulevard; thence southeasterly on Century Boulevard to Paramount Boulevard; thence south on Paramount Boulevard to the boundary of the City of South Gate; thence southeasterly and northerly on said city boundary to the center line of Gardendale Street; thence along the center lines of the following named streets or State Highway, to wit: westerly on Gardendale Street to Paramount Boulevard, northeasterly on Paramount Boulevard to Stewart and Gray Road, southeasterly on Stewart and Gray Road to Downey Avenue, northeasterly on Downey Avenue and its northeasterly prolongation to the Santa Ana Freeway (Interstate Route 5), southeasterly on the Santa Ana Freeway to the point of beginning, shall constitute the 38th Assembly District.

39. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Atlantic Avenue and Anaheim Street; thence east along the center line of Anaheim Street to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of the right of way of the Pacific Electric Railway; thence northwesterly along the center line of said railway right of way to the center line of Atlantic Avenue; thence along the center lines of the following named streets, to wit: north on Atlantic Avenue to Bixby Road, east on Bixby Road to Cherry Avenue, north on Cherry Avenue to Carson Street (U.S. 91), east on Carson Street to the boundary of the City of Lakewood; thence generally easterly, northerly, easterly, southerly and easterly on said city boundary to an angle point therein in the northerly line of Carson Street (at the San Gabriel River); thence easterly on said northerly line 100 feet, more or less, to the easterly boundary of the City of Long Beach (in the San Gabriel River); thence generally southeasterly along the boundary of the City of Long Beach to the easterly boundary of the County of Los Angeles; thence southerly along said boundary to the southerly extension of the center line of Atlantic Avenue (in the Pacific Ocean); thence north on the center line of Atlantic Avenue and the southerly extension thereof to the

point of beginning, shall constitute the 39th Assembly District.

40. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the center lines of the intersection of Alameda Street and Olympic Boulevard; thence along the center lines of the following named streets, to wit: northwesterly on Olympic Boulevard and Ninth Street to Hill Street, northeasterly on Hill Street to Fourth Street, northwesterly on Fourth Street to Third Street, northwesterly on Third Street to Alvarado Street, southwesterly on Alvarado Street to Seventh Street, northwesterly on Seventh Street to Hoover Street, north on Hoover Street and its extension to Sixth Street, west on Sixth Street to Vermont Avenue, south on Vermont Avenue to Ninth Street, west on Ninth Street to Irolo Street, north, northeasterly, and north on Irolo Street and on Normandie Avenue to Beverly Boulevard, west on Beverly Boulevard to Western Avenue, north on Western Avenue to Melrose Avenue, west on Melrose Avenue to Gower Street, north on Gower Street to Santa Monica Boulevard, east on Santa Monica Boulevard to Normandie Avenue, south on Normandie Avenue to the Hollywood Freeway (State Highway Route 101), southeasterly on the Hollywood Freeway to the Pasadena Freeway, northeasterly on the Pasadena Freeway to the Golden State Freeway, southeasterly on the Golden State Freeway to the San Bernardino Freeway, easterly and northeasterly on the San Bernardino Freeway to Eastern Avenue, southerly on Eastern Avenue to Blanchard Street, westerly on Blanchard Street to Brannick Avenue, north on Brannick Avenue to the easterly extension of Fairmount Street, west on Fairmount Street and the easterly and westerly extensions thereof to Geraghty Avenue, south on Geraghty Avenue to Blanchard Street, west on Blanchard Street to Gage Avenue, south on Gage Avenue to Blanchard Street, northwesterly and westerly on Blanchard Street to the easterly boundary of the City of Los Angeles; thence generally southerly and westerly along said city boundary to the center line of Alameda Street; thence north along the center line of Alameda Street to the point of beginning, shall constitute the 40th Assembly District.

41. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Van Nuys Boulevard and Sherman Way; thence along the center line of the following named streets, to wit: west on Sherman Way to White Oak Avenue, north on White Oak Avenue to Saticoy Street, west on Saticoy Street to Lindley Avenue, north on Lindley Avenue to Roscoe Boulevard, east on Roscoe Boulevard to Balboa Boulevard, north on Balboa Boulevard to Rinaldi Street, west on Rinaldi Street to Hesperia Avenue, northerly on Hesperia Avenue to the northwesterly boundary of the City of Los Angeles (as it existed on March 1, 1961) in Aliso Canyon; thence northwesterly along said city boundary to the grant boundary of the Rancho Ex Mission de San

Fernando common with the northerly boundary of the City of Los Angeles; thence southeasterly, northeasterly and southeasterly along said common boundary to the north boundary of the City of Los Angeles in the vicinity of Grapevine Canyon; thence east, south, east, southeasterly (passing to the west and south of the U.S. Veterans Reservation) on said city boundary and continuing southerly and easterly along said city boundary to the center line of Osborne Street (Little Tujunga Road); thence southwesterly along the center line of Osborne Street to the northerly prolongation of the center line of Clybourn Avenue; thence southerly along said northerly prolongation and center line of Clybourn Avenue to its intersection with the center line of Foothill Boulevard; thence southerly along a straight line connecting the intersection of the center lines of Clybourn Avenue and Foothill Boulevard to the center line of the road on top of the easterly end of Hansen Dam at its intersection with the easterly grant boundary of the Rancho Ex Mission de San Fernando; thence southwesterly and westerly along the center line of the road on top of Hansen Dam to its intersection with the northeasterly prolongation of the center line of Osborne Place; thence southwesterly along the prolongation and center line of Osborne Place and the center line of Osborne Street to the center line of Nordhoff Street; thence westerly along the center line of Nordhoff Street to the center line of Van Nuys Boulevard; thence southerly along the center line of Van Nuys Boulevard to the point of beginning, shall constitute the 41st Assembly District.

42. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Magnolia Boulevard and Ledge Avenue; thence along the center line of the following named streets, to wit: south on Ledge Avenue to Addison Street, west on Addison Street to Riverton Avenue, south on Riverton Avenue to Morrison Street, west on Morrison Street to Vineland Avenue, north on Vineland Avenue to Morrison Street, west on Morrison Street to Lankershim Boulevard, northwesterly on Lankershim Boulevard to Chandler Boulevard, west on Chandler Boulevard to Van Nuys Boulevard, north on Van Nuys Boulevard to Nordhoff Street, east on Nordhoff Street to Osborne Street, northeasterly on Osborne Street to the road on top of Hansen Dam; thence southeasterly and northeasterly along the road on top of Hansen Dam to the easterly grant boundary of the Rancho Ex Mission de San Fernando; thence southeasterly along said grant line which coincides with parts of Clybourn Avenue, Stonehurst Avenue, Sunland Boulevard and the corporate limits common to the Cities of Burbank and Los Angeles to the center line of Magnolia Boulevard; thence westerly on the center line of Magnolia Boulevard to the point of beginning, shall constitute the 42d Assembly District.

43. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the boundary of the City of Glendale along Pennsylvania Avenue with the center line of Foothill Boulevard; thence generally southeasterly and westerly along the boundary of the City of Glendale to the intersection of said boundary with the center line of Broadway near Carr Drive; thence westerly along the center line of Broadway to the center line of Verdugo Road; thence southerly along the center line of Verdugo Road to the center line of Acacia Avenue; thence westerly along the center line of Acacia Avenue to the center line of Chevy Chase Drive; thence southerly and westerly along the center line of Chevy Chase Drive to the center line of Brand Boulevard; thence southerly along the center line of Brand Boulevard to Los Feliz Road; thence westerly along the center line of Los Feliz Road and southwesterly along the center line of Los Feliz Boulevard to the center line of Interstate Freeway Route 5 (Golden State Freeway); thence southerly along the center line of Interstate Freeway Route 5 to the center line of Glendale Boulevard; thence southwesterly along the center line of Glendale Boulevard, southerly along the center line of Hyperion Avenue and westerly along the center line of Fountain Avenue to the center line of Sunset Boulevard; thence northwesterly and westerly along the center line of Sunset Boulevard to the center line of Normandie Avenue; thence southerly along the center line of Normandie Avenue to the center line of Santa Monica Boulevard; thence westerly along the center line of Santa Monica Boulevard to Gower Street; thence northerly along the center line of Gower Street to the center line of Franklin Avenue; thence easterly along the center line of Franklin Avenue to Beachwood Drive; thence northerly along the center line of Beachwood Drive to the south line of Section 35, Township 1 North, Range 14 West, S. B. B. & M.; thence west on the south line, north on the west line and east on the north line, all of said Section 35 in said township and range, to the westerly boundary of the Rancho de Los Felis, thence northerly and northeasterly along said rancho boundary to the southeasterly extension of the center line of Main Street; thence northwesterly along the extension of and the center line of Main Street to the center line of Olive Avenue; thence northeasterly along the center line of Olive Avenue to the center line of Interstate Freeway Route 5; thence northwesterly along the center line of Interstate Freeway Route 5 to the southwesterly prolongation of the center line of Walnut Avenue; thence northeasterly along the center line of Walnut Avenue and its southwesterly and northeasterly prolongations to its intersection with boundary of the Cities of Burbank and Glendale as it existed on April 30, 1961; thence northwesterly along said boundary to its intersection with the south boundary of the City of Los Angeles as it existed on April 30, 1961; thence easterly and northerly along the boundary of the Cities

of Los Angeles and Glendale to the center line of Foothill Boulevard; thence southeasterly along the center line of Foothill Boulevard to the point of beginning, shall constitute the 43rd Assembly District

44. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Atlantic Avenue and Anaheim Street; thence east along the center line of Anaheim Street to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of the right of way of the Pacific Electric Railway; thence northwesterly along the center line of said railway right of way to the center line of Atlantic Avenue; thence along the center lines of the following named streets, to wit: north on Atlantic Avenue to Bixby Road, east on Bixby Road to Cherry Avenue, north on Cherry Avenue to Carson Street, east on Carson Street to the boundary of the City of Lakewood (as it existed on April 30, 1961); thence generally easterly, northerly, easterly, southerly and easterly on said city boundary to an angle point therein in the northerly line of Carson Street (at the San Gabriel River); thence easterly on said northerly line 100 feet more or less to the easterly boundary of the City of Long Beach; thence northerly on said boundary (in the San Gabriel River) to the center line of South Street; thence easterly on said center line to the center line of the San Gabriel River; thence northerly along the center line of said river to the south boundary of the City of Bellflower and the easterly extension thereof (at Artesia Boulevard); thence generally westerly on said city boundary and its easterly extension to the center line of Downey Avenue; thence north on the center line of Downey Avenue to the center line of 70th Street; thence west on 70th Street and the westerly extension thereof to the center line of Orange Avenue; thence north on the center line of Orange Avenue to the center line of 72nd Street; thence west on the center line of 72nd Street and the westerly extension thereof to the boundary of the City of Long Beach; thence southerly on said city boundary to the center line of Greenleaf Drive and the easterly extension thereof; thence west on the center line of Greenleaf Drive and its easterly extension to the city boundary of the City of Compton near Compton College; thence south on last said city boundary to the center line of Artesia Boulevard; thence west on the center line of Artesia Boulevard to the center line of Avalon Boulevard; thence southerly on the center line of Avalon Boulevard to the boundary of the City of Los Angeles, near Avalon Boulevard and the Atchison, Topeka and Santa Fe Railway, as the same existed April 30, 1961; thence east, southwesterly, easterly and southeasterly along said city boundary to a point in the Dominguez Channel; thence southeasterly from said point along the southeasterly extension of said boundary of the City of Los Angeles to a point on said city boundary at Anaheim Street; thence generally southwesterly and southerly on last said city

boundary passing to the west of Long Beach Harbor to the boundary of the County of Los Angeles (in the Pacific Ocean); thence generally easterly along said county boundary to the center line of Atlantic Avenue and the southerly extension thereof; thence north on the center line of Atlantic Avenue and its southerly extension to the point of beginning, shall constitute the 44th Assembly District.

45. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of State Highway Route 164 (Rosemead Boulevard) and State Highway Route 212 (Valley Boulevard); thence along the center lines of the following named city streets or State Highway Routes, to wit: east along State Highway Route 212 (Valley Boulevard) to Temple City Boulevard and Ellis Lane, northeasterly along Temple City Boulevard and Ellis Lane to Lower Azusa Road, easterly on Lower Azusa Road to El Monte Avenue, northerly on El Monte Avenue to Live Oak Avenue (near the southerly boundary of the City of Arcadia), westerly on Live Oak Avenue to Baldwin Avenue, northerly on Baldwin Avenue to Las Tunas Drive, southwesterly, westerly and again southwesterly on Las Tunas Drive and Main Street to Atlantic Boulevard, south on Atlantic Boulevard; thence to Garvey Avenue, westerly on Garvey Avenue to its intersection with the north line of Section 29, T. 1 S., R. 12 W., S. B. B. & M.; thence west along said section line to the center line of the San Bernardino Freeway (Interstate Highway Route 10); thence southwesterly along the center line of said freeway to the center line of Eastern Avenue; thence along the center lines of the following named streets, to wit: southerly on Eastern Avenue to Blanchard Street, westerly on Blanchard Street to Brannick Avenue, north on Brannick Avenue to the easterly extension of Fairmount Street, west on Fairmount Street and the easterly and westerly extensions thereof to Geraghty Avenue, south on Geraghty Avenue to Blanchard Street, west on Blanchard Street to Gage Avenue, south on Gage Avenue to Blanchard Street, northwesterly and westerly on Blanchard Street to the easterly boundary of the City of Los Angeles; thence south along said city boundary (in and near Indiana Street) to the center line of the Santa Ana Freeway (Interstate Highway Route 5); thence easterly and southeasterly along the center line of said freeway to the southwesterly extension of the center line of Kern Avenue; thence northeasterly along the center line of Kern Avenue and its southwesterly extension to the center line of Third Street; thence east along the center lines of Third Street and Pomona Boulevard to the northwest corner of the City of Montebello; thence easterly, southeasterly, northeasterly, easterly, and southeasterly along last said city boundary and its various courses, as it existed on April 30, 1961, to the center line of Lincoln Avenue; thence northeasterly on said center line to the center line of San Gabriel Boulevard; thence southeasterly

and easterly on said center line to the center line of the Rio Hondo; thence generally northerly along the Rio Hondo to the center line of Rosemead Boulevard (State Highway Route 164); thence northwesterly and north along the center line of Rosemead Boulevard to the point of beginning, shall constitute the 45th Assembly District.

46. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the boundary line of the City of Los Angeles as it existed on June 1, 1965 with the shoreline of the Pacific Ocean near Palos Verdes Shoreline Park; thence northeasterly along the boundary of the City of Los Angeles to its angle point northeasterly of 25th Street; thence along a prolongation of the boundary of the City of Los Angeles westerly from said angle point to its intersection with the center line of Palos Verdes Drive south; thence generally northerly along the center line of Palos Verdes Drive south, Palos Verdes Drive east and Narbonne Avenue to the center line of State Route 1 (Pacific Coast Highway); thence westerly along the center line of State Route 1 to the center line of Atkinson Avenue; thence northerly along the center line of Atkinson Avenue and Crenshaw Boulevard to the northerly boundary of the City of Lomita at or near a westerly prolongation of 240th Street; thence easterly along the boundary of the City of Lomita to the center line of Arlington Avenue (Narbonne Avenue); thence northerly along the center line of Arlington Avenue to the center line of El Prado Avenue; thence northeasterly along the center line of El Prado Avenue and its northeasterly prolongation to the center line of Torrance Boulevard; thence westerly along the center line of Torrance Boulevard to the center line of Hawthorne Avenue; thence northerly along the center line of Hawthorne Avenue to the center line of 190th Street; thence west on 190th Street to the boundary of the City of Redondo Beach at Dominguez Park; thence southerly on said city boundary to the center line of Beryl Street; thence on the center lines of the following named streets, to wit: southwesterly on Beryl Street to Flagler Lane, northerly on Flagler Lane to Artesia Boulevard, west on Artesia Boulevard to Aviation Way, north on Aviation Way and on Aviation Boulevard to Robinson Street, east on Robinson Street to Aviation Boulevard, north on Aviation Boulevard to Imperial Highway, west on Imperial Highway to Sepulveda Boulevard, northerly on Sepulveda Boulevard to the boundary of the City of Los Angeles, as the same existed on April 30, 1961; thence southwesterly on last said city boundary to a point on said boundary near Playa Del Rey; thence continuing northwesterly along said city boundary and the northwesterly extension thereof to the center line of Washington Street; thence northeasterly on the center line of Washington Street to the center line of Del Avenue; thence northwesterly on the center line of Del Avenue to the center line of Venice Boulevard; thence southwest-

erly on the center line of Venice Boulevard and the southwesterly extension thereof to the shoreline of the Pacific Ocean; thence generally southeasterly along said shoreline to the point of beginning, shall constitute the 46th Assembly District.

47. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point of intersection of the westerly boundary of the City of Arcadia with the center line of Huntington Drive; thence northerly along said city boundary to an angle point therein at the southeast corner of the intersection of Foothill Boulevard and Michillinda Avenue; thence northerly to an angle point in said city boundary at the northeast corner of said intersection; thence northerly along said city boundary to the boundary of the City of Sierra Madre as it existed on June 1, 1965; thence northerly and easterly along said boundary of the City of Sierra Madre to a point common to said city, the City of Arcadia and the County of Los Angeles at the southeast corner of Section 9, T. 1 N., R. 11 W., S. B. B. & M.; thence westerly along section lines to the southwest corner of the southeast ¼ of said Section 7, T. 1 N., R. 11 W.; thence north along quarter section lines to the north line of said Section 7; thence west along the north lines of said Section 7 and of Section 12, T. 1 N., R. 12 W., S.B.B. & M. to the southeast corner of Section 2, T. 1 N., R. 12 W., S.B.B. & M.; thence west along the south line of said Section 2 to the southeast corner of the southwest ¼ of said Section 2; thence north and west along the lines of said southwest ¼ to the west line of said Section 2; thence north along said west line to the township line between Township 1 North, and Township 2 North, S.B.B. & M.; thence west along said township line to the westerly boundary of the City of Pasadena as same existed on April 30, 1961; thence in a generally northwesterly direction along the west boundary of the City of Pasadena to the north line of Section 25, T. 2 N., R. 13 W., S. B. B. & M.; thence west along the north lines of Sections 25 and 26, last said township and range, to the northeast corner of the northwest ¼ of the northwest ¼ of said Section 26; thence south and west along the lines of said northwest ¼ of the northwest ¼ to the west line of said Section 26; thence north along the east lines of Sections 27 and 22, last said township and range, to the northeast corner of said Section 22; thence west along the north lines of Sections 22 and 21, last said township and range, to the northeast boundary of the City of Glendale; thence generally southerly and southeasterly on said city boundary to a point of common boundary of the Cities of Los Angeles, Pasadena and Glendale; thence southerly along the westerly boundary of the City of Pasadena to the center line of the Colorado Freeway; thence along the center lines of streets and highways as follows: easterly along the Colorado Freeway to Arroyo Boulevard, southerly on Arroyo Boulevard to California Boulevard, easterly on California Boulevard to Marengo Avenue,

southerly and southeasterly on Marengo Avenue to the boundary of the City of San Marino (at Los Robles Avenue); thence generally easterly, northerly, easterly and southerly along said city boundary to the center line of Huntington Drive; thence easterly along said center line to the point of beginning, shall constitute the 47th Assembly District.

48. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of Atlantic Boulevard and Garvey Avenue; thence westerly along the center line of Garvey Avenue to its intersection with the north line of Section 29, T. 1 S., R. 12 W., S. B. B. & M.; thence west along said section line to the center line of the San Bernardino Freeway; thence along the center lines of the following named streets, to wit: southwesterly along the San Bernardino Freeway to the Golden State Freeway, northwesterly along the Golden State Freeway to the Pasadena Freeway, southwesterly along the Pasadena Freeway to the Hollywood Freeway, northwesterly along the Hollywood Freeway to Normandie Avenue, north along Normandie Avenue to Sunset Boulevard, east and southeast on Sunset Boulevard to Fountain Avenue, east on Fountain Avenue to Hyperion Avenue, northeasterly on Hyperion Avenue to Glendale Boulevard; thence in a northeasterly direction along the center line of Glendale Boulevard to the southerly boundary of the City of Glendale near the Southern Pacific Railroad; thence southeasterly, northeasterly and northwesterly along said boundary and its various courses to the southerly boundary of the Forest Lawn Memorial Park; thence southeasterly, northeasterly and southeasterly along said Park boundary to the westerly extension of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the center line of said road and the westerly extension thereof, to the center line of Verdugo Road; thence northerly along the center line of Verdugo Road to the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and easterly along last said City boundary to the center line of Huntington Drive; thence along the center lines of the following streets, to wit: southerly along Huntington Drive to Main Street, east, southeast and east, along Main Street to Curtis Avenue, north on Curtis Avenue to Woodward Avenue, northeast along Woodward Avenue to Garfield Avenue, southeast on Garfield Avenue to Main Street, southwest on Main Street to Atlantic Boulevard, south along Atlantic Boulevard to the point of beginning, shall constitute the 48th Assembly District.

49. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the boundary of the Cities of Monrovia and Arcadia with Duarte Road near 5th Avenue; thence northerly along said boundary of the City of Arcadia to

a point of common boundary with the City of Sierra Madre and the County of Los Angeles at the southeast corner of Section 9, T. 1 N., R. 11 W., S. B. B. & M.; thence westerly along section lines to the southwest corner of the SE ¼ of said section 7, T. 1 N., R. 11 W.; thence north along quarter section lines to the north line of said section 7; thence west along the north lines of said Section 7 and of Section 12, T. 1 N., R. 12 W., S. B. B. & M., to the southeast corner of Section 2, T. 1 N., R. 12 W., S. B. B. & M.; thence west along the south line of said section 2 to the southeast corner of the SW ¼ of said Section 2; thence north and west along the lines of said SW ¼ to the west line of said Section 2; thence north along said west line to the township line between T. 1 N., & T. 2 N., S. B. B. & M.; thence west along said township line to the westerly boundary of the City of Pasadena as same existed on April 30, 1961; thence meandering in a general northwesterly and northerly direction along said westerly city boundary to its most northerly intersection with the center line of State Highway Route 61 (Angeles Crest Highway); thence in a general northeasterly direction along said State Highway Route 61 to the center line of Angeles Forest Highway (Forest Highway 59); thence northwesterly and northeasterly along said Angeles Forest Highway to the township line between T. 3 N., and T. 4 N., S. B. B. & M.; thence east along said township line to the easterly boundary of the County of Los Angeles; thence generally southerly and westerly along said county boundary to the center line of the Southern Pacific Railroad right of way near 1st Street in the City of Pomona; thence westerly along the center line of the Southern Pacific Railroad right of way to the northerly prolongation of Hansen Avenue from 5th Avenue; thence southerly along the prolongation of the center line of Hansen Avenue and along the center line of Hansen Avenue to Phillips Boulevard; thence westerly along Phillips Boulevard to the northerly prolongation of the boundary of the City of Pomona as it existed June 1, 1965, near Hansen Avenue; thence southerly along said northerly prolongation to the boundary of the City of Pomona; thence generally northwesterly and southwesterly along the boundary of the City of Pomona as it existed on January 1, 1965, to the center line of Valley Boulevard about one-half mile northeast of the intersection of Valley Boulevard with La Puente Road; thence southwesterly along the center line of Valley Boulevard to the south prolongation of the westerly boundary of the City of Walnut as it existed January 1, 1965, near Water Street; thence generally northwesterly along the boundary of the City of Walnut to an intersection with the easterly prolongation of Amar Road; thence westerly along said prolongation and the center line of Amar Road to the center line of Echelon Avenue; thence northerly along the center line of Echelon Avenue and Walnut Avenue to Alwood Street; thence westerly along the center line of Alwood Street to Hacienda Boulevard; thence northeasterly along the center

line of Hacienda Boulevard to the southeasterly prolongation of the northeasterly boundary of the City of La Puente with West Covina near Lucille Street; thence northwesterly, southwesterly and northeasterly along said boundary of the City of West Covina as it ex sted on June 1, 1965, to its intersection with the center line of Interstate Route 10 (San Bernardino Freeway) near Merced Avenue; thence easterly along the center line of Interstate Route 10 to Azusa Avenue and continuing along the center lines of the following named streets or State Highway Routes, to wit: north on Azusa Avenue to the westerly prolongation of Covina Boulevard, east on Covina Boulevard and its prolongation to Valley Center Avenue, north on Valley Center Avenue and its north prolongation to State Highway Route 66 (Alosta Avenue), west on said State Highway Route 66 (Alosta Avenue and Foothill Boulevard) to Fish Canyon Road, north along Fish Canyon Road to Royal Oaks Drive, northeasterly and easterly along Royal Oaks Drive to Melcanyon Road, north on Melcanyon Road to the northerly line of Rancho Azusa; thence westerly along the northerly line of Rancho Azusa to the intersection with the boundary of the City of Duarte as it existed on April 30, 1961; thence generally southerly and westerly along said city boundary to the center line of Huntington Drive; thence west along the center line of Huntington Drive to the center line of Sawpit Wash; thence southerly along Sawpit Wash to the easterly prolongation of the southerly boundary of the City of Monrovia, near Hurstview Avenue, as same existed on April 30, 1961; thence west along said boundary of the City of Monrovia and its easterly prolongation thereof and meandering in a general southwesterly, westerly, northerly, and westerly direction to an angle point therein on the easterly side of Peck Road northerly of El Norte Street; thence westerly in a direct line to an angle point in said boundary of the City of Monrovia on the westerly side of Peck Road; thence generally westerly along said city boundary to the point of beginning, shall constitute the 49th Assembly District.

50. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the boundary of West Covina as it existed June 1, 1965, with the center line of Interstate Route 10 (San Bernardino Freeway) near Merced Avenue; thence westerly along the center line of the San Bernardino Freeway to the center line of Big Dalton Wash; thence southwesterly along the center line of Big Dalton Wash to its intersection with the center line of Walnut Creek near Francisquito Avenue; thence meandering in a southwesterly direction along the center line of Walnut Creek to the center line of Valley Boulevard, near the San Gabriel River; thence northwesterly along the center line of Valley Boulevard to the center line of Garvey Avenue; thence west along the center line of Garvey Avenue to the center line of Rio Hondo; thence southerly along the center line of Rio Hondo to the center line of

Washington Boulevard; thence southeasterly along the center line of Washington Boulevard to the center line of the San Gabriel River; thence northeasterly along the center line of the San Gabriel River to the center line of Whittier Boulevard; thence southeasterly along the center line of Whittier Boulevard to the center line of Redman Avenue; thence northeasterly along the center line of Redman Avenue to the center line of Orange Drive; thence southeasterly along the center line of Orange Drive to the center line of Norwalk Boulevard; thence northeasterly along the center line of Norwalk Boulevard to the center line of Workman Mill Road; thence northerly along the center line of Workman Mill Road to the northerly boundary of the City of Whittier as it existed June 1, 1965; thence northerly, easterly and southerly along said boundary of the City of Whittier to the center line of Catalina Avenue at Mar Vista Street; thence southwesterly along the center line of Catalina Avenue to the center line of Whittier Boulevard; thence southeasterly along the center line of Whittier Boulevard to the boundary of the County of Los Angeles; thence northerly and easterly along said boundary of the County of Los Angeles to the center line of the Southern Pacific Railroad right of way near 1st Street in the City of Pomona; thence westerly along the center line of the Southern Pacific Railroad right of way to the northerly prolongation of Hansen Avenue from 5th Avenue; thence southerly along the prolongation of the center line of Hansen Avenue and along the center line of Hansen Avenue to Phillips Boulevard; thence westerly along Phillips Boulevard to the northerly prolongation of the boundary of the City of Pomona as it existed June 1, 1965, near Hansen Avenue; thence southerly along said northerly prolongation to the boundary of the City of Pomona; thence generally northwesterly and southwesterly along the boundary of the City of Pomona as it existed on January 1, 1965, to the center line of Valley Boulevard about one-half mile northeast of the intersection of Valley Boulevard with La Puente Road; thence southwesterly along the center line of Valley Boulevard to the south prolongation of the westerly boundary of the City of Walnut as it existed January 1, 1965, near Water Street; thence generally northwesterly along the boundary of the City of Walnut to an intersection with the easterly prolongation of Amar Road; thence westerly along said prolongation and the center line of Amar Road to the center line of Echelon Avenue; thence northerly along the center line of Echelon Avenue and Walnut Avenue to Alwood Street; thence westerly along the center line of Alwood Street to Hacienda Boulevard; thence northeasterly along the center line of Hacienda Boulevard to the southeasterly prolongation of the northeasterly boundary of the City of La Puente with West Covina near Lucille Street; thence northwesterly, southwesterly and northeasterly along said boundary of the City of West Covina as it existed on June 1, 1965, to the point of beginning, shall constitute the 50th Assembly District.

51. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Norwalk Boulevard and Lakeland Road in the City of Norwalk; thence west along the center line of Lakeland Road to the center line of Pioneer Boulevard; thence south along the center line of Pioneer Boulevard to the center line of Imperial Highway; thence west on Imperial Highway to the center line of Studebaker Road; thence north on Studebaker Road to the easterly extension of Leeds Street; thence west on said extension and center line and its westerly extension to the center of the San Gabriel River; thence northerly along the center of the San Gabriel River to the center line of the Santa Ana Freeway (U.S. Route 101 and Interstate Route 5); thence northwesterly along the center line of the Santa Ana Freeway to the center line of the Pacific Electric Railway right of way near Slauson Avenue; thence westerly along the center line of the Pacific Electric Railway right of way to the center line of the Los Angeles River; thence northwesterly along the center line of the Los Angeles River to the center line of Atlantic Avenue; thence northeasterly along the center line of Atlantic Avenue to the center line of State Route 7 (Long Beach Freeway); thence northerly along the center line of State Highway Route 7 to the center line of the Santa Ana Freeway (U.S. Route 101 and Interstate Route 5); thence southeasterly along the center line of the Santa Ana Freeway to the intersection of the southwesterly extension of the center line of Kern Avenue; thence northeasterly along the center line of Kern Avenue and its southwesterly extension to the center line of Third Street; thence east along the center lines of Third Street and Pomona Boulevard to the northwest corner of the City of Montebello; thence easterly, southeasterly, northeasterly, easterly, and southeasterly along last said city boundary and its various courses, as it existed on April 30, 1961, to the center line of Lincoln Avenue; thence northeasterly on said center line to the center line of San Gabriel Boulevard; thence southeasterly on the center line of San Gabriel Boulevard to the center line of Rio Hondo; thence southerly along the center line of Rio Hondo to the center line of Washington Boulevard; thence southeasterly along the center line of Washington Boulevard to the center line of the San Gabriel River; thence northeasterly along the center line of San Gabriel River to the center line of Whittier Boulevard; thence southeasterly along the center line of Whittier Boulevard to the center line of Redman Avenue; thence northeasterly along the center line of Redman Avenue to the center line of Orange Drive; thence southeasterly along the center line of Orange Drive to the center line of Norwalk Boulevard; thence northeasterly along the center line of Norwalk Boulevard to the center line of Workman Mill Road; thence northerly along the center line of Workman Mill Road to the northerly boundary of the City of Whittier as it existed June 1, 1965; thence

northerly, easterly and southerly along said boundary of the City of Whittier to the center line of Catalina Avenue at Mar Vista Street; thence southwesterly along the center line of Catalina Avenue to the center line of Whittier Boulevard; thence southeasterly along the center line of Whittier Boulevard to the center line of Gunn Avenue; thence southwesterly along the center line of Gunn Avenue to the center line of Mulberry Drive; thence northwesterly along the center line of Mulberry Drive to the center line of the Pacific Electric Railway right of way west of Painter Avenue; thence westerly along the center line of the Pacific Electric Railway right of way to the center line of Santa Fe Springs Road; thence southwesterly along the center line of the Santa Fe Springs Road to the center line of the Atchison, Topeka and Santa Fe Railway right of way; thence southerly along said railway right of way to the center line of Telegraph Road; thence west along the center line of Telegraph Road to the center line of Norwalk Boulevard; thence south along the center line of Norwalk Boulevard to the point of beginning, shall constitute the 51st Assembly District.

52 All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Atlantic Avenue and Century Boulevard; thence southeasterly on the center line of Century Boulevard to the intersection of the center lines of Century Boulevard and Check Avenue near the Long Beach Freeway; thence on a line from said intersection southeasterly to the northwesterly corner of the City of Paramount; thence southeasterly and southerly on the boundary of said city to Century Boulevard; thence southeasterly on Century Boulevard to Paramount Boulevard; thence south on Paramount Boulevard to the boundary of the City of South Gate; thence southeasterly and northerly on said city boundary to the center line of Gardendale Street; thence along the center lines of the following named streets or state highways, to wit: westerly on Gardendale Street to Paramount Boulevard, northeasterly on Paramount Boulevard to Stewart and Gray Road, southeasterly on Stewart and Gray Road to Downey Avenue, northeasterly on Downey Avenue and its northeasterly prolongation to the Santa Ana Freeway (Interstate Route 5), northwesterly on the Santa Ana Freeway to the center line of the Pacific Electric Railway right of way near Slauson Avenue; thence westerly along the center line of the Pacific Electric Railway right of way to the center line of the Los Angeles River; thence northwesterly along the center line of the Los Angeles River to the center line of Atlantic Avenue; thence northeasterly along the center line of Atlantic Avenue to the center line of State Route 7 (Long Beach Freeway); thence northerly along the center line of State Highway Route 7 to the center line of the Santa Ana Freeway (U. S. Route 101 and Interstate Route 5); thence northwesterly and westerly along the center line of the Santa Ana

Freeway to the easterly boundary of the City of Los Angeles at the intersection of Indiana Street and the Santa Ana Freeway; thence generally southerly and westerly on said Los Angeles City boundary to the center line of Alameda Street; thence northerly along the center line of Alameda Street to the center line of the Pacific Electric Railway right of way north of 25th Street; thence westerly along the center line of the Pacific Electric Railway right of way to the center line of the Pacific Electric Railway right of way situated between Long Beach Avenue East and Long Beach Avenue West; thence southerly along the center line of the Pacific Electric Railway right of way to the center line of Florence Avenue; thence easterly along the center line of Florence Avenue to the center line of Alameda Street; thence southerly on the center line of Alameda Street to Tweedy Boulevard; thence southeasterly along the center line of Tweedy Boulevard to Atlantic Avenue; thence southerly and southwesterly along the center line of Atlantic Avenue to the point of beginning, shall constitute the 52nd Assembly District.

53. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Manchester Avenue and Central Avenue; thence along the center lines of the following named avenues, streets and boulevards, to wit: westerly on Manchester Avenue to Hoover Street; northerly on Hoover Street to Santa Barbara Avenue, westerly on Santa Barbara Avenue to Vermont Avenue, northerly on Vermont Avenue to Pico Boulevard, east and southeasterly on Pico Boulevard to Union Avenue, northeasterly on Union Avenue to Olympic Boulevard, southeasterly on Olympic Boulevard to Hill Street, northeasterly on Hill Street to Ninth Street, southeasterly on Ninth Street and Olympic Boulevard to Alameda Street; thence southerly along the center line of Alameda Street to the center line of the Pacific Electric Railway right of way north of 25th Street; thence westerly along the center line of the Pacific Electric Railway right of way to the center line of the Pacific Electric Railway right of way situated between Long Beach Avenue East and Long Beach Avenue West; thence southerly along the center line of the Pacific Electric Railway right of way to the center line of Nadeau Street; thence westerly along the center line of Nadeau Street to the center line of Central Avenue; thence southerly along the center line of Central Avenue to the point of beginning, shall constitute the 53d Assembly District.

54. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of the Golden State Freeway with the center line of Glendale Boulevard; thence in a northerly and northeasterly direction along the center line of Glendale Boulevard to the southerly boundary of the City of Glendale near the Southern Pacific Railroad;

thence southeasterly, northeasterly, and northwesterly along said boundary and its various courses to the southerly boundary of the Forest Lawn Memorial Park; thence southeasterly, northeasterly and southeasterly along said Park boundary to the westerly extension of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the center line of said road and the westerly extension thereof, to the center line of Verdugo Road; thence northerly along the center line of Verdugo Road to the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and easterly along last said city boundary to the center line of Huntington Drive; thence along the center lines of the following streets, to wit: southerly along Huntington Drive to Main Street, east, southeast, and east, along Main Street to Curtis Avenue, north along Curtis Avenue to Woodward Avenue, northeast along Woodward Avenue to Garfield Avenue, southeast on Garfield Avenue to Main Street, northeast and easterly on Main Street and Las Tunas Drive to Baldwin Avenue, southerly on Baldwin Avenue to Live Oak Avenue, easterly on Live Oak Avenue to the easterly boundary of the City of Arcadia (at Santa Anita Wash); thence generally northeasterly, westerly and northerly along the boundary of the City of Arcadia to a point of common boundary with the City of Sierra Madre and the County of Los Angeles at the southeast corner of Section 9, T. 1 N., R. 11 W., S. B. B. & M.; thence southerly and westerly along the westerly and northerly boundary of the City of Arcadia to an angle point in said city boundary at the northeast corner of the intersection of Foothill Boulevard and Michillinda Avenue; thence southerly to an angle point in said city boundary at the southeast corner of said intersection; thence southerly along said city boundary (on Michillinda Avenue) to the center line of Huntington Drive; thence westerly on said center line to the boundary of the City of San Marino; thence generally northerly, westerly, southerly and westerly on said city boundary to the intersection of Los Robles Avenue and Marengo Avenue; thence along center lines of streets as follows: northwesterly and northerly on Marengo Avenue to California Boulevard, westerly on California Boulevard to Arroyo Boulevard, northerly on Arroyo Boulevard to the Colorado Freeway, westerly on the Colorado Freeway to the west boundary of the City of Pasadena; thence northerly on said city boundary to the boundary of the City of Glendale; thence westerly and southwesterly on said city boundary to the center line of Broadway; thence along center lines of streets as follows: northwesterly and westerly on Broadway to Verdugo Road, southerly on Verdugo Road to Acacia Avenue, westerly on Acacia Avenue to Chevy Chase Drive, southerly and westerly on Chevy Chase Drive to Brand Boulevard, southerly on Brand Boulevard to Los Feliz Road, westerly and southwest-

erly on Los Feliz Road and Los Feliz Boulevard to the Golden State Freeway, southeasterly on the Golden State Freeway to the point of beginning, shall constitute the 54th Assembly District.

55. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Rosecrans Avenue and the Harbor Freeway (State Route 11); thence northerly on the center line of the Harbor Freeway to the center line of El Segundo Boulevard; thence westerly along the center line of El Segundo Boulevard to the center line of Hoover Street; thence northerly along the center line of Hoover Street to the center line of Manchester Avenue; thence easterly along the center line of Manchester Avenue to Central Avenue; thence northerly along the center line of Central Avenue to the center line of Nadeau Street; thence easterly along the center line of Nadeau Street to the center line of the Pacific Electric Railway right of way west of Graham Avenue; thence northerly along the center line of the Pacific Electric Railway right of way to the center line of Florence Avenue; thence along the center lines of the following named streets, to wit: east on Florence Avenue to Alameda Street, southerly on Alameda Street to Tweedy Boulevard, southeasterly on Tweedy Boulevard to Atlantic Avenue, south and southwesterly on Atlantic Avenue to Imperial Highway, westerly on Imperial Highway to Alameda Street, southerly on Alameda Street to Rosecrans Avenue, west on Rosecrans Avenue to the point of beginning, shall constitute the 55th Assembly District.

56. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of La Brea Avenue and Jefferson Boulevard; thence along the center lines of the following named streets, to wit: east on Jefferson Boulevard to Crenshaw Boulevard, south on Crenshaw Boulevard to Exposition Boulevard, southeasterly and east on Exposition Boulevard to Vermont Avenue, north on Vermont Avenue to Pico Boulevard, east and southeasterly on Pico Boulevard to Union Avenue, northeasterly on Union Avenue to Olympic Boulevard, southeasterly on Olympic Boulevard to Hill Street, northeasterly on Hill Street to Fourth Street, northwesterly on Fourth Street to Third Street, northwesterly on Third Street to Alvarado Street, southwesterly on Alvarado Street to Seventh Street, northwesterly on Seventh Street to Hoover Street, north on Hoover Street and its extension to Sixth Street, west on Sixth Street to Vermont Avenue, south on Vermont Avenue to Ninth Street, west on Ninth Street to Irolo Street, north, northeasterly, and north on Irolo Street and on Normandie Avenue to Beverly Boulevard, west on Beverly Boulevard to Western Avenue, north on Western Avenue to Melrose Avenue, west on Melrose Avenue to Gower Street, north on Gower Street to the Hollywood Freeway (State Highway Route 101), northwesterly on the Hollywood

Freeway to Franklin Avenue, west on Franklin Avenue to Highland Avenue, southwesterly on Highland Avenue to Franklin Avenue, westerly on Franklin Avenue to La Brea Avenue, southerly on La Brea Avenue to San Vicente Boulevard, southeasterly on San Vicente Boulevard to the intersection of Pico Boulevard and San Vicente Boulevard; thence on a line from said intersection southeasterly to the center line intersection of West Boulevard and Venice Boulevard; thence from last said intersection southeasterly on the center line of Venice Boulevard to the center line of Crenshaw Boulevard; thence along the center lines of the following named streets, to wit: southwesterly on Crenshaw Boulevard to Adams Boulevard, west on Adams Boulevard to La Brea Avenue, southwesterly on La Brea Avenue to the point of beginning, shall constitute the 56th Assembly District.

57. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Van Nuys Boulevard and Oxnard Street; thence west along the center line of Oxnard Street to the center line of Sepulveda Boulevard; thence south along the center line of Sepulveda Boulevard to the center line of Magnolia Boulevard; thence west on Magnolia Boulevard to the center line of White Oak Avenue; thence along the center lines of the following named streets, and highway routes, to wit: south on White Oak Avenue to Ventura Boulevard, northwest on Ventura Boulevard to Wilbur Avenue, north on Wilbur Avenue to the Ventura Freeway (U.S. Route 101); thence westerly and southwesterly on said Ventura Freeway to the west line of Section 21, T. 1 N., R. 17 W., S. B. B. & M.; thence north along the west line of Sections 21 and 16 of said township and range to the north boundary of the County of Los Angeles; thence west and southwest along the boundary of the County of Los Angeles to the north line of Section 8, T. 1 S., R. 19 W., S. B. B. & M.; thence easterly along section lines to the northeast corner of Section 11, last said township and range; thence southerly along section lines to the northwest corner of Section 13, last said township and range; thence easterly and southerly along the north and east lines of said section to the northwest corner of Section 19, T. 1 S., R. 18 W., S. B. B. & M.; thence easterly along section lines to the westerly boundary of the City of Los Angeles at the most westerly corner of the Rancho San Vicente y Santa Monica; thence northeasterly, easterly and southeasterly along the boundary of said Rancho San Vicente y Santa Monica to the easterly corner of said Rancho approximately due west of the southeast corner of Section 10, T. 1 S., R. 15 W., S. B. B. & M.; thence northeasterly in a direct line to the intersection of the center lines of Angelo Drive and Hillgrove Drive; thence easterly along the center line of Hillgrove Drive to the center line of Benedict Canyon Drive; thence southeasterly on last said center line to the boundary of the City of Beverly Hills; thence northerly, easterly, northerly and easterly on said city

boundary to the center line of Summitridge Drive; thence meandering in a general northerly direction on said center line to the south line of Section 2, T. 1 S., R. 15 W., S. B. B. & M.; thence west on said south line to the southwest corner of the southeast ¼ of said Section 2; thence north on ¼ section lines to the north line of said Section 2; thence east on section lines to the center line of Coldwater Canyon Drive; thence northeasterly on said center line to the center line of Eden Drive; thence southeasterly on last said center line to the easterly boundary of Tract No. 21031 (M.B. 607-29 to 31); thence northerly on said boundary to the north line of Section 1, said T. 1 S., R. 15 W.; thence east on section lines to the northerly prolongation of the westerly boundary of Tract No. 15007 (M.B. 392-45 to 49); thence southerly on said prolongation and westerly boundary, and southerly on the easterly boundary of Tract No. 17931 (M.B. 654-40 to 42) to the boundary of the City of Beverly Hills, as same existed on April 30, 1961; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Doheny Road; thence along the center lines of the following named streets and State Highway Routes, to wit: east on Doheny Road to Sunset Boulevard, east and northeasterly on Sunset Boulevard to Laurel Canyon Boulevard, northerly on Laurel Canyon Boulevard to Hollywood Boulevard, easterly on Hollywood Boulevard to La Brea Avenue, northwesterly on La Brea Avenue to Franklin Avenue, easterly on Franklin Avenue to Highland Avenue, northeasterly on Highland Avenue to Franklin Avenue, east on Franklin Avenue to the Hollywood Freeway (U.S. 101), southeasterly on the Hollywood Freeway to Gower Street, north on Gower Street to Franklin Avenue, easterly on Franklin Avenue to Beachwood Drive, northerly on Beachwood Drive to the south line of section 35, T. 1 N., R. 14 W., S. B. B. & M.; thence west on the south line, north on the west line and east on the north line, all of said section 35 in said township and range, to the westerly boundary of the Rancho de Los Felis, thence northerly and northeasterly along last said Rancho boundary to the southeasterly extension of Main Street, thence along the center lines of the following named streets, to wit: northwesterly on Main Street and the southeasterly extension thereof to Oak Street, southwesterly on Oak Street to Pass Avenue, northwesterly on Pass Avenue to Clark Avenue, southwesterly on Clark Avenue to Addison Street, west on Addison Street to Riverton Avenue, south on Riverton Avenue to Morrison Street, west on Morrison Street to Vineland Avenue, north on Vineland Avenue to Morrison Street, west on Morrison Street to Lankershim Boulevard, northwesterly on Lankershim Boulevard to Chandler Boulevard, west on Chandler Boulevard to Van Nuys Boulevard, north along Van Nuys Boulevard to the point of beginning, shall constitute the 57th Assembly District.

58. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the point of intersection of the center lines of the San Bernardino Freeway (State Highway Route 26) and Azusa Avenue; thence along the following named streets or State highway routes, to wit: north on Azusa Avenue to the westerly prolongation of Covina Boulevard, east on Covina Boulevard and its prolongation to Valley Center Avenue, north on Valley Center Avenue and its north prolongation to State Highway Route 9 (U.S. 66, Alosta Avenue), west on said State Highway Route 9 (Alosta Avenue and Foothill Boulevard) to Fish Canyon Road, north along Fish Canyon Road to Royal Oaks Drive, northeasterly and easterly along Royal Oaks Drive to Melcanyon Road, north on Melcanyon Road to the northerly line of Rancho Azusa; thence westerly along the northerly line of Rancho Azusa to the intersection with the boundary of the City of Duarte as it existed on April 30, 1961; thence generally southerly and westerly along said city boundary to the center line of Huntington Drive; thence west along the center line of Huntington Drive to the center line of Sawpit Wash; thence southerly along Sawpit Wash to the easterly prolongation of the southerly boundary of the City of Monrovia, near Hurstview Avenue, as same existed on April 30, 1961; thence west along said boundary of City of Monrovia and its easterly prolongation thereof and meandering in a general southwesterly, westerly, northerly, and westerly direction to an angle point therein on the easterly side of Peck Road northerly of El Norte Street; thence westerly in a direct line to an angle point in said boundary of the City of Monrovia on the westerly side of Peck Road; thence westerly and southwesterly along said city boundary to the easterly boundary of the City of Arcadia, as same existed on April 30, 1961; thence southwesterly along the easterly boundary of the City of Arcadia to the center line of Live Oak Avenue; thence along the center lines of the following named streets or State highway routes, to wit: westerly along Live Oak Avenue to El Monte Avenue, southerly along El Monte Avenue to Lower Azusa Road, southwesterly along Lower Azusa Road to Ellis Lane, southwesterly along Ellis Lane and Temple City Boulevard to Valley Boulevard, west along Valley Boulevard to State Highway Route 168 (Rosemead Boulevard), southerly along said State Highway Route 168 to the center line of the Rio Hondo; thence southwesterly along the center line of the Rio Hondo to the center line of Garvey Avenue; thence easterly along the center line of Garvey Avenue to the center line of Valley Boulevard; thence southeasterly along the centerline of Valley Boulevard to the center line of Walnut Creek (near the San Gabriel River); thence meandering in a northeasterly direction along the center line of Walnut Creek to its intersection with Big Dalton Wash near Francisquito Avenue; thence northeasterly along Big Dalton Wash to the center line of the San Bernardino Free-

way (State Highway Route 26); thence easterly along said State Highway Route 26 to the point of beginning, shall constitute the 58th Assembly District.

59. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of Washington Boulevard and the southeast boundary of the City of Santa Monica near Dewey Street; thence northeast along said boundary to the center line of Bundy Drive (Centinela Avenue); thence along the center lines of the following named streets, to wit: northwesterly on Bundy Drive to Ocean Park Boulevard, southwest on Ocean Park Boulevard to Centinela Avenue, northwesterly on Centinela Avenue to Olympic Boulevard, northeasterly on Olympic Boulevard to Prosser Avenue, southeasterly on Prosser Avenue to Pico Boulevard, northeasterly on Pico Boulevard to the southeasterly extension of the southwesterly boundary of the City of Beverly Hills; thence northwesterly along last said extension and boundary, passing through a point on the south line of Section 11, T. 1 S., R. 15 W., S. B. B. & M., near Benedict Canyon Drive and continuing along last said city boundary in a general easterly and northerly direction along last said city boundary to the center line of Summitridge Drive; thence meandering in a general northerly direction on said center line to the south line of Section 2, T. 1 S., R. 15 W., S. B. B. & M.; thence west on said south line to the southwest corner of the SE ¼ of said Section 2; thence north on ¼ section lines to the north line of said Section 2; thence east on section lines to the center line of Coldwater Canyon Drive; thence northeasterly on said center line to the center line of Eden Drive; thence southeasterly on last said center line to the easterly boundary of Tract No. 21031 (M.B. 607-29 to 31); thence northerly on said boundary to the north line of Section 1, said T. 1 S., R. 15 W.; thence east on section lines to the northerly prolongation of the westerly boundary of Tract No. 15007 (M.B. 392-45 to 49); thence southerly on said prolongation and westerly boundary, and southerly on the easterly boundary of Tract No. 17931 (M.B. 654-40 to 42) to the boundary of the City of Beverly Hills as same existed on April 30, 1961; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Doheny Road; thence along the center lines of the following named streets, to wit: east on Doheny Road to Sunset Boulevard, east and northeasterly on Sunset Boulevard to Laurel Canyon Boulevard, northerly on Laurel Canyon Boulevard to Hollywood Boulevard, easterly on Hollywood Boulevard to La Brea Avenue, southerly on La Brea Avenue to Melrose Avenue, westerly and southwesterly on Melrose Avenue to La Cienega Boulevard, southerly on La Cienega Boulevard to San Vicente Boulevard; thence southeasterly on San Vicente Boulevard to Carrillo Drive, southwesterly on Carrillo Drive, Olympic Boulevard and Crescent Heights Boulevard to Guthrie Ave-

nue, northwesterly on Guthrie Avenue to La Cienega Boulevard, southerly on La Cienega Boulevard to Beverlywood Street, northwesterly on Beverlywood Street to its terminus approximately 150 feet northwesterly of Cardiff Avenue; thence northerly, parallel with Cardiff Avenue, to the easterly extension of Beverlywood Street; thence westerly along said easterly extension and westerly and southwesterly along the center line of Beverlywood Street to the center line of Beverwil Drive; thence northerly along the center line of Beverwil Drive to the center line of Sawyer Street; thence westerly along the center line of Sawyer Street and the westerly extension thereof to the easterly boundary of Hillcrest Country Club; thence southerly and southwesterly along the easterly and southeasterly boundary of the Hillcrest Country Club and continuing southwesterly along the southeasterly boundary of the Rancho Park to the center line of Lorenzo Drive, last said boundary being approximately coincident with Lorenzo Place; thence along the center lines of the following named streets, to wit: southeasterly on Lorenzo Drive to Motor Avenue, southwesterly, southerly, and southeasterly on Motor Avenue to Venice Boulevard, southwesterly on Venice Boulevard to Washington Boulevard, northwesterly on Washington Boulevard to the point of beginning, shall constitute the 59th Assembly District.

60. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the northwesterly boundary of the County of Los Angeles with the north line of Section 8, Township 1 South, Range 19 West, S. B. B. & M.; thence easterly along section lines to the northeast corner of Section 11, last said township and range; thence southerly along section lines to the northwest corner of Section 13, last said township and range; thence easterly and southerly along the north and east lines of said Section to the northwest corner of Section 19, T. 1 S., R. 18 W., S. B. B. & M.; thence easterly along section lines to the westerly boundary of the City of Los Angeles at the most westerly corner of the Rancho San Vicente y Santa Monica; thence northeasterly, easterly and southeasterly along the boundaries of said Rancho San Vicente y Santa Monica to the easterly corner of said Rancho near Brown Canyon and approximately due west of the southeast corner of Section 10, T. 1 S., R. 15 W., S. B. B. & M.; thence northeasterly in a direct line to the intersection of the center lines of Angelo Drive and Hillgrove Drive; thence easterly along the center line of Hillgrove Drive to the center line of Benedict Canyon Drive; thence southeasterly on last said center line to the boundary of the City of Beverly Hills; thence meandering in a southerly and southeasterly direction along said city boundary and the southeasterly extension thereof to the center line of Pico Boulevard; thence along the center lines of the following named streets, to wit: southwesterly on Pico Boulevard to Prosser Avenue, northwesterly on Prosser Avenue to Olympic Boule-

vard, southwesterly on Olympic Boulevard to Centinela Avenue, southeasterly on Centinela Avenue to Ocean Park Boulevard, northeast on Ocean Park Boulevard to Bundy Drive, southeasterly on Bundy Drive to the southeast boundary of the City of Santa Monica, near Dewey Street; thence southwest along last said city boundary to the center line of Washington Boulevard; thence southeasterly and southwesterly along the center line of Washington Boulevard to the center line of Main Street; thence southeasterly along the center line of Main Street and the southeasterly prolongation thereof to the center line of Mildred Avenue; thence east on the center line of Mildred Avenue to the center line of Alberta Avenue; thence southeast along the center line of Alberta Avenue to the center line of Venice Boulevard; thence southwesterly on the center line of Venice Boulevard and the southwesterly extension thereof, to the boundary of the County of Los Angeles (in the Pacific Ocean); thence in a general northwesterly, northerly and northeasterly direction along the boundary of said county to the point of beginning, shall constitute the 60th Assembly District.

61. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Venice Boulevard and Washington Boulevard; thence northwesterly along the center line of Washington Boulevard to the center line of Main Street; thence southeasterly along the center line of Main Street and the southeasterly prolongation thereof to the center line of Mildred Avenue; thence easterly on the center line of Mildred Avenue to the center line of Alberta Avenue; thence southeast along the center line of Alberta Avenue to the center line of Venice Boulevard; thence northeasterly along the center line of Venice Boulevard to the center line of Dell Avenue; thence southeasterly on the center line of Dell Avenue to the center line of Washington Street; thence southwesterly on the center line of Washington Street to the northwesterly extension of the City boundary of the City of Los Angeles as same existed on April 30, 1961; thence southeasterly along said City boundary and its northwesterly extension to a point on said City boundary near Playa Del Rey; thence continuing northeasterly on said City boundary to the center line of Sepulveda Boulevard; thence northerly on the center line of Sepulveda Boulevard to the center line of the San Diego Freeway (State Highway Route 158); thence northwesterly on the center line of the said San Diego Freeway to the easterly boundary of Culver City near Baldwin Hills as the same existed on April 30, 1961; thence generally northeasterly on said City boundary to the southerly intersection of the boundary of Culver City and the center line of La Cienega Boulevard; thence easterly on said southerly boundary of Culver City and the easterly prolongation thereof to the boundary of the City of Los Angeles near Baldwin Hills Reser-

voir as the same existed on April 30, 1961; thence southerly and northeasterly on said city boundary to the center line of La Brea Avenue; thence along the center lines of the following named streets, to wit: northerly on La Brea Avenue to Adams Boulevard, east on Adams Boulevard to Crenshaw Boulevard, northeasterly on Crenshaw Boulevard to Venice Boulevard, northwesterly on Venice Boulevard to the intersection of West Boulevard and Venice Boulevard; thence on a line from said intersection northwesterly to the intersection of the center lines of Pico Boulevard and San Vicente Boulevard; thence northwesterly from last said intersection on the center line of San Vicente Boulevard to the center line of La Brea Avenue; thence following along the center lines of the following named streets, to wit: northerly on La Brea Avenue to Melrose Avenue, westerly and southwesterly on Melrose Avenue to La Cienega Boulevard, southerly on La Cienega Boulevard to San Vicente Boulevard, southeasterly on San Vicente Boulevard to Carrillo Drive, southwesterly on Carrillo Drive, Olympic Boulevard, and Crescent Heights Boulevard to Guthrie Avenue, northwesterly on Guthrie Avenue to La Cienega Boulevard, southerly on La Cienega Boulevard to Beverlywood Street, northwesterly on Beverlywood Street to its terminus approximately 150 feet northwesterly of Cardiff Avenue; thence northerly, parallel to Cardiff Avenue, to the easterly extension of Beverlywood Street; then westerly along said easterly extension and westerly and southwesterly along the center line of Beverlywood Street to the center line of Beverwil Drive; thence northerly along the center line of Beverwil Drive to the center line of Sawyer Street; thence westerly along the center line of Sawyer Street and the westerly extension thereof to the easterly boundary of the Hillcrest Country Club; thence southerly and southwesterly along the easterly and southeasterly boundary of the Hillcrest Country Club and continuing southwesterly along the southeasterly boundary of the Rancho Park to the center line of Lorenzo Drive, last said boundary being coincident with Lorenzo Place; thence along the center lines of the following named streets, to wit: southeasterly on Lorenzo Drive to Motor Avenue, southwesterly, southerly and southeasterly on Motor Avenue to Venice Boulevard, southwesterly on Venice Boulevard to the point of beginning, shall constitute the 61st Assembly District.

62. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the most northwesterly corner of the County of Los Angeles; thence southeasterly along the western boundary of said county to the westerly extension of the south line of Section 14, T. 3 N., R. 17 W., S. B. B. & M.; thence easterly along said westerly extension and the south line of Sections 14 and 13 of said township and range to the range line between Range 17 West and Range 16 West; thence north along said range line to the north line of Section 19, T. 3 N., R. 16 W.,

S. B. B. & M.; thence east along the north line of Sections 19, 20, 21, 22, 23, and 24 of last said township and range to the center line of State Highway Route 14; thence southeasterly on the center line of State Highway Route 14 to the northerly boundary of the City of Los Angeles (as it existed on March 1, 1961); thence generally southeasterly, east, south, east, southeasterly and southwesterly along said city boundary to the center line of Osborne Street (Little Tujunga Road); thence southwesterly along the center line of Osborne Street to the northerly prolongation of the center line of Clybourn Avenue; thence southerly along said northerly prolongation and center line of Clybourn Avenue to its intersection with the center line of Foothill Boulevard; thence southerly along a straight line connecting the intersection of the center lines of Clybourn Avenue and Foothill Boulevard to the center line of the road on top of the easterly end of Hansen Dam at its intersection with the easterly grant boundary of the Rancho Ex Mission de San Fernando; thence southeasterly along said grant line which coincides with parts of Clybourn Avenue, Stonehurst Avenue, Sunland Boulevard and the corporate limits common to the Cities of Burbank and Los Angeles to the center line of Magnolia Boulevard; thence along the center line of the following named streets, to wit: westerly on Magnolia Boulevard to Ledge Avenue, south on Ledge Avenue to Addison Street, east on Addison Street to Clark Avenue, northeasterly on Clark Avenue to Pass Avenue, southeasterly on Pass Avenue to Oak Street, northeasterly on Oak Street to Main Street, northeasterly on Main Street and Victory Boulevard to Olive Avenue, northeasterly on Olive Avenue to the Golden State Freeway (Interstate Route 5), northwesterly on the Golden State Freeway to the southwesterly prolongation of Walnut Avenue; thence northeasterly on the center line of Walnut Avenue and its southwesterly and northeasterly prolongations to its intersection with the westerly boundary of the City of Glendale; thence northwesterly, easterly and northerly along said city boundary to the center line of Foothill Boulevard west of Lowell Avenue; thence southeasterly along the center line of Foothill Boulevard to the easterly boundary of the City of Glendale near Pennsylvania Avenue; thence northerly along said city boundary to the north line of Section 21, T. 2 N., R 13 W., S. B. B. & M.; thence easterly along the north section lines of Sections 21 and 22 to the northeast corner of Section 22; thence south along the east line of Sections 22 and 27 of said township and range to the southwest corner of the NW ¼, of the NW ¼ of Section 26 in said township and range; thence east and north along the boundaries of said NW ¼ of the NW ¼ to the north line of said Section 26; thence east along last said north line of Sections 26 and 25 of said township and range to the westerly boundary of the City of Pasadena as the same existed April 30, 1961; thence north along said westerly city boundary to its most northerly intersection with the center line of State Highway Route 2 (Angeles Crest Highway); thence

in a general northeasterly direction along said State Highway Route 2 to the center line of Angeles Forest Highway (Forest Highway 59); thence northwesterly and in a general northeasterly direction along said Angeles Forest Highway to the township line between T. 3 N. and T. 4 N, S. B. B. & M.; thence east along said township line to the easterly boundary of the County of Los Angeles; thence northerly along said county boundary to the northern boundary of the County of Los Angeles; thence west along said county boundary to the point of beginning, shall constitute the 62d Assembly District.

63. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of La Brea Avenue and Jefferson Boulevard; thence along the center lines of the following named streets or state highways, to wit: east on Jefferson Boulevard to Crenshaw Boulevard, south on Crenshaw Boulevard to Exposition Boulevard, southeasterly and east on Exposition Boulevard to Normandie Avenue, south on Normandie Avenue to Manchester Avenue, west on Manchester Avenue to Van Ness Avenue, north on Van Ness Avenue to 76th Street, west on 76th Street to 8th Avenue, south on 8th Avenue to 79th Street, west on 79th Street to Victoria Avenue, north on Victoria Avenue to 74th Street, west on 74th Street and its west prolongation to the south prolongation of West Boulevard, north on the south prolongation of West Boulevard to Florence Avenue, west and southwesterly on Florence Avenue to San Diego Freeway (State Highway Route 405), southerly on San Diego Freeway to Imperial Highway, west on Imperial Highway to Sepulveda Boulevard, north on Sepulveda Boulevard to the San Diego Freeway (State Highway Route 405), northwesterly on said San Diego Freeway to the easterly boundary of Culver City, near Baldwin Hills, as the same existed on April 30, 1961; thence generally northeasterly on said city boundary to the southerly intersection of the boundary of Culver City and the center line of La Cienega Boulevard; thence easterly on said southerly boundary of Culver City and the easterly prolongation thereof to the boundary of the City of Los Angeles, near Baldwin Hills Reservoir, as the same existed on April 30, 1961; thence southerly and northeasterly on said city boundary to the center line of La Brea Avenue; thence northerly on the center line of La Brea Avenue to the point of beginning, shall constitute the 63rd Assembly District.

64. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Oxnard and Van Nuys Boulevard; thence along the center line of the following named streets, to wit: north on Van Nuys Boulevard to Sherman Way, west on Sherman Way to White Oak Avenue, north on White Oak Avenue to Saticoy Street, west on Saticoy Street to Lindley Avenue, north on Lindley Avenue to Roscoe Boulevard, east on Roscoe Boulevard to Balboa Boulevard,

north on Balboa Boulevard to Rinaldi Street, west on Rinaldi Street to Hesperia Avenue, northerly on Hesperia Avenue to the northwesterly boundary of the City of Los Angeles in Aliso Canyon; thence northwesterly along said city boundary to the grant boundary of the Rancho Ex Mission de San Fernando common with the northerly boundary of the City of Los Angeles; thence southeasterly and northeasterly along last said boundary to the center line of State Highway Route 23 (U.S. Route 6); thence along the center line of State Highway Route 23 to the north line of Section 24, T. 3 N., R. 16 W., S. B. B & M; thence west along said section line and the north line of Sections 23, 22, 21, 20, and 19 of said township and range to the range line between Range 16 West and Range 17 West; thence south along said range line to the south line of Section 13, T. 3 N., R 17 W., S. B B. & M.; thence westerly along the south line of Sections 13 and 14 of said township and range and the westerly extension thereof to the western boundary of the County of Los Angeles; thence in a southeasterly, west, south and west direction along said county boundary to the west line of Section 16, T. 1 N., R. 17 W., S. B. B. & M; thence south along said section line and the west line of Section 21 in said township and range to the center line of the Ventura Freeway (U.S. Route 101); thence northeasterly along the center line of said freeway to the center line of Wilbur Avenue; thence south along the center line of Wilbur Avenue to Ventura Boulevard; thence southeasterly along the center line of Ventura Boulevard to the center line of White Oak Avenue; thence north on the center line of White Oak Avenue to the center line of Magnolia Boulevard; thence northeasterly on the center line of Magnolia Boulevard to the center line of Sepulveda Boulevard; thence north on the center line of Sepulveda Boulevard to the center line of Oxnard Street; thence east on the center line of Oxnard Street to the point of beginning, shall constitute the 64th Assembly District.

65. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of El Segundo Boulevard and Hoover Street; thence along the center lines of the following named streets or State Highway Routes, to wit: north on Hoover Street to Santa Barbara Avenue, west on Santa Barbara Avenue to Vermont Avenue, north on Vermont Avenue to Exposition Boulevard, west on Exposition Boulevard to Normandie Avenue, south on Normandie Avenue to Manchester Avenue, west on Manchester Avenue to Van Ness Avenue, north on Van Ness Avenue to 76th Street, west on 76th Street to 8th Avenue, south on 8th Avenue to 79th Street, west on 79th Street to Victoria Avenue, north on Victoria Avenue to 74th Street, west on 74th Street and its west prolongation to the south prolongation of West Boulevard, north on the south prolongation of West Boulevard to Florence Avenue, west and southwesterly on Florence Avenue to the

San Diego Freeway (State Highway Route 405), southerly on the San Diego Freeway to Imperial Highway, west on Imperial Highway to Aviation Boulevard, south on Aviation Boulevard to El Segundo Boulevard, east on El Segundo Boulevard to the point of beginning, shall constitute the 65th Assembly District.

66. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the easterly boundary of the County of Los Angeles with the northerly boundary of the City of Long Beach as it existed on April 30, 1961 (Northerly of Fullerton Road also known as Wardlow Road); thence generally westerly and northerly on the boundary of said city to the center line of South Street; thence easterly on said center line to the center of the San Gabriel River; thence northerly along the center of the San Gabriel River to its intersection with the westerly extension of Leeds Street; thence easterly on said extension and center line and its easterly extension to the center line of Studebaker Road; thence southerly on said center line to the center line of Imperial Highway; thence easterly on said center line to the center line of Pioneer Boulevard; thence northerly along said center line to the center line of Lakeland Road; thence easterly on said center line to the center line of Norwalk Boulevard; thence north on said center line to the center line of Telegraph Road; thence east on Telegraph Road to the center line of the Atchison, Topeka and Santa Fe Railway right of way; thence northerly along said railway right of way to the center line of Santa Fe Springs Road; thence northeasterly along the center line of Santa Fe Springs Road to the center line of the Pacific Electric Railway right of way; thence easterly along the center line of the Pacific Electric Railway right of way to the center line of Mulberry Drive; thence southeasterly along the center line of Mulberry Drive to Gunn Road; thence northeasterly along the center line of Gunn Road to the center line of Whittier Boulevard; thence southeasterly along the center line of Whittier Boulevard to the boundary of the County of Los Angeles; thence southerly and westerly along said boundary of the County of Los Angeles to the point of beginning, shall constitute the 66th Assembly District.

67. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Torrance Boulevard and Hawthorne Avenue; thence north on Hawthorne Avenue to the center line of 190th Street; thence west on 190th Street to the boundary of the City of Redondo Beach at Dominguez Park; thence southerly on said city boundary to the center line of Beryl Street; thence on the center lines of the following named streets or State highway, to wit: southwesterly on Beryl Street to Flagler Lane, northerly on Flagler Lane to Redondo Beach Boulevard, west on Redondo Beach

Boulevard to Aviation Way. North on Aviation Way to Robinson Street to Aviation Way, North on Aviation Way to El Segundo Boulevard, east on El Segundo Boulevard to the Harbor Freeway (State Route 11), south on the Harbor Freeway to Rosecrans Avenue, east on Rosecrans Avenue to Central Avenue, southerly on Central Avenue to Artesia Boulevard, west on Artesia Boulevard to Avalon Boulevard, south on Avalon Boulevard to Victoria Street, west and southwesterly on Victoria Street to 190th Street, west on 190th Street to Western Avenue, south on Western Avenue to Torrance Boulevard, westerly on Torrance Boulevard to the point of beginning, shall constitute the 67th Assembly District.

68. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Western Avenue and Torrance Boulevard; thence on the center lines of the following named streets, to wit: north on Western Avenue to 190th Street, east on 190th Street to Victoria Street, northeasterly and east on Victoria Street to Avalon Boulevard, southerly on Avalon Boulevard to the boundary of the City of Los Angeles, near Avalon Boulevard and the Atchison, Topeka, and Santa Fe Railway, as the same existed April 30, 1961; thence east, southwesterly, easterly and southeasterly along said city boundary to a point in the Dominguez Channel; thence southeasterly from said point along the southeasterly extension of said boundary of the City of Los Angeles to a point on said city boundary at Anaheim Street; thence generally southwesterly and southerly on last said city boundary passing to the west of Long Beach Harbor to the boundary of the County of Los Angeles (in the Pacific Ocean); thence generally westerly along said county boundary to its intersection with the southwesterly prolongation of the boundary of the City of Los Angeles as it existed June 1, 1965 near Palos Verdes Shoreline Park; thence northeasterly along said prolongation and boundary of the City of Los Angeles to its angle point northeasterly of 25th Street; thence along a prolongation of the boundary of the City of Los Angeles westerly of said angle point to its intersection with the center line of Palos Verdes Drive South; thence generally northerly along the center line of Palos Verdes Drive South, Palos Verdes Drive East and Narbonne Avenue to the center line of State Route 1 (Pacific Coast Highway); thence westerly along the center line of State Route 1 to the center line of Atkinson Avenue; thence northerly along the center line of Atkinson Avenue and Crenshaw Boulevard to the northerly boundary of the City of Lomita at or near a westerly prolongation of 240th Street; thence easterly along the boundary of the City of Lomita to the center line of Arlington Avenue (Narbonne Avenue); thence northerly along the center line of Arlington Avenue to the center line of El Prado Avenue; thence northeasterly along the center line of El Prado Avenue and its northeasterly prolongation to the center line of Torrance

Boulevard; thence northeasterly along the center line of Torrance Boulevard to the point of beginning; including the Islands of Santa Catalina and San Clemente; shall constitute the 68th Assembly District.

69. All that portion of the County of Orange bounded and described as follows:

Beginning at the intersection of the center line of Interstate Freeway Route 5 (Santa Ana Freeway) and the center line of Orangewood Avenue in the City of Anaheim; thence northwesterly along the center line of said Interstate Freeway Route 5 to the center line of Euclid Street; thence northerly along the center line of Euclid Street to the southerly boundary of the City of Fullerton as it existed on June 1, 1965, at State Highway Route 91 (Riverside Freeway); thence westerly along said boundary line to the southerly prolongation of the center line of Basque Avenue; thence northerly along the southerly prolongation of and the center line of Basque Avenue to the center line of Valencia Drive; thence easterly along the center line of Valencia Drive to the center line of Highland Avenue; thence northerly along the center line of Highland Avenue to the center line of Brookdale Place; thence westerly along the center line of Brookdale Place to the center line of Richman Avenue; thence northerly along the center line of Richman Avenue to the center line of Valley View Drive; thence westerly along the center line of Valley View Drive (including its easterly extension from Fern Drive to Euclid Street) to the center line of Bastanchury Road; thence southwesterly along the center line of Bastanchury Road to the center line of Malvern Avenue; thence westerly along the center line of Malvern Avenue to the boundary of the Cities of Buena Park and Fullerton at the prolongation of Magnolia Avenue; thence southerly and westerly along said city boundary to its intersection with the center line of the Atchison, Topeka and Santa Fe Railway right of way; thence northwesterly along the center line of the Atchison, Topeka and Santa Fe Railway right of way to its intersection with the boundary of Orange County with Los Angeles County at Western Avenue; thence southerly and westerly along said Orange County boundary to its intersection with the center line of Katella Avenue; thence easterly along the center line of Katella Avenue to its intersection with the easterly boundary of the City of Los Alamitos easterly of Walker Street; thence southerly, easterly and westerly along said city boundary as it existed on June 1, 1965 to its point of common boundary with the City of Garden Grove near Santa Catalina Avenue and Bartlett Street; thence southerly along the westerly boundary of the City of Garden Grove to its intersection with the northerly prolongation of the center line of Bolsa Chica Road at Interstate Freeway Route 405 (San Diego Freeway); thence southerly along the prolongation and center line of Bolsa Chica Road to the center line of Edinger Avenue; thence easterly along the center line of Edinger Avenue to the center

line of the Southern Pacific Railroad right of way about 0.1 mile east of Gothard Street; thence northerly along the center line of the Southern Pacific Railroad right of way to the westerly prolongation of the center line of Hazard Avenue; thence easterly along the prolongation and center line of Hazard Avenue, including its westerly prolongation from Beach Boulevard to Cedarwood Avenue, to the center line of Magnolia Street (Cannery Street); thence northerly along the center line of Magnolia Street to the center line of Trask Avenue; thence easterly along the center line of Trask Avenue to the center line of Gilbert Street; thence northerly along the center line of Gilbert Street to the center line of Katella Avenue; thence easterly along the center line of Katella Avenue to the center line of Euclid Street; thence southerly along the center line of Euclid Street to the center line of Orangewood Avenue; thence easterly along the center line of Orangewood Avenue to the point of beginning, shall constitute the 69th Assembly District.

70. All that portion of the County of Orange bounded and described as follows:

Beginning at the intersection of the center lines of Orangewood Avenue and Haster Street in the City of Anaheim; thence southerly along the center line of Haster Street to the center line of Garden Grove Boulevard; thence easterly along the center line of Garden Grove Boulevard to the center line of the Santa Ana River channel; thence southwesterly along the center line of the Santa Ana River Channel to the center line of 17th Street; thence easterly along the center line of 17th Street to the center line of Main Street; thence southerly along the center line of Main Street to the center line of Warner Avenue; thence easterly along the center line of Warner Avenue to the center line of State Route 55 (Newport Avenue); thence southwesterly along the center line of State Route 55 to the intersection of 20th Street; thence southeasterly along the center line of 20th Street to the intersection of Irvine Avenue; thence southwesterly along the center line of Irvine Avenue to the intersection of 16th Street; thence northwesterly along the center line of 16th Street to the intersection of Tustin Avenue; thence southwesterly along the center line of Tustin Avenue to the intersection of 15th Street; thence northwesterly along the center line of 15th Street to the intersection of State Route 55; thence northeasterly along the center line of State Route 55 to the intersection of Industrial Way; thence northwesterly along the center line of Industrial Way to the intersection of Superior Avenue; thence westerly along the center line of 16th Street to the intersection of Whittier Avenue; thence northerly along the center line of Whittier Avenue to the intersection of 19th Street; thence westerly along the prolongation of the center line of 19th Street to the center line of the Santa Ana River Channel; thence southerly along the center line of the Santa Ana River Channel to the shoreline of the Pacific Ocean at Newport

Beach; thence meandering along the shoreline of the Pacific Ocean (without excluding piers, bays and inlets) in a northwesterly direction to its intersection with the Orange County boundary near the San Gabriel River; thence northeasterly along the Orange County boundary to its intersection with the center line of Katella Avenue; thence easterly along the center line of Katella Avenue to its intersection with the easterly boundary of the City of Los Alamitos easterly of Walker Street; thence southerly, easterly and westerly along said city boundary as it existed on June 1, 1965 to its point of common boundary with the City of Garden Grove near Santa Catalina Avenue and Bartlett Street; thence southerly along the westerly boundary of the City of Garden Grove to its intersection with the northerly prolongation of the center line of Bolsa Chica Road at Interstate Freeway Route 405 (San Diego Freeway); thence southerly along the prolongation and center line of Bolsa Chica Road to the center line of Edinger Avenue; thence easterly along the center line of Edinger Avenue to the center line of the Southern Pacific Railroad right of way about 0.1 mile east of Gothard Street; thence northerly along the center line of the Southern Pacific Railroad right of way to the westerly prolongation of the center line of Hazard Avenue; thence easterly along the prolongation and center line of Hazard Avenue, including its westerly prolongation from Beach Boulevard to Cedarwood Avenue, to the center line of Magnolia Street (Cannery Street); thence northerly along the center line of Magnolia Street to the center line of Trask Avenue; thence easterly along the center line of Trask Avenue to the center line of Gilbert Street; thence northerly along the center line of Gilbert Street to the center line of Katella Avenue; thence easterly along the center line of Katella Avenue to the center line of Euclid Street; thence southerly along the center line of Euclid Street to the center line of Orangewood Avenue; thence easterly along the center line of Orangewood Avenue to the point of beginning, shall constitute the 70th Assembly District.

71. All that portion of the County of Orange bounded and described as follows:

Beginning at the intersection of the center lines of Crescent Avenue and Euclid Street in the City of Anaheim; thence southerly along the center line of Euclid Street to the center line of Interstate Freeway Route 5 (Santa Ana Freeway); thence southeasterly along the center line of Interstate Freeway Route 5 to the center line of Orangewood Avenue; thence westerly along the center line of Orangewood Avenue to the center line of Haster Street; thence southerly along the center line of Haster Street to the center line of Garden Grove Boulevard; thence easterly along the center line of Garden Grove Boulevard to the center line of the Santa Ana River channel; thence southwesterly along the center line of the Santa Ana River Channel to the center line of 17th Street; thence easterly along the center line of 17th Street to the center line of Main

Street; thence southerly along the center line of Main Street to the center line of Warner Avenue; thence easterly along the center line of Warner Avenue to the center line of State Route 55 (Newport Avenue); thence southwesterly along the center line of State Route 55 to the intersection of 20th Street; thence southeasterly along the center line of 20th Street to the intersection of Irvine Avenue; thence southwesterly along the center line of Irvine Avenue to the intersection of 16th Street; thence northwesterly along the center line of 16th Street to the intersection of Tustin Avenue; thence southwesterly along the center line of Tustin Avenue to the intersection of 15th Street; thence northwesterly along the center line of 15th Street to the intersection of State Route 55; thence northeasterly along the center line of State Route 55 to the intersection of Industrial Way; thence northwesterly along the center line of Industrial Way to the intersection of Superior Avenue; thence westerly along the center line of 16th Street to the intersection of Whittier Avenue; thence northerly along the center line of Whittier Avenue to the intersection of 19th Street; thence westerly along the prolongation of the center line of 19th Street to the center line of the Santa Ana River Channel; thence southerly along the center line of the Santa Ana River Channel to the shoreline of the Pacific Ocean at Newport Beach; thence meandering along the shoreline of the Pacific Ocean (without excluding islands, piers, bays and inlets) in a southeasterly direction to the boundary of Orange County with San Diego County; thence northerly, easterly and westerly along said boundary of the County of Orange to its intersection with the center line of the Santa Ana River Channel; thence westerly along the center line of the Santa Ana River Channel to the center line of State Highway Route 91 (Riverside Freeway); thence westerly along the center line of State Highway Route 91 to the center line of Raymond Avenue; thence southerly along the center line of Raymond Avenue to the center line of Sycamore Street; thence westerly along the center line of Sycamore Street to the center line of Harbor Boulevard; thence northerly along the center line of Harbor Boulevard to the center line of North Street; thence westerly along the center line of North Street to the center line of Loara Street; thence southerly along the center line of Loara Street to the center line of Crescent Avenue; thence westerly along the center line of Crescent Avenue to the point of beginning, shall constitute the 71st Assembly District.

72. All that portion of the County of San Bernardino within the following described boundaries:

Beginning at the point of intersection of the center line of 7th Street and the San Bernardino County-Riverside County Boundary near Crestmore; thence northeasterly along the center line of 7th Street to the center line of Locust Avenue; thence northerly along the center line of Locust Avenue to the center line of the San Bernardino Freeway (Route 10); thence westerly along the center line of the San Bernardino Freeway

to the center line of Archibald Avenue; thence northerly along the center line of Archibald Avenue to the center line of 8th Street; thence westerly along the center line of 8th Street to the center line of Grove Avenue; thence northerly along the center line of Grove Avenue to the boundary of the City of Upland as it existed on January 1, 1965; thence westerly, southerly, and westerly along the southern boundary of the City of Upland (generally following the course of the Atchison, Topeka and Santa Fe Railway, West Cucamonga Wash, San Bernardino Freeway, Benson Avenue and the westerly prolongation of Ninth Street) to the western boundary of the County of San Bernardino; thence northerly along said boundary to the point of intersection with the township line dividing T. 2 N and T. 3 N., S. B. B. & M.; thence easterly along said township line to the point of intersection with the center line of the Barstow Freeway (Route 15); thence generally southeasterly along the center line of the Barstow Freeway to the center line of Highland Avenue; thence easterly along the center line of Highland Avenue to the center line of Palm Avenue; thence southerly along the center lines of Palm Avenue and Alabama Street to the center of the Santa Ana River Wash; thence generally southwesterly along the center of the Santa Ana River Wash and the Santa Ana River to the San Bernardino County-Riverside County Boundary; thence generally westerly along said boundary back to the point of beginning, shall constitute the 72d Assembly District.

73 All that portion of the County of San Bernardino not included within the 35th Assembly District or 72d Assembly District, as fixed and defined by this section, shall constitute the 73d Assembly District

74. All that portion of the County of Riverside situated to the west and south of the following described boundary:

Beginning at the point where the Riverside County-San Bernardino County boundary is intersected by Mount Vernon Avenue; thence southerly along the center line of Mount Vernon Avenue to the center line of Pigeon Pass Road; thence southeasterly along the center line of Pigeon Pass Road to the center line of Frederick Street; thence southerly along the center line of Frederick Street to the center line of the Riverside Freeway (Route 60); thence westerly along the center line of the Riverside Freeway to the center line of the Escondido Freeway (Route 395); thence southerly along the center line of the Escondido Freeway to the center line of Alessandro Boulevard; thence westerly along the center line of Alessandro Boulevard to the center line of Trautwein Road; thence southerly and southeasterly along the center line of Trautwein Road to the western boundary of March Air Force Base; thence generally southerly and easterly along said boundary and its easterly projection to the center line of the Escondido Freeway (Route 395) near Nandina Avenue; thence southerly along the center line of said freeway to the center line of Nuevo Road; thence easterly along the center line of Nuevo Road to the cen-

ter of the San Jacinto River channel; thence generally northeasterly and easterly along the center of the San Jacinto River channel to the center line of Brownlands Bridge; thence northeasterly along the center line of Brownlands Bridge and Bridge Street to the center line of Foothills Road; thence southeasterly along the center line of Foothills Road to the township line dividing T. 3 S. and T. 4 S., S. B. B. & M.; thence easterly along the last said township line to the township line dividing R. 1 E. and R. 2 E., S. B. B. & M.; thence southerly along the last said township line to the Riverside County-San Diego County boundary, shall constitute the 74th Assembly District.

75. The County of Imperial, together with all that portion of the County of Riverside not otherwise described as constituting a portion of the 74th Assembly District, shall constitute the 75th Assembly District.

76. That portion of the County of San Diego bounded and described as follows:

Beginning at the intersection of the easterly prolongation of Loring Street in Pacific Beach with the centerline of State Highway Route 101; thence in a generally northerly direction along said State Highway to the center line of the access road leading to the railway station at Elvira; thence northeasterly along the center line of said access road to the center line of the Atchison, Topeka, and Santa Fe Railway; thence northeasterly along the center line of said railway, passing through Rose Canyon, to the intersection with the center line of Miramar Road near Linda Vista; thence northeasterly and easterly along the center line of Miramar Road to the west line of Section 8, Township 15 South, Range 2 West, S. B. B. & M.; thence north along said west line of section 8 to the northwest corner of said section 8; thence east along the north line of said section 8 to the center line of State Highway Route 395; thence north along the center line of last said State Highway to the center line of Pomerado Road; thence northeasterly along the center line of Pomerado Road to the township line between Townships 14 South and 15 South, S. B. B. & M.; thence east along said township line and the easterly prolongation thereof to the east line of Section 6, Township 15 South, Range 2 East, S. B. B. & M.; thence south along said east line of section 6 and continuing south along the east line of Sections 7, 18, 19, 30, and 31 of T. 15 S., R. 2 E., S. B. B. & M., and continuing south along the east line of Section 6, T. 16 S., R. 2 E., S. B. B. & M., to the center line of Dehesa Road; thence southwesterly along the center line of Dehesa Road to its intersection with the east-west ¼ section line through Section 12, T. 16 S., R. 1 E., S. B. B. & M.; thence west along said east-west ¼ section line and continuing west along the east-west ¼ section line through Sections 11, 10, 9, and 8 to the center line of Greenfield Drive; thence northwesterly along the center line of Greenfield Drive to the southerly boundary of the City of El Cajon south of the Immaculate Heart Seminary; thence in a generally westerly and southwesterly direction along said

boundary of the City of El Cajon, as the same existed February 1, 1961, through its several courses to Hardin Drive; thence westerly on Hardin Drive and its extension to the easterly extension of Shadow Road; thence westerly along Shadow Road to the center line of Interstate Highway Route 8; thence westerly and southwesterly along said Interstate Highway center line to the center line of La Mesa Boulevard to the center line of El Cajon Boulevard near Thorn Drive; thence westerly along the center line of El Cajon Boulevard to the westerly boundary of the City of La Mesa near Keeney Street; thence generally northwesterly along said city boundary to a point at its intersection with the southerly prolongation of Pennsylvania Avenue; thence north along the center line of Pennsylvania Avenue and its northerly and southerly prolongations to the drainage channel at the outlet of Murray Reservoir; thence northeasterly along said drainage channel to the Murray Reservoir Dam; thence northwesterly along said dam to the westerly shoreline of said reservoir; thence northerly along said shoreline to its intersection with a direct line between the northwest corner of Section 18, T. 16 S., R. 1 W., S. B. B. & M., and the intersection of the center lines of Rainier Avenue and Mission Gorge Road in Grantville; thence westerly along said direct line to its intersection with the center line of Waring Road; thence southwesterly along the center line of Waring Road to the center line of Interstate Highway Route 8; thence southwesterly along said Interstate Highway to the center line of Texas Street; thence northerly along the center line of Texas Street to the middle of the San Diego River; thence southwesterly along the middle of the San Diego River to the intersection with the center line of State Highway Route 101; thence northwesterly along the center line of said State Highway Route 101 to the point of beginning, shall constitute the 76th Assembly District.

77. All that portion of the County of San Diego bounded and described as follows:

Beginning at the point of intersection of the center line of Eberhart Street and the westerly boundary of the City of La Mesa near 69th Street; thence south along said westerly boundary of the City of La Mesa and the southerly extension thereof to the center line of State Highway Route 94 near Broadway; thence southeasterly along the center line of said State Highway Route 94 to the northerly prolongation of the center line of 69th Street; thence south along the center line of 69th Street and its northerly and southerly prolongations to the center line of Lisbon Street and the westerly prolongation thereof; thence westerly along said center line and its extension and continuing westerly on the center line of Imperial Avenue to the center line of Woodman Street; thence southerly along the center line of Woodman Street to the point of its southerly termination as the same existed January 1, 1965, south of Division Street; thence in a straight line due south to the center line of Paradise Valley Road; thence west-

erly along the center line of last said road to the boundary of the City of San Diego near the northerly prolongation of Guadalcanal Road; thence in a westerly direction through the various courses of said city boundary and the westerly extension thereof (portions of which coincide with the northerly boundary of the City of National City) to the middle of the San Diego Bay; thence southeasterly along the middle of the San Diego Bay to the intersection of the southerly boundary of the City of Coronado north of the City of Imperial Beach; thence southwesterly along said city boundary to the shoreline of the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the southwest corner of the County of San Diego; thence easterly along the southerly boundary of said county to its intersection with the east line of Section 28, T. 18 S., R. 3 E. S. B. B. & M.; thence north along said east line of section 28 and continuing north along the east line of Section 21 of said township and range to the intersection of the center line of State Highway Route 94 about 2 miles east of Barrett Junction; thence in a generally northwesterly direction passing near Barrett Junction, Engineer Springs, Jamul and Spring Valley to the intersection of the center line of Palm Avenue; thence northwesterly along the center line of Palm Avenue to the center line of La Mesa Boulevard; thence generally westerly and northwesterly along the center line of La Mesa Boulevard to the center line of El Cajon Boulevard; thence generally westerly along the center line of El Cajon Boulevard to a point on the boundary of the City of La Mesa near Keeney Street; thence west, south, west, south and west along said boundary of the City of La Mesa to the point of beginning, shall constitute the 77th Assembly District.

78. That portion of the County of San Diego bounded and described as follows:

Beginning at the point of intersection of the shoreline of the Pacific Ocean with the westerly extension of the center line of Beryl Street in Pacific Beach; thence southerly, easterly and southerly along the shoreline of the Pacific Ocean to the southerly boundary of the City of Coronado, north of the City of Imperial Beach; thence northwesterly along said city boundary to the middle of the San Diego Bay near the Otay River; thence northerly and northwesterly along the middle of the San Diego Bay, passing between Coronado and the mainland, to the southeasterly extension of the center line of Lowell Street; thence northwesterly along said extension and along the center line of Lowell Street to the center line of Rosecrans Street; thence northeasterly along the center line of Rosecrans Street to the center line of Lytton Street; thence southwesterly and westerly along the center lines of Lytton Street and Barnett Avenue to the center line of Pacific Highway; thence Southeasterly along the center line of Pacific Highway to the center line of Palm Street; thence easterly along the center line of Palm Street to the center line

of State Freeway Route 5; thence southeasterly and easterly along the center line of said freeway to the center line of Park Boulevard; thence northeasterly and northerly along the center line of Park Boulevard to the center line of Morley Field Drive; thence easterly along the center line of Morley Field Drive to the center line of Arizona Street; thence northerly along the center line of Arizona Street to the center line of University Avenue; thence easterly along the center line of University Avenue to the center line of Arizona Street; thence northerly along the center line of Arizona Street to the center line of El Cajon Boulevard; thence east and northeasterly along the center line of El Cajon Boulevard to the center line of Amherst Street; thence along the center lines of the following named streets, to wit: southeasterly along Amherst Street to 67th Street, northerly on 67th Street to Amherst Street, east on Amherst Street to 68th Street, south on 68th Street to Eberhart Street, east on Eberhart Street to a point on the westerly boundary of the City of La Mesa near 69th Street; thence continuing east, north, east, north, and again easterly along said city boundary to a point on the city boundary near El Cajon Boulevard and Keeney Street; thence generally northwesterly along said city boundary to a point at its intersection with the southerly prolongation of Pennsylvania Avenue; thence north along the center line of Pennsylvania Avenue and its northerly and southerly prolongations to the drainage channel at the outlet of Murray Reservoir; thence northeasterly along said drainage channel to the Murray Reservoir Dam; thence northwesterly along said dam to the westerly shoreline of said reservoir; thence northerly along said shoreline to its intersection with a direct line between the northwest corner of Section 18, T. 16 S., R. 1 W., S. B. B. & M., and the intersection of the center lines of Rainier Avenue and Mission Gorge Road in Grantville; thence westerly along said direct line to its intersection with the center line of Waring Road; thence southwesterly along the center line of Waring Road to the center line of Interstate Highway Route 8; thence southwesterly along said State highway to the center line of Texas Street; thence northerly along the center line of Texas Street to the middle of the San Diego River; thence southwesterly along the middle of the San Diego River to the intersection with the center line of State Highway Route 101; thence northwesterly along the center line of said State Highway Route 101 to the intersection with the easterly prolongation of the center line of Loring Street in Pacific Beach; thence westerly along the center line of Loring Street and its easterly and westerly prolongations to a point north of the intersection of the center lines of Beryl Street and Academy Drive; thence south to said intersection of the center lines of Beryl Street and Academy Drive; thence westerly along Beryl Street and its westerly extension to the point of beginning; including North Island, Coronado and the Peninsula of San Diego; shall constitute the 78th Assembly District.

79. That portion of the County of San Diego bounded and described as follows:

Beginning at the point of intersection of the westerly extension of the boundary common to the Cities of National City and San Diego with the line along the middle of the San Diego Bay; thence northwesterly along the middle of San Diego Bay, passing between Coronado and the Mainland, to the southeasterly extension of the center line of Lowell Street; thence northwesterly along said extension and along the center line of Lowell Street to the center line of Rosecrans Street; thence northeasterly along the center line of Rosecrans Street to the center line of Lytton Street; thence southwesterly and westerly along the center lines of Lytton Street and Barnett Avenue to the center line of Pacific Highway; thence southeasterly along the center line of Pacific Highway to the center line of Palm Street; thence easterly along the center line of Palm Street to the center line of State Freeway Route 5; thence southeasterly and easterly along the center line of said freeway to the center line of Park Boulevard; thence northeasterly and northerly along the center line of Park Boulevard to the center line of Morley Field Drive; thence easterly along the center line of Morley Field Drive to the center line of Arizona Street; thence northerly along the center line of Arizona Street to the center line of University Avenue; thence easterly along the center line of University Avenue to the center line of Arizona Street; thence northerly along the center line of Arizona Street to the center line of El Cajon Boulevard; thence east and northeasterly along the center line of El Cajon Boulevard to the center line of Amherst Street; thence along the center lines of the following named streets, to wit: southeasterly along Amherst Street to 67th Street, northerly on 67th Street to Amherst Street, east on Amherst Street to 68th Street, south on 68th Street to Eberhart Street, east on Eberhart Street to a point on the westerly boundary of the City of La Mesa near 69th Street; thence south along said westerly boundary of the City of La Mesa and the southerly extension thereof to the center line of State Highway Route 94 near Broadway; thence southeasterly along the center line of said State Highway Route 94 to the northerly prolongation of the center line of 69th Street; thence south along the center line of 69th Street and its northerly and southerly prolongations to the center line of Lisbon Street and the westerly prolongation thereof; thence westerly along said center line and its extension and continuing westerly on the center line of Imperial Avenue to the center line of Woodman Street; thence southerly along the center line of Woodman Street to the point of its southerly termination as the same existed January 1, 1965, south of Division Street; thence in a straight line due south to the center line of Paradise Valley Road; thence westerly along the center line of last said road to the boundary of the City of San Diego near the northerly prolongation of Guadalcanal Road; thence in a westerly direction

through various courses of said city boundary and the westerly extension thereof (portions of which coincide with the northerly boundary of the City of National City) to the point of beginning, shall constitute the 79th Assembly District.

80. All that portion of the County of San Diego not included in the 76th, 77th, 78th, and 79th Assembly Districts, as fixed and defined by this section, shall constitute the 80th Assembly District.

CHAPTER 122

An act to maintain the Fish and Game Code by amending Sections 450, 456, 457, 458, 461, 462, and 4188, relating to fish and game.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 450 of the Fish and Game Code is amended to read:

450. As used in this chapter "general deer hunting season" means the annual season for the area in question as is set by the commission under its general regulatory powers, or set by statute, for the taking of male deer.

"Either-sex deer permits" means permits authorizing the taking of male or female deer, except spotted fawns and spike bucks.

SEC. 2. Section 456 of the Fish and Game Code is amended to read:

456. (a) The commission shall meet on the last Friday in June to make such orders under this chapter as it may find necessary.

(b) The commission at its June meeting shall not authorize the taking of deer under this chapter in a county if it has received from the board of supervisors of that county a resolution objecting to such taking. In the event a board of supervisors of a county has submitted a resolution determining that the commission's proposed orders should be modified for that county, the commission shall either so modify its orders or shall not authorize the taking of deer under this chapter in such county.

The limitations on the authority of the commission by the board of supervisors of a county authorized by the subdivision (b) of this section apply throughout the state until October 1, 1961, and thereafter they apply only to the boards of supervisors of, and to those districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Alpine, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer,

Riverside, San Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba Counties.

SEC. 3. Section 457 of the Fish and Game Code is amended to read:

457. The commission has no power under this chapter to authorize the taking of spotted fawn or spike buck, or to regulate the taking of male deer during the general deer hunting season.

SEC. 4. Section 458 of the Fish and Game Code is amended to read:

458. The commission may issue permits under this chapter either on a first-come, first-served basis or by statewide drawing or by a combination of these methods and may authorize a specified number of permits to be issued to license holders on a first-come, first-served basis at the county seat of a county in the unit or area. Such local issuance shall be held at such time in advance of any drawing to allow those persons unsuccessful at the first-come, first-served local issuance to participate in the drawing.

SEC. 5. Section 461 of the Fish and Game Code is amended to read:

461. The commission may require that the deer license tag designated for use on the second male deer taken during the general deer hunting season shall be used with, or in place of, the permits provided for in this chapter.

SEC. 6. Section 462 of the Fish and Game Code is amended to read:

462. The provisions of this chapter shall have no force or effect in District 1¾ until after January 1, 1967, and shall have no force or effect anywhere in the state in the event the provisions of Article 1 (commencing with Section 200) of Chapter 2 of Division 1 cease to be effective.

SEC. 7. Section 4188 of the Fish and Game Code is amended to read:

4188. When a landowner or tenant applies for a permit under Section 4181.5, the commission, in lieu of such a permit, may, with the consent of or upon the request of the landowner or tenant, under appropriate regulations, issue permits to persons holding valid hunting licenses to take deer in sufficient numbers to stop the damage or threatened damage. The commission, prior to issuing permits to licensed hunters, shall investigate and determine the number of permits necessary and the territory involved and the dates of the proposed hunt.

Prior to issuing permits to licensed hunters, the commission shall hold a public hearing on the proposed depredation hunt in the county or area affected thereby. The time of the hearing shall be not less than 10 days prior to the proposed hunt. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each county affected, or if no such newspaper is published in the county, then in such newspaper in an adjoining county. The hearings shall be conducted by either (a) the

commission, (b) a member of the commission designated by it, or (c) the director or other employee of the department if specifically directed so to do by the commission. The time and place where the permits will be issued, the number of permits to be issued, the date or dates hunting will be permitted, and the area open to hunting shall be published once in a paper of general circulation in the area, or if there is no such newspaper then posted in two public places most likely in the opinion of the commission to give notice to the public at least two days prior to the issuing of the permits. The permits shall be issued, in the number predetermined as necessary, to the first person or persons who apply, in person, for the permits, show a valid hunting license, and pay two dollars ($2) for the permit. The holder of a permit may take one deer of either sex and on killing a deer shall immediately affix the permit to the deer and have the permit validated, as are license tags under Section 4341, prior to transporting such deer except for the purpose of taking it to the nearest officer authorized to countersign the permit. Any deer taken under this section shall be a bonus deer and shall not affect the permitholder's eligibility for any other permits or license tags. Nothing in this section shall be construed to authorize hunting on private land without first obtaining the permission of the owner or tenant in possession.

CHAPTER 123

An act to maintain the Government Code by amending Sections 9322, 9602, 11015, 25210.68, 27706, 40506, and 65000, by amending and renumbering the heading of Chapter 3.5 (commencing with Section 175), Division 1, Title 1, and Chapter 4 (commencing with Section 14500), Part 5, Division 3, Title 2, and Sections 8203.6 (as added by Chapter 1703 of the Statutes of 1963), 43006 (as added by Chapter 796 of the Statutes of 1965), and 54921 (as added by Chapter 113 of the Statutes of 1965), and by repealing Chapter 7 (commencing with Section 8600), Division 1, Title 2, and Sections 8708, 9601, 12231 (as added by Chapter 1383 of the Statutes of 1965), and 65907 (as enacted by Chapter 1180 of the Statutes of 1965), relating to state and local government.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. The heading of Chapter 3.5 (commencing with Section 175), Division 1, Title 1 of the Government Code is amended and renumbered to read:

Article 3.5. Colorado River Boundary Compact

SEC. 2. Section 8203.6 of the Government Code, as added by Chapter 1703 of the Statutes of 1963, is amended and renumbered to read:

8203.7. The Governor may appoint and commission certified shorthand reporters of this state as notaries public; provided, however, that such appointees shall comply with the following requirements:

(a) Be a citizen of the United States.

(b) Be a resident of this state for at least 30 days prior to appointment.

(c) Be not less than 21 years of age.

(d) Be of good moral character.

SEC. 3. Chapter 7 (commencing with Section 8600), Division 1, Title 2 of the Government Code is repealed.

SEC. 4. Section 8708 of the Government Code is repealed.

SEC. 5. Section 9322 of the Government Code is amended to read:

9322. The compensation of legislative committee reporters for reporting testimony and proceedings and for transcribing copies shall not exceed that provided for court reporters in contested cases by Sections 69947 to 69953, inclusive, of the Government Code.

SEC. 6. Section 9601 of the Government Code is repealed.

SEC. 7. Section 9602 of the Government Code is amended to read:

9602. Every concurrent and joint resolution takes effect upon the filing of it with the Secretary of State.

SEC. 8. Section 11015 of the Government Code is amended to read:

11015. All meetings of the following state boards and commissions shall be open and public, and all persons shall be permitted to attend any meetings of the boards and commissions:

Reapportionment Commission
Fairs Allocation and Classification Committee
Statewide Committee of Milk Producer Advisory Boards
Television Advisory Committee
State Scholarship Commission
State Commission on Voting Machines and Vote Tabulating Devices
California Law Revision Commission
Commission on Uniform State Laws
Advisory committee to assist Controller in developing complete and adequate records
California State Communications Advisory Board
State Public Works Board
San Francisco Harbor Bond Finance Board
Cannery Inspection Board
Citizens advisory committee to assist in specified fields of civilian protection, war services and disaster mitigation

California State Disaster Council
United Spanish War Veterans Commission
Correctional Industries Commission
California Highway Commission
California Toll Bridge Authority
Citizens' Advisory Committee on Aging
Coordinating Council on State Programs for the Blind
California Conference of Local Mental Health Directors
Advisory committee to recommend and give advice to the Department of Social Welfare re medical and rehabilitation aspects of aid to the needy disabled
State Advisory Council for problems relating to administration of unemployment and disability compensation
California-Nevada Interstate Compact Commission
State Water Quality Control Board

SEC. 9. Section 12231 of the Government Code, as added by Chapter 1383 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 12231 of the Government Code, as added by Chapter 1632 of the Statutes of 1965.

SEC. 10. The heading of Chapter 4 (commencing with Section 14500), Part 5, Division 3, Title 2 of the Government Code is amended and renumbered to read:

PART 5.3. ADVISORY COMMITTEE ON THE TREATMENT OF RIGHTS-OF-WAY

SEC. 11. Section 25210.68 of the Government Code is amended to read:

25210.68. Any property included in a county service area which is also included in a district which was originally organized and existed under former Article 1, 2 or 4 of Chapter 3 of Division 5 of the Public Resources Code shall be exempt from taxation under this chapter and none of the funds raised by taxation upon the county service area for the purpose of providing local park, recreation or parkway facilities and services shall be expended within the area included in such a district.

SEC. 12. Section 27706 of the Government Code is amended to read:

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has

been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Article 1 (commencing with Section 5500) of Chapter 1 of Part 1.5 of Division 6 and under Article 2 (commencing with Section 5550) of Chapter 1 of Part 1.5 of Division 6 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code when such proceedings are concerned with a person alleged to be or who has been found to be within the description of Sections 601 or 602 of the Welfare and Institutions Code.

SEC. 13. Section 40506 of the Government Code is amended to read:

40506 Unless the provision or the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

SEC. 14. Section 43006 of the Government Code, as added by Chapter 796 of the Statutes of 1965, is amended and renumbered to read:

43011. Notwithstanding any other contrary provisions of law, the city council may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March, 1964, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed as a result of any forest fire occurring prior to September 30, 1964, in an area or region subsequently proclaimed by the Governor to be in a state of disaster due to major and widespread fires, may, within 30 days after the effective date of this section, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of five hundred dollars ($500). The assessor shall, within 60 days

after the effective date of this section, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him, as an erroneously collected tax.

For purposes of this section, the term "forest fire" shall mean any fire which burns 100 contiguous acres or more.

This section shall apply to all cities, whether operating under a charter or the general laws of this state.

SEC. 15. Section 54921 of the Government Code, as added by Chapter 113 of the Statutes of 1965, is amended and renumbered to read:

54924. Notwithstanding Sections 54902 and 54903, any change in the boundaries of a fire protection district formed or operating under Chapter 2 (commencing with Section 14400), Part 3, Division 12 of the Health and Safety Code as the result of the withdrawal of territory of the district by action taken between January 24 and January 31, 1965, pursuant to Section 14540 of the Health and Safety Code, by the city council of a city to which such territory has been annexed, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the city with the assessor and the State Board of Equalization on or before February 1, 1965.

Any change in boundaries that is effective for assessment and taxation purposes pursuant to this section shall be deemed also to be fully effective as of January 1, 1965, for the purposes of Section 14540 of the Health and Safety Code; and the district from which the territory has been withdrawn shall have no power to furnish fire protection services to such territory on or after July 1, 1965, and no taxes shall be levied by or on behalf of the district on any property in such territory in order to furnish fire protection services to such territory on or after July 1, 1965

SEC. 16. Section 65000 of the Government Code is amended to read:

65000. This title may be cited as the Planning and Zoning Law.

SEC. 17. Section 65907 of the Government Code, as added by Chapter 1180 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 65907 of the Government Code, as added by Chapter 1341 of the Statutes of 1965.

CHAPTER 124

An act to maintain the Health and Safety Code by amending Sections 11753, 12000, 12100, 12104, 12113, 12114, 12300, 12351, and 32100.6 thereof; amending and renumbering Section 431.9, as added by Chapter 107 of the Statutes of 1964, First Extraordinary Session, the heading of Article 6 (commencing with Section 4186.30) of Chapter 1.5, Part 2, Division 5, Section 18006.5, as added by Chapter 572 of the Statutes of 1965, and Section 33604, as added by Chapter 1991 of the Statutes of 1965, thereof; and by repealing the heading of Article 8a (formerly commencing with Section 4845.05) of Chapter 3, Part 3, Division 5, and Section 36057.5, as added by Chapter 77 of the Statutes of 1964, First Extraordinary Session, thereof, relating to health and safety.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 431.9 of the Health and Safety Code, as added by Chapter 107 of the Statutes of 1964, First Extraordinary Session, is amended and renumbered to read:

431.10. Applications for federal funds under Public Law 88-164 for facilities for the mentally retarded or community mental health centers shall be referred by the Director of Public Health to the Director of Mental Hygiene for review and recommendation. The Director of Mental Hygiene shall have 60 days from the time of his receipt of the application to submit recommendations.

SEC. 2. The heading of Article 6 (commencing with Section 4186.30) of Chapter 1.5, Part 2, Division 5 of the Health and Safety Code is amended and renumbered to read:

Article 6.5. Revenue Bonds

SEC. 3. The heading of Article 8a (which formerly commenced with Section 4845.05) of Chapter 3, Part 3, Division 5 of the Health and Safety Code is repealed.

SEC. 4. Section 11753 of the Health and Safety Code is amended to read:

11753. When the California Women's Board of Terms and Parole concludes that there are reasonable grounds for believing that a woman on parole is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the board so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Sections 3060 and 6043 of the Penal Code may be detained in a narcotic treatment-control unit established pursuant to this article.

SEC. 5. Section 12000 of the Health and Safety Code is amended to read:

12000. For the purposes of this part only the term "explosives" shall include all materials within class A and class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, after he has considered changes in the classification of materials as class A and class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this part. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

The term "explosives" as used in this part shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the Interstate Commerce Commission, nor ammonium nitrate or ammonium nitrate fertilizer, or oxidizing agents such as or comparable to ammonium nitrate.

SEC. 6. Section 12100 of the Health and Safety Code is amended to read:

12100. This chapter does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated under Division 14 (commencing with Section 31600) of the Vehicle Code, except that no shipment of explosives originating without the state, when such explosives would otherwise be governed by the provisions of this part, shall be delivered to any person who does not present a permit as specified in Section 12101.

(b) Any sale, gift, delivery, or other disposition of a quantity of explosives in excess of 1,000 pounds.

(c) Any sale, gift, delivery, or other disposition of smokeless powder when such smokeless powder is intended for hand loading of small arms ammunition for private personal use and not for resale, and when the quantity of such smokeless powder does not exceed 20 pounds, and when the keeping on hand of such smokeless powder is acceptable to the authorities having local jurisdiction and is in compliance with local regulations, if any, applicable thereto.

SEC. 7. Section 12104 of the Health and Safety Code is amended to read:

12104. Before issuing a permit, the chief shall:

(a) Review the statement.

(b) Ascertain that the applicant or his agent, as appropriate, has sufficient knowledge and ability to safely handle and use explosives.

(c) Inspect the vehicle in which the applicant proposes to transport the explosives and ascertain that it is reasonably safe for that purpose, except that no inspection shall be required of any vehicle for which a permit has been issued for the transportation of explosives governed by the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

SEC. 8. Section 12113 of the Health and Safety Code is amended to read:

12113. Vehicles transporting explosives governed by the provisions of this part, shall have displayed thereon or attached thereto such signs as are required by Sections 27903 and 27904 of the Vehicle Code.

SEC. 9. Section 12114 of the Health and Safety Code is amended to read:

12114. (a) It is unlawful for any person to transport explosives in any vehicle upon a public highway, or to park any vehicle loaded with explosives upon a public highway, unless such vehicle is marked or placarded as required in Section 12113 of this chapter.

(b) It is unlawful for any person to operate or to park any vehicle upon a public highway to which there are attached or displayed signs of the type prescribed in Sections 27903 and 27904 of the Vehicle Code, unless the vehicle is loaded with explosives.

SEC. 10. Section 12300 of the Health and Safety Code is amended to read:

12300. It is unlawful to transport any explosives between places in this state on any vessel, car, or other vehicle carrying passengers for hire and operated by a common carrier, unless the explosives are:

(a) Small arms ammunition.

(b) Fuses, torpedoes, rockets, or other signal devices essential for the promotion of safety in operation.

(c) Properly packed and marked samples for laboratory examination, each not exceeding one-half pound in net weight, when not more than 20 are carried in a single vessel, car, or vehicle, and when they are not carried in that part of the vessel, car, or vehicle which is intended for the carriage of passengers for hire.

(d) Munitions of war in the possession of military or naval forces who are being carried on the vessel, car, or vehicle.

(e) Explosives transported upon the highways in accordance with the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

This section does not prohibit the transportation of explosives on a freight train that carries passengers for hire in a car or caboose attached to its rear.

SEC. 11. Section 12351 of the Health and Safety Code is amended to read:

12351. "Lawful possession of an explosive," as used in this chapter, means the possession of an explosive in any of the following:

(a) In the course of the business of manufacturing, selling, or transporting explosives.

(b) In the course of legitimate blasting operations.

(c) In the arts.

(d) In the transportation of explosives upon the highways in accordance with the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

SEC. 12. Section 18006.5 of the Health and Safety Code, as added by Chapter 572 of the Statutes of 1965, is amended and renumbered to read:

18002.2. "Conditional permit" is a construction, reconstruction, or operation permit issued by the enforcement agency which may prescribe conditions on the use or occupancy of a mobilehome park.

SEC. 13. Section 32100.6 of the Health and Safety Code is amended to read:

32100.6. All or any of the members of the board of directors may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 27200) of Division 14 of the Elections Code.

SEC. 14. Section 33604 of the Health and Safety Code, as added by Chapter 1991 of the Statutes of 1965, is amended and renumbered to read:

33605. In connection with the issuance and sale of preliminary loan notes, secured by a requisition agreement with the United States of America, the agency may delegate to one or more of its agents or employees the powers or duties it deems proper.

SEC. 15. Section 36057.5 of the Health and Safety Code, as added by Chapter 77 of the Statutes of 1964, First Extraordinary Session, is repealed.

CHAPTER 125

An act to maintain the Labor Code by amending Sections 1684, 1685, 1689, 1696.4, 1699, 4904, and 5308, relating to labor.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of one thousand five hundred dollars ($1,500). Such bond shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of fifty dollars ($50).

SEC. 2. Section 1685 of the Labor Code is amended to read:

1685. No license to operate as a farm labor contractor shall be granted:

(a) To any person who sells or proposes to sell intoxicating liquors in a building or on premises where he operates or proposes to operate as a farm labor contractor.

(b) To a person whose license has been revoked within three (3) years from the date of application.

SEC. 3. Section 1689 of the Labor Code is amended to read:

1689. All applications for renewal shall state the names

and addresses of all persons, except bona fide employees on stated salaries, financially interested either as partners, associates or profit sharers in the operation of the farm labor contractor.

SEC. 4. Section 1696.4 of the Labor Code is amended to read:

1696.4. All vehicles used by a farm labor contractor for the transportation of individuals in his operations as a farm labor contractor, and not owned by him, shall be registered with the Labor Commissioner. The registration shall include the name of the owner and driver of the vehicle, and the license number and description of the vehicle. The Labor Commissioner shall require, as a condition of registration, that the farm labor contractor submit evidence showing that he has in effect an insurance policy applicable to such vehicle, as required by Section 1695.

A farm labor contractor using such vehicles not owned by him shall do so only on a fixed fee basis and not upon a rental based upon a percentage of his earnings.

SEC. 5. Section 1699 of the Labor Code is amended to read:

1699. The Labor Commissioner may, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, adopt, amend, and repeal such rules and regulations as are reasonably necessary for the purpose of enforcing and administering this chapter and as are not inconsistent with this chapter.

SEC. 6. Section 4904 of the Labor Code is amended to read:

4904. If notice is given in writing to the insurer, or to the employer if uninsured, setting forth the nature and extent of any claim that is allowable as a lien, the claim is a lien against any amount thereafter payable as compensation, subject to the determination of the amount and approval of the lien by the appeals board. In determining the amount of lien to be allowed for unemployment compensation disability benefits under subdivision (f) of Section 4903 the appeals board shall allow such lien in the amount of benefits which it finds were paid for the same day or days of disability for which an award of compensation for temporary disability indemnity is made. In the case of agreements for the compromise and release of a disputed claim for compensation, the applicant and defendant may propose to the appeals board, as part of the compromise and release agreement, an amount out of the settlement to be paid to any lien claimant claiming under subdivision (f) of Section 4903 The determination of the appeals board, subject to petition for reconsideration and to the right of judicial review, as to the amount of lien allowed under subdivision (f) of Section 4903, whether in connection with an award of compensation or the approval of a compromise and release agreement, shall be binding on the lien claimant, the applicant, and the defendant, insofar as it concerns the right to benefits paid under the Unemployment Insurance Code for which the lien

was claimed. The appeals board may order the amount of any lien claim, as determined and allowed by it, to be paid directly to the person entitled, either in a lump sum or in installments.

SEC. 7. Section 5308 of the Labor Code is amended to read:

5308. The appeals board has jurisdiction to determine controversies arising out of insurance policies issued to self-employing persons, conferring benefits identical with those prescribed by this division.

The appeals board may try and determine matters referred to it by the parties under the provisions of Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure, with respect to controversies arising out of insurance issued to self-employing persons under the provisions of this division. Such controversies may be submitted to it by the signed agreement of the parties, or by the application of one party and the submission of the other to its jurisdiction, with or without an express request for arbitration.

The State Compensation Insurance Fund, when the consent of the other party is obtained, shall submit to the appeals board all controversies susceptible of being arbitrated under this section.

In acting as arbitrator under this section, the appeals board has all the powers which it may lawfully exercise in compensation cases, and its findings and award upon such arbitration have the same conclusiveness and are subject to the same mode of reopening, review, and enforcement as in compensation cases. No fee or cost shall be charged by the appeals board for arbitrating the issues presented under this section.

CHAPTER 126

An act to maintain the Public Resources Code by amending Section 4475, and by repealing Section 4850, Chapter 2 (commencing with Section 4971) of Part 4 of Division 4, and Article 10 (commencing with Section 5788) of Chapter 4 of Division 5 as added by Chapter 1194 of the Statutes of 1965, relating to public resources.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Section 4475 of the Public Resources Code is amended to read:

4475. The State Forester, with the approval of the Director of Conservation and the Director of Finance, may enter into a contract with the owner or any other person who has legal control of any property which is included within any area in which the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the

state, excluding those areas for which the State Forester has contracted forest fire protection to counties or the United States Forest Service, for (a) watershed management, range improvement, and fish and wildlife habitat improvement; and for (b) the burning of any brush, vegetation, or structure which is situated upon such property for the purpose of preventing or suppressing forest fires.

SEC. 2. Section 4850 of the Public Resources Code is repealed.

SEC. 3. Chapter 2 (commencing with Section 4971) of Part 4 of Division 4 of the Public Resources Code is repealed.

SEC. 4. Article 10 (commencing with Section 5788) of Chapter 4 of Division 5 of the Public Resources Code, as added by Chapter 1194 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Article 10 (commencing with Section 5788) of Chapter 4 of Division 5 of the Public Resources Code, as added by Chapter 1758 of the Statutes of 1965.

CHAPTER 127

An act to repeal a certain obsolete act, relating to war housing projects.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Chapter 798 of the Statutes of 1943 is repealed.

CHAPTER 128

An act to repeal a certain obsolete act, relating to the Governor's Advisory Commission on Housing Problems.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Chapter 1242 of the Statutes of 1961 is repealed.

CHAPTER 129

An act to repeal a certain obsolete act, relating to the San Francisco Bay Conservation Study Commission.

[Approved by Governor May 9, 1967. Filed with Secretary of State May 9, 1967.]

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

SECTION 1. Chapter 98 of the Statutes of 1964 (First Extraordinary Session) is repealed.

CHAPTER 130

An act to amend Section 25514.5 of the Education Code, relating to junior colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 25514.5 of the Education Code is amended to read:

25514.5. Any minor student, any student 21 years of age or over and under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service with the armed forces of the United States, and any student under 21 years of age but declared to be an adult pursuant to Section 25 of the California Civil Code by virtue of marriage while over 18 years of age, who resides in this state and more than ninety (90) miles from the nearest public junior college attendance center where grades 13 and 14 are maintained, measured by the usual vehicular route between his home and such attendance center, may at his request attend grades 13 and 14 at any public junior college in the state, whether or not his residence is in a district maintaining a junior college. The governing board of the district maintaining such junior college designated by the student shall admit the student provided he otherwise qualifies for admission.

The provisions of the preceding paragraph of this section shall be inapplicable to any student residing in a district maintaining a junior college if the Superintendent of Public Instruction determines that such district maintains adequate dormitories or housing facilities or provides adequate transportation for such student between his home and the junior college attendance center.

If the student resides in a district maintaining a junior college, the provisions of Article 7 (commencing with Section 10801) of Chapter 1 of Division 9 shall be inapplicable, and

the district of the student's residence shall pay to the district of the student's attendance an amount on account of such attendance computed pursuant to Section 20201. The computation shall be made and other procedures shall be undertaken in accordance with such requirements as may be prescribed by the Superintendent of Public Instruction, by or under authority of the governing board of the school district of attendance, and shall be approved by the county superintendent of schools having jurisdiction of such district with the certification of the amount owing to be transmitted by him to the district of the student's residence. The governing board of the district of residence shall, on or before June 1st, order payment of the amount computed as owing the district of attendance for the fiscal year, and upon failure of the governing board so to do, the county superintendent of schools having jurisdiction of the district shall draw a requisition against the funds of the district in favor of the district of attendance in payment of such amount and transmit the same to the district of attendance. For purposes of all provisions of this code dealing with allowances and apportionments from the State School Fund for support of junior colleges, the district of the student's residence and the district of his attendance shall be deemed to have entered into an interdistrict attendance agreement with respect to the student.

If the student resides within territory not included within any junior college district the provisions of Article 3 (commencing with Section 20201) of Chapter 1 of Division 15 shall be applicable.

In addition to the payments required under the preceding paragraphs of this section, there shall be paid to the parents, or other persons having charge or control of the student at his residence, by the district in which the pupil attends, a maintenance allowance of one dollar and fifty cents ($1.50) per calendar day for the period in which the student is enrolled full time in regular classes in a junior college under this section. Such amount shall be paid on or before the 15th day after the close of the school year in which the student was so enrolled. Such payments made by a district maintaining a junior college at which the pupil attends shall be included in that district's transportation expense as payments made in lieu of providing for transportation of pupils between their homes and regular full-time day schools, for purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14; and the amount thereof not reimbursed by the state shall be included in the computation of the amount to be paid by the district of the student's residence, or the junior college tuition fund, as the case may be.

For purposes of this section, a person shall be deemed to be honorably discharged from the armed forces (a) if he was honorably discharged from the armed forces of the United States or (b) if he was inducted into the armed forces of the United States under the "Universal Military Training and

Service Act," and (1) satisfactorily completes his period of training and service under such act and is issued a certificate to that effect pursuant to such act, or (2) having served honorably on active duty was transferred to a reserve component of the armed forces of the United States pursuant to such act, or (3) was otherwise released pursuant to such act under honorable conditions.

For the purposes of this section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, and all components of the Coast Guard.

SEC. 2. Section 25514.5 of the Education Code, as amended by Section 1 of this act, shall be applicable with respect to students coming within its provisions in the 1966–1967 school year, to all intents and purposes as though the section, as so amended, had been in effect on and after July 1, 1966, and all liabilities for payments shall be based upon such effect of the section.

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

During the current school year, students in the categories contained in this act, because of their "adult" status, are not permitted to utilize the advantages offered by Section 25514.5, and as a result, the continuance of their education is jeopardized. Unless this act takes effect immediately and is permitted to apply to the entire 1966–67 school year, the hardship to these disadvantaged students will be indiscriminately prolonged.

CHAPTER 131

An act to amend Section 1 of, and to add Section 3 to, Chapter 1190 of the Statutes of 1947, relating to the Moss Landing Harbor District.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. It is hereby found and determined:

(a) That by Chapter 1190, Statutes of 1947, the Legislature did grant to the Moss Landing Harbor District in trust for the uses and purposes and upon the express conditions therein set forth, certain tide and submerged land, lands beneath navigable waters, and swamp and overflow lands described in said grant;

(b) That said grant was therein described in part as "the Pacific Ocean opposite said portion of the Old Salinas River with its northerly and southerly boundaries drawn due west;"

(c) That the precise meaning of said part of the description of said grant has proven ambiguous and has given rise to controversy;

(d) That the Legislature intended to and did upon enacting said statute grant to the Moss Landing Harbor District, upon the terms, conditions and trusts set forth in said statute, an area of tide and submerged lands located in Monterey Bay seaward of the ordinary high-water mark for the use of said district in conjunction with the area landward of said ordinary high-water mark on Monterey Bay so granted to the said district;

(e) That the said district, prior to said grant and pursuant to a lease from the State Lands Commission, did use and has used subsequent to said grant and pursuant to said grant, such an area of tide and submerged lands for the uses and purposes authorized by said statute and in conjunction with the said district's public activities;

(f) That it was the intention of the Legislature to include within said grant all those portions of the Pacific Ocean in Monterey Bay in the area described which had actually been used by the said harbor district for any or all of the purposes specified in said grant plus those portions which were reasonably necessary for such purposes in the future;

(g) That said area of tide and submerged lands in Monterey Bay so intended to be granted and so granted consisted of all tide and submerged lands lying between the northerly and southerly boundaries of that portion of the Old Salinas River Channel granted to the said district by Section 1 of Chapter 1190 of the Statutes of 1947, drawn due west, and between the ordinary high-water mark on Monterey Bay and a line 2,000 feet seaward of said ordinary high-water mark;

(h) That paragraph (g) of Section 1 of said statute required substantial improvement of the granted lands by the said district within 10 years of said grant and that if the State Lands Commission determined that the said district had failed to so improve said lands, all lands so granted should revert to the state; that on February 11, 1958, the State Lands Commission by resolution duly adopted found that the conditions of said Section 1(g) had been complied with.

SEC. 2. Section 1 of Chapter 1190 of the Statutes of 1947 is amended to read:

Section 1. There is hereby granted to the Moss Landing Harbor District, hereinafter called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamps and overflowed lands described as follows:

The Old Salinas River Channel from the northerly extremity to its mouth southerly to the existing county road across said channel south of the existing bridge at Moss Landing; the Pacific Ocean or Monterey Bay between the ordinary high-water mark and a line 2,000 feet seaward and due west thereof opposite said portion of the Old Salinas River with its northerly and southerly boundaries drawn due west; Bennett Slough, Elkhorn Slough and Moro Cojo Slough between the Old Salinas River and the easterly extremities of tidal action therein.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, and its successors, only for the establishment, improvement, and conduct of a harbor, and for the construction, maintenance, and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures, facilities, and appliances necessary or convenient for the promotion and accommodation of commerce and navigation; and said district, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor.

(b) That said lands shall be improved by said district without expense to the state, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and

remove such deposits from said land; provided, that said excepted and reserved power shall be exercised in a manner not inconsistent or incompatible with the use of said lands by grantee for purposes of commerce and navigation.

(f) The lands herein described are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the state for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 3. Section 3 is added to Chapter 1190 of the Statutes of 1947, to read:

Sec. 3. That said amended description set forth in Section 1 of this act shall be deemed declaratory of the original meaning of said grant and all acts and agreements within, upon, or in relation to the area herein described done or executed by said district are hereby ratified and approved to the same extent as if said description had originally been set forth as herein amended.

SEC. 4. The State Lands Commission, at the cost of the Moss Landing Harbor District, shall survey and monument the granted lands referred to in this act and record a description and plat thereof in the office of the County Recorder of Monterey County. The survey required by this section shall be completed within two years after the effective date of this act.

SEC. 5. The district shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues, and profits in any manner hereafter arising from the granted lands or any improvements, betterments, or structures thereon.

CHAPTER 132

An act to add Section 499c to the Penal Code, relating to crimes involving trade secrets.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. It is the purpose of this act to clarify and restate existing law with respect to crimes involving trade secrets and to make clear that articles representing trade secrets, including the trade secrets represented thereby, constitute goods, chattels, materials and property and can be the subject of criminal acts.

SEC. 2. Section 499c is added to the Penal Code, to read:

499c. (a) As used in this section:

(1) "Article" means any object, material, device or substance or copy thereof, including any writing, record, recording, drawing, sample, specimen, prototype, model, photograph, microorganism, blueprint or map.

(2) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(3) "Trade secret" means the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and is not generally available to the public, and which gives one who uses it an advantage over competitors who do not know of or use the trade secret; and a trade secret shall be presumed to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

(4) "Copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing or sketch made of or from an article.

(5) "Benefit" means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he is interested.

(b) Every person is guilty of theft who, with intent to deprive or withhold from the owner thereof the control of a trade secret, or with an intent to appropriate a trade secret to his own use or to the use of another, does any of the following:

(1) Steals, takes, or carries away any article representing a trade secret.

(2) Fraudulently appropriates any article representing a trade secret entrusted to him.

(3) Having unlawfully obtained access to the article, without authority makes or causes to be made a copy of any article representing a trade secret.

(4) Having obtained access to the article through a relationship of trust and confidence, without authority and in breach of the obligations created by such relationship makes or causes to be made, directly from and in the presence of the article, a copy of any article representing a trade secret.

(c) Every person who promises or offers or gives, or conspires to promise or offer to give, to any present or former agent, employee or servant of another a benefit as an inducement, bribe or reward for conveying, delivering or otherwise making available an article representing a trade secret owned by his present or former principal, employer or master, to any person not authorized by such owner to receive or acquire the same and every person who, being a present or former agent, employee, or servant, solicits, accepts, receives or takes a benefit as an inducement, bribe or reward for conveying, delivering

or otherwise making available an article representing a trade secret owned by his present or former principal, employer or master, to any person not authorized by such owner to receive or acquire the same, is punishable by imprisonment in the state prison not exceeding 10 years or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and such imprisonment.

(d) In a prosecution for a violation of this section it shall be no defense that the person so charged, returned or intended to return the article.

CHAPTER 133

An act to repeal Section 2 of Chapter 861 of the Statutes of 1963, and to amend Sections 139 and 159 of, and to add Section 139.1 to, the Civil Code, relating to domestic relations.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 2 of Chapter 861 of the Statutes of 1963, is repealed.

SEC. 2. Section 139 of the Civil Code is amended to read:

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, specifying in such judgment or decree the name, age and amount of support for each child, and said decree or judgment may be enforced by the court by execution, contempt, or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

The provisions of any agreement for child support shall be deemed to be separate and severable from all other provisions

of such agreement relating to property and support of the wife or husband. All orders for child support shall be law imposed and shall be made under the power of the court to make such orders. All such orders for child support, even when there has been an agreement between the parties on the subject of child support, may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation and may be enforced by the court by execution, contempt, or such other order or orders as the court in its discretion may from time to time deem necessary.

The provisions of any agreement for the support of either party shall be deemed to be separate and severable from the provisions of the agreement relating to property. All orders for the support of either party based on such agreement shall be deemed law imposed and shall be deemed made under the power of the court to make such orders The provisions of any agreement or order for the support of either party shall be subject to subsequent modification or revocation by court order except as to any amount that may have accrued prior to the order of modification or revocation, and except to the extent that any written agreement, or if there is no written agreement, any oral agreement entered into in open court between the parties, specifically provides to the contrary. All such orders of the court for the support of the other party, even if there has been an agreement of the parties, may be enforced by the court by execution, contempt, or by such other order or orders as the court in its discretion may from time to time deem necessary.

The amendments to the second paragraph of this section enacted at the 1959 Regular Session of the Legislature are effective only with respect to property settlement agreements entered into after the effective date of such amendments.

The 1963 amendments to this section apply only with respect to property settlement agreements entered into after the effective date of such amendments.

The 1967 amendments to this section apply only with respect to agreements entered into after the effective date of such amendments.

SEC. 3. Section 139.1 is added to the Civil Code, to read:

139.1. In the event obligations for support of a spouse or child are discharged in bankruptcy the appropriate court of this state shall thereupon be vested with jurisdiction to make proper orders for the maintenance and support of such spouse or child, as the court may deem just, having regard for the circumstances of the respective parties.

SEC. 4. Section 159 of the Civil Code is amended to read:

159. Except as provided in Section 139, a husband and wife cannot, by any contract with each other, alter their legal relations, except as to property, and except that they may agree, in writing, to an immediate separation, and may make

provision for the support of either of them and of their children during such separation.

SEC. 5 If Sections 139, 139.1 and 159 of the Civil Code, as added or amended at the 1967 General Session of the Legislature or any provisions thereof, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the applicable provisions of Sections 139 and 159, as they were in force immediately prior to the effective date of said additions and amendments nor shall it affect other provisions or applications of Sections 139, 139.1 and 159 which can be given effect without the invalid provision or application, and, to this end, and in each respect, the provisions of Sections 139, 139.1 and 159 are declared to be severable.

CHAPTER 134

An act to add Section 148.3 to the Penal Code, relating to the false reporting of emergencies.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 148.3 is added to the Penal Code, to read:

148.3. (a) Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an "emergency" exists, knowing that such report is false, is guilty of a misdemeanor and, upon conviction thereof, shall be punishable by imprisonment in the county jail, not exceeding one year, or by a fine, not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment.

(b) Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an "emergency" exists, knowing that such report is false, and great bodily injury or death is sustained by any person as a result of such false report, is guilty of a felony and upon conviction thereof shall be punishable by imprisonment in the state prison for not more than five years, or by a fine of not more than five thousand dollars ($5,000), or by both such fine and imprisonment.

(c) "Emergency" as used in this section means any condition which results in, or which could result in, the response of a public official in an authorized emergency vehicle, or any condition which jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle or of any other place which any individual may enter.

CHAPTER 135

An act to amend Section 585 of the Code of Civil Procedure, relating to default judgments.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of said defendants have, been personally served and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon application of the plaintiff, and proof of such service of summons, must enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against said defendant, or defendants, or against one or more of said defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of said default, the court shall hear the application for determination of the attorney fee and render judgment for the same and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against said defendant, or defendants, or against one or more of said defendants.

2. In other actions, if the defendant has been personally served and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed with the

clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, in courts having a clerk, must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; in courts which have no clerk, the court must hear the evidence offered by the plaintiff, and must render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed, apply for judgment; and the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving

party is required otherwise to plead to said pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of said notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

CHAPTER 136

An act to amend Sections 52, 56, 59, 61, 70, 79, 82, 83, 85, and 87 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 52 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 52. If, on the 65th day prior to the day fixed for the agency general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the division or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify, take office, serve, and be subject to recall exactly as if elected at an agency general election.

In such case, the publication provided for in Article 6 (commencing at Section 2699), Chapter 2, Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated as the circumstances may warrant.

SEC. 2. Section 56 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 56. Every incumbent of an elective office, whether elected by popular vote for a full term, appointed by the board of supervisors in lieu of election, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the Antelope Valley-East Kern Water Agency organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the state with reference to cities.

SEC. 3. Section 59 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 59. The board of directors shall be the governing body of the Antelope Valley-East Kern Water Agency and shall at its first meeting, or as soon thereafter as practicable, and at any other appropriate time, appoint by a majority vote (1) a secretary, (2) a treasurer, (3) an attorney, (4) a chief engineer, (5) a general manager and (6) an auditor, and pursuant to Section 65 of this act define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said agency. Said board may consolidate the offices of secretary and treasurer, and the offices of chief engineer and general manager.

SEC. 4. Section 61 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 61. The Antelope Valley-East Kern Water Agency incorporated as herein provided, shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, lease, or lease with option to purchase, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Antelope Valley-East Kern Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use

of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Antelope Valley-East Kern Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference, and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

6a. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, and to carry out any other powers of the agency, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure,

railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency may exercise the power of eminent domain with respect to property situated outside the boundaries of the agency if it first obtains the consent thereto of the board of supervisors of the county in which such property is located;

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

8a. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Antelope Valley-East Kern Water Agency but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the Antelope Valley-East Kern Water Agency or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

9. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

9a. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

9b. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within

10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the agency's powers;

11. In case of condemnation proceedings the board shall proceed in the name of the agency;

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

13. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein.

14. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the

United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Antelope Valley-East Kern Water Agency incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency.

15. To commence, maintain, intervene in, and compromise, in the name of the agency, any action or proceeding involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the agency, or a common benefit to lands within the agency or its inhabitants.

16. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use water from a nontributary source in lieu of ground water, and to such end the agency may become a party to such contract and pay from agency funds such portion of the cost of such waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited.

17. To issue bonds under Section 68 of this act for the purpose of providing money required to be paid to the agency organized under the Metropolitan Water District Act by the board of directors of the agency as all or part of the terms and conditions upon which the corporate area of the Antelope Valley-East Kern Water Agency may be annexed to and become a part of said metropolitan water district. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

18. To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to the agency formed under this act.

19. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Antelope Valley-East Kern Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Antelope Valley-East Kern

Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Antelope Valley-East Kern Water Agency.

(b) "Municipality" and "city" shall mean the Antelope Valley-East Kern Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Antelope Valley-East Kern Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Antelope Valley-East Kern Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Antelope Valley-East Kern Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the Antelope Valley-East Kern Water Agency.

20. To disseminate information concerning the rights, properties, and activities of the agency.

SEC. 5. Section 70 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 70. Any portion of the Antelope Valley-East Kern Water Agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

If by the certificate of the secretary of the agency the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if by the certificate of the secretary such petition, or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency, together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency, or improvement district or owning taxable property in said agency or improvement district shall be entitled to appear and be heard at such hearing. Such hearing my be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be

annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of the Antelope Valley-East Kern Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 6. Section 79 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 79. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be

levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Notwithstanding any other provision of this act taxes for the general administrative purposes of the agency should be levied on all property within the agency or portion thereof subject to the particular tax and the aggregate tax levied for such administrative purposes shall for the fiscal year not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation on the taxable property in the agency or such portion thereof. This shall be exclusive of any tax levied to meet the payment of interest or principal on any bonded indebtedness of the agency or any indebtedness arising out of any contractual obligations with the federal, state, county or city governments or political subdivision thereof including this agency. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 7. Section 82 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats 1959) is amended to read:

Sec. 82. Any portion of a county in which the Antelope Valley-East Kern Water Agency is situated, or any city, situated within such county, or both, may be added to the Antelope Valley-East Kern Water Agency organized under the provisions of this act, and such cities need not be contiguous and such unincorporated territory may consist of one or more parcels which need not be contiguous one with the other or with any such cities and such annexing area or areas need not be contiguous with the agency. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least

10 per centum of the number of such voters voting for all candidates for the office of Governor of this state at the last general election prior to the filing of such petition; provided, that where one or more cities are included in such proposed annexation, such petition must be signed by at least 10 per centum of the voters of each such city so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to the Antelope Valley-East Kern Water Agency.

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in the Antelope Valley-East Kern Water Agency, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Such petition may be granted by ordinance of the board of directors of such agency. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by the Antelope Valley-East Kern Water Agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such Antelope Valley-East Kern Water Agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the Antelope Valley-East Kern Water Agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the Antelope Valley-East Kern Water Agency subject to the terms and conditions fixed by the board of directors of said agency?" At the right of such proposition there shall be printed the words "yes" and "no" with voting

squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorders of the counties in which such agency is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days. issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said Antelope Valley-East Kern Water Agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said Antelope Valley-East Kern Water Agency, including the payment of bonds and other obligations of such agency at the time authorized or outstanding, and the board of directors of such Antelope Valley-East Kern Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

SEC. 8. Section 83 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 83. Uninhabited territory within a county or contiguous county to which the Antelope Valley-East Kern Water Agency is situated may be added to such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board. Such uninhabited territory may consist of unincorporated territory only or of incorporated territory lying within the boundaries of one or more cities, or of both such unincorporated and incorporated territory; provided, that incorporated territory lying within the boundaries of any city may be added to such agency in accordance with the provisions of this section only if upon the annexation of such uninhabited territory the entire corporate area of such city will be included in such agency. Such uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both such unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the agency.

Proceedings for the annexation of uninhabited territory to the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county or counties in which such territory is situ-

ated. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county or counties is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be annexed. Such petition shall set forth and describe the boundaries of the area proposed to be annexed to the Antelope Valley-East Kern Water Agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed annexation. Said resolution shall state that such petition has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of the agency by resolution may initiate proceedings for the annexation of uninhabited territory to the agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation, and the addition of the uninhabited territory to

the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the agency written protest against the annexation, or against the annexation upon the terms and conditions specified in the resolution, as the case may be. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the annexation by ordinance. Any ordinance approving such annexation shall set forth and describe the boundaries of the territory so annexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized. If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

The board of directors may approve the annexation of such territory upon terms and conditions fixed by the board in the manner hereinafter provided. Such terms and conditions may provide, among other things, for the levy by the Antelope Valley-East Kern Water Agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by the Antelope Valley-East Kern Water Agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing. Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing. If such terms and conditions, or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing

for not less than 20 nor more than 40 days, to a time and place to be fixed in such resolution, and said resolution shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of such territory upon such terms and conditions. The secretary of the agency shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation of such territory subject to such terms and conditions, are filed with the secretary of the agency by the owners of one-half of the value of said territory as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of directors shall by ordinance approve or disapprove the annexation. If approved, such annexation shall be subject to the terms and conditions or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance.

When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said agency, including the payment of bonds and other obligations of such agency at the time authorized or outstanding, and the Board of Directors of the Antelope Valley-East Kern Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Notwithstanding the eligibility of any territory for annexation to the agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be annexed to such agency as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Section 82 of this act.

SEC. 9. Section 85 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 85. Uninhabited territory included within the Antelope Valley-East Kern Water Agency may be excluded from such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of proceedings by resolution of the board. Incorporated territory lying within the boundaries of any city may be excluded from such agency in accordance with the provisions of this section only if upon the exclusion of such uninhabited territory no part of the corporate area of such city will be included in such agency. Such uninhabited territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of uninhabited territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county or counties in which such territory is situated. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county or counties is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be excluded. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the Antelope Valley-East Kern Water Agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed exclusion. Said resolution shall state that said petition has been filed, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of the agency by resolution may initiate proceedings for the exclusion of uninhabited territory from such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such exclusion, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the

hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearings shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the exclusion, and the exclusion of the uninhabited territory from the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary of the agency written protest against the exclusion. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the exclusion by ordinance. Any ordinance approving such exclusion shall set forth and describe the boundaries of the territory so excluded. If the board of directors disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

When an ordinance approving exclusion of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area or areas from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed excluded from, and shall no longer form a part of, said Antelope Valley-East Kern Water Agency, but the taxable property within such excluded area or areas shall continue taxable by such Antelope Valley-East Kern Water Agency for the purpose of paying the bonded or other indebt-

edness of the Antelope Valley-East Kern Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Notwithstanding the eligibility of any territory for exclusion from the Antelope Valley-East Kern Water Agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be excluded from such agency as a separate parcel, or as part of a larger parcel, of territory excluded under the provisions of Section 84 of this act.

SEC. 10. Section 87 of the Antelope Valley-East Kern Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 87. Upon the disincorporation of the agency in the manner hereinbefore provided for, the board of supervisors of the principal county shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said agency, the amount of money in the treasury thereof and all indebtedness due or coming due the said agency, and the directors of said agency shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the said amount of money in the treasury and all indebtedness due or coming due said agency, and said Antelope Valley-East Kern Water Agency shall before the expiration of 30 days turn over to the treasury of said county all moneys of said agency in its possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for. Upon the disincorporation of said agency every public officer of said agency shall immediately turn over to the board of supervisors of the principal county in which said agency is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description. Nothing contained in this act shall be held to relieve said Antelope Valley-East Kern Water Agency, or the territory included within it, from any liability or any debt contracted by said agency prior to its disincorporation. All warrants for said indebtedness shall be drawn on order of said board of supervisors of the county, on the fund hereinabove provided for in the county treasury of the principal county. All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for. If at any time after the disincorporation of said agency it shall be found that there is not sufficient money in the treasury to the credit of the fund hereinbefore provided, with which to pay any indebtedness of said agency, said board of supervisors shall have the power, and it shall be their duty, to levy upon, and there shall be collected from, the property within the territory formerly included within said agency subject to taxation for

the indebtedness, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts. If after payment of all debts of said agency there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate said surplus and declare a dividend pro rata to the taxpayers of said agency duly paid, and said taxpayers shall have the right to have the amount of such pro rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro rata to said taxpayers and each thereof. The board of supervisors of the principal county in which said agency has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of said agency shall fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness, other than the bonded indebtedness, of said agency at the time of its disincorporation, the amount of money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said agency for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said agency before disincorporation, and said county shall succeed to and possess all the right of said agency in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

It is the intention that the Antelope Valley-East Kern Water Agency shall not be disincorporated until all bonded indebtedness shall have been fully paid, and by the word "indebtedness" as used herein is meant all indebtedness other than said bonded indebtedness unless the latter is expressly used.

CHAPTER 137

An act to amend Section 1311 of the Education Code, relating to school district election precincts.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 1311 of the Education Code is amended to read:

1311. The governing board of any school district may subdivide the district into precincts for the holding of elections, and may change and alter the precincts from time to time. The board shall number the precincts consecutively and each precinct shall for the purpose of any school district election be known by the number designated. If the governing board does not subdivide the district into precincts, the entire district shall constitute one precinct.

In any election, regardless of how the election is conducted and the votes tabulated, no precinct created under the provisions of this chapter shall consist of more than 2,500 voters.

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

In any consolidated school election or in any election held in a union or joint union high school district, or junior college district, each elementary school district and each unified school district, shall have at least one precinct, and no precinct shall be divided between any two or more such districts.

If the governing board or boards concerned fail to designate the precincts in the specification of the election order, or, in the case of a consolidated election, fail to notify the county superintendent of schools of their decision as to precincts within 60 days preceding the election, the county superintendent of schools having jurisdiction may subdivide the district or area into precincts and number them consecutively.

CHAPTER 138

An act to maintain the Penal Code by amending Sections 172.5, 311.9, 384a, 403, 996, 2943, 3046, and 4011, and by amending and renumbering Sections 4250, 4251, and 4252, relating to penal law.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 172.5 of the Penal Code is amended to read:

172.5. The provisions of Sections 172 and 172a of this code shall not apply to the sale or exposing or offering for sale of alcoholic beverages by a licensee under the Alcoholic Beverage Control Act within the premises occupied by any bona fide club which is situated within one mile of the grounds belonging to the University of California at Berkeley, if the club meets all of the following requirements:

(a) The membership in the club shall be limited to male American citizens over the age of 21 years.

(b) The club shall have been organized and have existed in the City of Berkeley for not less than 35 years continuously.

(c) The club shall have a bona fide membership of not less than 500 members.

(d) The premises occupied by the club are owned by the club, or by a corporation, at least 75 percent of whose capital stock is owned by the club, and have a value of not less than one hundred thousand dollars ($100,000).

SEC. 2. Section 311.9 of the Penal Code is amended to read:

311.9. (a) Every person who violates Section 311.2 is punishable by fine of not more than one thousand dollars ($1,000) plus five dollars ($5) for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed ten thousand dollars ($10,000), or by imprisonment in the county jail for not more than six months plus one day for each additional unit of material coming within the provisions of this chapter, and which is involved in the offense, such basic maximum and additional days not to exceed 360 days in the county jail, or by both such fine and imprisonment. If such person has previously been convicted of a violation of Section 311.2, he is punishable by fine of not more than two thousand dollars ($2,000) plus five dollars ($5) for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed twenty-five thousand dollars ($25,000), or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment. If such person has been twice convicted of a violation

of this chapter, a violation of Section 311.2 is punishable as a felony.

(b) Every person who violates Sections 311.3 and 311.4 is punishable by fine of not more than two thousand dollars ($2,000) or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment. If such person has been previously convicted of a violation of Section 311.3 or Section 311.4, he is punishable by imprisonment in the state prison not exceeding five years.

(c) Every person who violates Section 311.7 is punishable by fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. For a second and subsequent offense he shall be punished by a fine of not more than two thousand dollars ($2,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. If such person has been twice convicted of a violation of this chapter, a violation of Section 311.7 is punishable as a felony.

SEC. 3. Section 384a of the Penal Code is amended to read:

384a. Every person who within the State of California willfully or negligently cuts, destroys, mutilates, or removes any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon state or county highway rights-of-way, or who removes leaf mold thereon; provided, however, that the provisions of this section shall not be construed to apply to any employee of the state or of any political subdivision thereof engaged in work upon any state, county or public road or highway while performing such work under the supervision of the state or of any political subdivision thereof, and every person who willfully or negligently cuts, destroys, mutilates or removes any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portions of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon public land or upon land not his own, or leaf mold on the surface of public land, or upon land not his own, without a written permit from the owner of the land signed by such owner or his authorized agent, and every person who knowingly sells, offers, or exposes for sale, or transports for sale, any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or leaf mold, so cut or removed from state or county highway rights-of-way, or removed from public land or from land not owned by the person who cut or removed the same without the written permit from the owner of the land, signed by such owner or his authorized agent, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars

($500) or by imprisonment in a county jail for not more than six months or by both such fine and imprisonment.

The written permit required under this section shall be signed by the landowner, or his authorized agent, and acknowledged before a notary public, or other person authorized by law to take acknowledgments. The permit shall contain the number and species of trees and amount of shrubs or ferns or herbs or bulbs or cacti or flowers, or huckleberry or redwood greens, or portions of any tree or shrub and shall contain the legal description of the real property as usually found in deeds and conveyances of the land on which cutting or removal, or both, shall take place. One copy of such permit shall be filed in the office of the sheriff of the county in which the land described in the permit is located. The permit shall be filed prior to commencement of cutting of the trees or shrub or fern or herb or bulb or cactus or flower or huckleberry or redwood green or portions of any tree or shrub authorized by the permit. The permit required by this section need not be notarized or filed with the office of the sheriff of the county where trees are to be removed when 5 (five) or less trees or 5 (five) or less pounds of shrubs or boughs are to be cut or removed.

Any county or state firewarden, or personnel of the California Division of Forestry as designated by the State Forester, and personnel of the United States Forest Service as designated by the Regional Forester, Region 5, of the United States Forest Service, or any peace officer of the State of California, shall have full power to enforce the provisions hereof and to confiscate any and all such shrubs, trees, ferns or herbs or bulbs or cacti or flowers, or huckleberry or redwood greens or leaf mold, or parts thereof unlawfully cut or removed or knowingly sold, offered or exposed or transported for sale as hereinbefore provided.

The provisions of this section shall not be construed to apply to any tree or shrub, or fern or herb or bulb or cactus or flower, or greens declared by law to be a public nuisance.

The provisions of this section shall not be deemed to apply to the necessary cutting or trimming of any such trees, shrubs, or ferns or herbs or bulbs or cacti or flowers, or greens if done for the purpose of protecting or maintaining an electric power line or telephone line or other property of a public utility.

The provisions of this section do not apply to persons engaged in logging operations, or in suppressing fires.

SEC. 4. Section 403 of the Penal Code is amended to read:

403. Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting, not unlawful in its character, other than such as is mentioned in Section 302 of the Penal Code and Section 12046 of the Elections Code, is guilty of a misdemeanor.

SEC. 5. Section 996 of the Penal Code is amended to read:

996. If the motion to set aside the indictment or informa-

tion is not made, the defendant is precluded from afterwards taking the objections mentioned in Section 995.

SEC. 6. Section 2943 of the Penal Code is amended to read:

2943. Notwithstanding any other provision of law, when any person (other than a person imprisoned under a life sentence) has been released on parole from the state prison, and has been on parole continuously for two years since release from confinement, the Adult Authority, in the case of a male prisoner, and the California Women's Board of Terms and Parole, in the case of a female prisoner, shall, within 30 days, determine whether or not, by the standard of his rehabilitation, such person's term of imprisonment shall terminate on the expiration of such 30-day period. The authority or board shall make a written record of its determination and transmit a copy thereof to the parolee. If the authority or board so determines that such person's term shall be terminated, he shall be deemed completely discharged at the end of such 30-day period.

SEC. 7. Section 3046 of the Penal Code is amended to read:

3046. No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years. The Adult Authority shall, in considering a parole for such prisoner, consider all statements and recommendations which may have been submitted by the judge, district attorney, and sheriff, pursuant to Section 1203.01, or in response to notices given under Sections 3022 and 3042, and recommendations of other persons interested in the granting or denying of such parole. The authority shall enter on its order granting or denying parole to such prisoners, the fact that such statements and recommendations have been considered by it. Such statements and recommendations shall, however, be and remain confidential.

SEC. 8. Section 4011 of the Penal Code is amended to read:

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

(b) The cost of such medical services and such hospital care and treatment shall be charged against the county subject to subsections (c) and (d), in the case of a prisoner in or taken from the county jail, or against the city in the case of a prisoner in or taken from the city jail, and the city or county may recover the same by appropriate action from the person so served or cared for, or any person or agency responsible for his

care and maintenance. If the prisoner is in the county jail under contract with a city or under some other arrangement with the city to keep the city prisoner in the county jail, then the city shall be charged, subject to subsections (c) and (d), for the prisoner's care and maintenance with the same right of recovery against any responsible person or any other agency.

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

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

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

SEC. 9 Section 4250 of the Penal Code is amended and renumbered to read:

4350. This chapter applies to prisoners confined in city, county, or city and county jails, or industrial farms or road camps established pursuant to this title, who are under a sentence of 30 days or more.

SEC. 10. Section 4251 of the Penal Code is amended and renumbered to read:

4351. Any prisoner, to whom this chapter applies, may voluntarily donate blood to a blood bank duly licensed by the State Department of Public Health. Prior to blood donation the prisoner shall be given an examination with all clothes removed by a physician and surgeon of the blood bank to whom blood is to be donated, and donations shall be refused unless such physician shall find the prisoner to be a suitable person for blood donation. No more than one such donation shall be permitted during any 72-day period.

SEC. 11. Section 4252 of the Penal Code is amended and renumbered to read:

4352. For each blood donation accepted by a blood bank from a prisoner, five days shall be deducted by the person in charge of the jail or other facility from the prisoner's period of confinement.

CHAPTER 139

An act to amend Sections 17.1 and 33 of, and to amend and renumber Section 29.1 (as added by Chapter 1812 of the Statutes of 1961) of, the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 17.1 of the Orange County Water District Act (Ch. 924, Stats. 1933) is amended to read:

Sec. 17.1. "General reserve" means funds allocated from the general fund used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures. The amount of said general reserve shall not at any time exceed the sum of six hundred thousand dollars ($600,000).

"Unappropriated reserve" means funds allocated from the general fund to cover expenditures that have not been provided for or that have been insufficiently provided for or for unappropriated requirements. Said unappropriated reserve shall not at any time exceed the sum of two million dollars ($2,000,000).

SEC. 2. Section 29.1 (as added by Ch. 1812, Stats. 1961) of the Orange County Water District Act (Ch. 924, Stats. 1933) is amended and renumbered to read:

Sec. 29.2. In the event an additional replenishment assessment is levied pursuant to Section 27.1 of this act, each operator of a water-producing facility within said district shall file, in addition to the statement required by Section 29 of this act, a statement showing the classification of use of water as follows: (1) the amount used for irrigation purposes and (2) the amount used for purposes other than irrigation.

In the event an additional replenishment assessment is levied pursuant to Section 27.1 of this act, the replenishment assessment is computed by multiplying the production in acre-feet of water as disclosed in the statements to be filed by each operator of the water-producing facility by the replenishment rates.

SEC. 3. Section 33 of the Orange County Water District Act (Ch. 924, Stats. 1933) is amended to read:

Sec. 33. If said district has probable cause to believe that

the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, said district may cause an investigation and report to be made concerning the production of water from each such water-producing facility. Said district may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon said district to establish to the contrary.

After such determination has been made by said district, a written notice thereof shall be mailed to the person operating such water-producing facility at his address as shown by the district's records. Any such determination made by said district shall be conclusive on all persons having an interest in such water-producing facility and the replenishment assessment interest and penalties thereon, payable forthwith, unless such person files with the board of directors of said district within 10 days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, said board of directors thereafter shall hold a hearing at which time the total amount of the water production and the replenishment assessment thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by said board of directors shall be mailed to each protestant who shall have 20 days from the date of mailing to pay the replenishment assessment, interest and penalties provided by the provisions of this act.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States, in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the records of said district. The service is complete at the time of deposit.

CHAPTER 140

An act to amend Sections 18401 and 18461 of the Elections Code, relating to canvass of elections.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 18401 of the Elections Code is amended to read:

18401. The election board of each county shall meet, at its usual place of meeting, on the first Thursday after each election. If, at the time of the meeting, the returns from each precinct in the county in which polls were opened have been received, it shall then and there canvass the returns.

In any county having a registrar of voters, the canvass of the returns shall be made by the registrar of voters and in any other county the election board may, by resolution duly adopted prior to the date of election, order the canvass to be made by the county clerk. When the canvass is thus made, it shall be unnecessary for the election board to meet as provided in this section, and the registrar of voters or county clerk shall perform the duties of the election board as provided in this article.

SEC. 2. Section 18461 of the Elections Code is amended to read:

18461. The board of supervisors of each county, or in the case of a municipal primary election, the officers charged by law with the duty of canvassing the vote in that city, shall meet to canvass the returns at the usual place of meeting, or at any other place permitted by law, on the first Thursday after each primary election, or as soon thereafter as all the returns are in.

In any county having a registrar of voters, the canvass of the returns shall be made by the registrar of voters, and in any other county, the election board may by resolution duly adopted prior to the date of election order the canvass to be made by the county clerk. When the canvass is thus made, it shall be unnecessary for the board of supervisors to meet as provided in this section. The registrar of voters or county clerk shall perform the duties of the board of supervisors as provided in this article.

CHAPTER 141

An act to amend Section 5784.35 of, and to add Sections 5784.36, 5784.37 and 5784.38 to, the Public Resources Code, relating to recreation and park districts.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 5784.35 of the Public Resources Code is amended to read:

5784.35. The district board may, by resolution, establish a district revolving fund not to exceed two hundred dollars ($200) for the purpose of disbursement and reimbursement of moneys, to be used in conducting or supervising special recreational activities. Said revolving fund shall be subject to audit as provided in Section 26909 of the Government Code.

The resolution which establishes the district revolving fund shall designate all of the following:

(a) The officer who shall submit a written request to the county auditor for a specific amount.

(b) The bank which shall be the depositary of the funds.

(c) The officers of the district whose signatures are required to authorize disbursements from the fund.

(d) The purposes for which moneys deposited in the fund may be expended.

(e) The officer of the district who shall be responsible for keeping account of all receipts and disbursements from the fund.

SEC. 2. Section 5784.36 is added to the Public Resources Code, to read:

5784.36. The officer designated in said resolution shall not be authorized to expend any portion of the revolving fund except for services or material which are a legal charge against the district.

SEC. 3. Section 5784.37 is added to the Public Resources Code, to read:

5784.37. Any expenditure in excess of one dollar ($1) shall not be made unless documentary evidence of the expenditure is obtained.

SEC. 4. Section 5784.38 is added to the Public Resources Code, to read:

5784.38. Demands shall be made upon the district fund for reimbursement of said revolving fund in the same manner that other demands are made. No other moneys shall be deposited into the revolving fund.

CHAPTER 142

An act to amend Section 516 of the Welfare and Institutions Code, relating to unclaimed bicycles and toys.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 516 of the Welfare and Institutions Code is amended to read:

516. The board of supervisors may by ordinance provide that any bicycles or toys, or both, in the possession of the sheriff of any such county which have been unclaimed for a period of at least three months may, instead of being sold at public auction to the highest bidder pursuant to the provisions of Section 1873 of the Civil Code, be turned over to the probation officer of such county for use by him in any program of activities designed to prevent juvenile delinquency.

CHAPTER 143

An act to amend Section 3100.5 of the Education Code, relating to reorganization of school district elections and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 3100.5 of the Education Code is amended to read:

3100.5. Within two years after July 1, 1964, an election shall be held within any territory which has not been unified, on the question of the approval of a master plan developed under Chapter 9 of this division or plans and recommendations developed under this chapter, which will effect the reorganization of the territory involved to comply with standards prescribed. A like election shall be held in any such territory during every two-year period from and after July 1, 1964. The county committee on school district organization shall, for purposes of such election, develop the necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption

from the requirements prescribed by the preceding provisions of this section, unless the district conforms to the requirements prescribed by Section 17672 or Section 17673.

SEC. 1.5. The amendments to Section 3100.5 of the Education Code effected by Section 1 of this act shall have the following operation with respect to reorganization elections which, under any interpretation of Section 3100.5, have been called by the county superintendent of schools but have not been held at the effective date of this act, or were required to be held but were not held prior to the effective date of this act:

(a) As to elections called by the county superintendent of schools but not yet held, the election proceedings may be cancelled by action of the county committee on school district organization taken at any time prior to the day of the election. An election on a proposal including the school district territory involved may thereafter be called and conducted in the manner prescribed by law at any time prior to July 1, 1968.

(b) As to elections required to have been held but not held, an election on a proposal including the school district territory involved may be called and conducted in the manner prescribed by law at any time prior to July 1, 1968.

SEC. 2. It is the intent and purpose of the Legislature that eligibility for the increase in foundation program provided for pursuant to Section 17676 of the Education Code for any school district shall be determined, for the fiscal year in which this act becomes effective, and fiscal years thereafter, on the basis of whether elections have been held within the time limits specified by Section 3100.5 of the Education Code as amended by Section 1, and subject to the provisions of Section 1.5, of this act.

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

Because of doubt concerning the date upon which, under Section 3100 5 of the Education Code, elections are required to be held on proposals for the reorganization of school district territory, and because of differing legal interpretations made of the requirements of the section by the Attorney General of California, various county counsels and other legal authorities, a number of school districts and school district territories have deferred or failed to call and conduct reorganization elections. In some instances entitlements to certain State School Fund subventions may be jeopardized for delay or failure to conduct the elections. In order that the urgently needed procedural relief and remedies afforded by this act may be availed of by all affected districts and territories it is necessary that this act take effect immediately.

CHAPTER 144

An act to amend Sections 1311, 1312, 1323, 1325, 1326, 1333, 1344, 1415, 1416, and 21751 of the Education Code, relating to school district elections.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 1311 of the Education Code is amended to read:

1311. The governing board of any school district may subdivide the district into precincts for the holding of elections, and may change and alter the precincts from time to time. The board shall number the precincts consecutively and each precinct shall for the purpose of any school district election be known by the number designated. If the governing board does not subdivide the district into precincts, the entire district shall constitute one precinct.

In any election, regardless of how the election is conducted and the votes tabulated, no precinct created under the provisions of this chapter shall consist of more than 2,500 voters.

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

In any consolidated school election or in any election held in a union or joint union high school district, or junior college district, each elementary school district and each unified school district, shall have at least one precinct, and no precinct shall be divided between any two or more such districts.

If the governing board or boards concerned fail to designate the precincts in the specification of the election order, or, in the case of a consolidated election, fail to notify the county superintendent of schools of their decision as to precincts within 75 days preceding the election, the county superintendent of schools having jurisdiction may subdivide the district or area into precincts and number them consecutively.

SEC. 2. Section 1312 of the Education Code is amended to read:

1312. The governing board of the district shall designate one polling place in each precinct, which shall be a public school building if there is one in the precinct.

When a consolidated election is required to be held in any district or area, the governing boards of the districts concerned shall agree upon the polling places and shall inform the county superintendent of schools of their decision.

If the governing board concerned fails to designate the polling places in the specification of the election order, or if, in

a consolidated election, the boards concerned fail to notify the county superintendent of schools of their decision as to polling places within 75 days preceding the election, the county superintendent of schools having jurisdiction shall designate them.

SEC. 3. Section 1323 of the Education Code is amended to read:

1323. Whenever an election is ordered, the governing board of the district or the board or officer authorized by this code to make such designations shall, concurrently with or after the order of election but not less than 80 days prior to the date set for the election, by resolution delivered to the county superintendent of schools specify the following, or such of the following as he or it may have authority to designate:

(a) The date of the election.

(b) The purpose of the election.

(c) The election precincts

(d) The polling places.

(e) The polling hours.

The resolution or resolutions shall be known as "specifications of the election order" and shall set forth the authority for ordering the election, the authority for the specification of the election order and the signature of the officer or the clerk of the board by law authorized to make the designations therein contained.

SEC. 4. Section 1325 of the Education Code is amended to read:

1325. At least 75 days prior to the date specified for the holding of any school election, the county superintendent of schools shall deliver to the county clerk or registrar of voters, if such office has been established in the county where the election is to be held, copies of:

(a) The order of election

(b) If the election is to be consolidated, the order of consolidation.

(c) The formal notice of election.

SEC. 5. Section 1326 of the Education Code is amended to read:

1326. Any school district election ordered to be held in accordance with the provisions of this code shall be called by the county superintendent of schools having jurisdiction of the election by causing the:

(a) Posting or publication of notices of election, and

(b) Delivery of a copy of the formal notice of election to the county clerk or registrar of voters at least 75 days prior to the date of the election.

SEC. 6. Section 1333 of the Education Code is amended to read:

1333. Whenever any school district election is scheduled to be held on the same day, in the same territory, or in territory that is in part the same, as an election or elections called to be held by any other district, city, county or other political

subdivision, the school district election may be either completely or partially consolidated with such election or elections pursuant to the provisions of Chapter 4 of Part 2 of Division 12 of the Elections Code.

Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the school district upon receipt of both of the following:

(a) Written request for such consolidation by the governing board of the school district in which the election is to be held, which request must be submitted to the county superintendent of schools at least 80 days prior to election.

(b) Written approval of consent by the governing body of the other political subdivision or subdivisions holding an election or elections.

SEC. 7. Section 1344 of the Education Code is amended to read:

1344. Except where the procedure prescribed by Section 1343 is utilized, and except as otherwise provided for consolidated elections, the county superintendent of schools having jurisdiction over any school district election shall cause formal notice of such election to be published in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

The first publication shall be made not more than 75 days, and the last publication shall be made not less than seven days, prior to the date set for the election.

Proof of such publication may be by affidavit.

SEC. 8. Section 1415 of the Education Code is amended to read:

1415. Immediately upon the closing of the polls or upon the first working day thereafter, the county superintendent conducting the canvass of returns shall proceed to canvass the absent voter ballots cast for the election. The canvass of absent votes shall be made in accordance with the provisions of Article 2, Chapter 7, Division 10 of the Elections Code. The count of the absentee votes for each person voted for, or for and against each measure or proposition voted upon shall be tabulated under the heading "Absentee Votes" and added to and included with the canvass of returns from the combined precincts in each district.

SEC. 9. Section 1416 of the Education Code is amended to read:

1416. Upon completion of the canvass of returns and absent voter ballots the county superintendent of schools having jurisdiction shall prepare a certificate of election results which shall contain a statement showing:

(a) The total number of ballots cast in the district.
(b) The name of the persons voted for; and
(c) The office each person was voted for; or
(d) The proposition(s) or measure(s) voted upon.
(e) The total number of votes given in the district to each person or for and against each proposition or measure.

The county superintendent shall, upon the request of the school district, furnish the number of votes cast at each precinct for each candidate or for and against each proposition or measure. Upon the request of any voter of the district, access to such information shall be permitted.

Copies of the certificate of results shall be issued to the governing board of the district or districts in which the election was held, to the county clerk, or registrar of voters, and to such other officers as by law required. A copy of the certificate of election results shall be kept on permanent file in the office of the county superintendent canvassing the election returns.

SEC. 10. Section 21751 of the Education Code is amended to read:

21751. The election shall be conducted as provided in Chapter 6 of Division 4, except:

(1) As otherwise provided in Sections 21701 to 21756, inclusive.

(2) That the formal notice of the election shall contain, in addition to the items specified in Section 1342:

(a) The purposes for which the bonds are to be issued.
(b) The amount of the bonds.
(c) The maximum rate of interest, not to exceed 5 percent.
(d) The maximum number of years, not to exceed 25, not to exceed which the bonds or any series thereof are to run.

No election shall be held under the provisions of this section in any school district for a period of 90 days after such an election in the same school district.

CHAPTER 145

An act to add Article 7 (commencing with Section 5380) to Chapter 2 of Division 5 of the Public Resources Code, relating to protection of county parks.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Article 7 (commencing with Section 5380) is added to Chapter 2 of Division 5 of the Public Resources Code, to read:

Article 7. Protection of County Parks

5380. The board of supervisors, in order to protect county parks from damage and preserve the peace therein, may confer on the county officer in charge of its parks, and on other uniformed park employees which it may designate, the authority to issue citations in accordance with the provisions of Chapter 5b (commencing with Section 853.1) and Chapter 5c (commencing with Section 853.6), Title 3, Part 2 of the Penal Code, for misdemeanor violations of laws of this state and ordinances of a city or county committed within a county park and within their presence.

CHAPTER 146

An act to amend Sections 1104.3, 1345, 1364, 1644, 3256, 3262, 20803, 21751, 21753 and 27606 of, to add Section 1443 to, and to repeal Section 3301 of, the Education Code, relating to school district elections.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 1104.3 of the Education Code is amended to read:

1104.3. Except as otherwise provided in this article, and notwithstanding the provisions of Section 1102, the county superintendent of schools having jurisdiction may consolidate the election for the purpose of electing the governing board of a unified school district proposed to be formed under Chapter 10 (commencing with Section 3101) of Division 5 of this code with the election held for adopting or rejecting the plans and recommendations for the formation of a new district. The election shall be called, held, and conducted pursuant to the provisions of this article, Article 2 of this chapter, and Chapter 6 of this division, except that the question of formation of a unified school district and any other proposition to be voted upon shall appear on the ballot before the list of candidates for election to the governing board of the proposed unified district.

SEC. 2. Section 1345 of the Education Code is amended to read:

1345. In the case of any school district election called or conducted under the provisions of this code, except as hereafter provided in this section, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at the time provided in the Elections Code for the mailing of sample ballots for a statewide primary election, mail to

each registered voter residing within the district, a sample ballot and a card designating the polling place and time of the election.

In any district or territory located wholly or partially in a county with a population of less than 60,000 as determined by Section 28020 of the Government Code, the governing board of the school district, rather than the county clerk or registrar of voters, shall mail the sample ballot and card notice required in this section.

As used in this section, the word "card" means a card or other notice, as determined by the officer charged with the duty of mailing the same to the voters.

SEC. 3. Section 1364 of the Education Code is amended to read:

1364. In casting his vote the voter shall stamp a cross (+) in the square space immediately following the name of the candidate or candidates of his choice, or his choice of "Yes" or "No" to any proposition printed thereon. If the voter desires to vote for a person whose name does not appear on the ballot, he shall himself write the name of the person in the space provided for that purpose on the ballot. When the voter writes the name of a person on the ballot he may, but need not, place a cross (+) after the name. After properly marking his ballot the voter shall hand it to the inspector who shall, in the presence of the voter, deposit the ballot in the ballot box.

SEC. 4. Section 1644 of the Education Code is amended to read:

1644. Except as provided in Section 1823, elections for the assumption by one district or by part of a district of all or part of the bonded indebtedness of another district, after the completion of an action to organize or reorganize districts, shall be ordered by the governing board of the district all or part of which would assume the indebtedness. The election shall be called, held, and conducted in the district or part thereof by the county superintendent of schools as provided in Division 4 of this code.

In a combined election for the organization or reorganization of districts and assumption of indebtedness, the election shall be ordered by the county superintendent of schools and shall be called, held, and conducted by him as provided in Division 4 of this code.

The ballot proposition for the assumption of indebtedness shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District—Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District—No."

SEC. 5. Section 3256 of the Education Code is amended to read:

3256. The county committee may propose a maximum tax rate in excess of that provided in Section 3255 as a separate proposition. The ballot proposition shall contain substantially

the words "Shall the maximum tax rate of the proposed new district be _____ per one hundred dollars ($100) of assessed valuation, such rate to be in effect for the school years _____ through _____, the revenues of which are to be used for _____ (insert proposed uses of tax funds)?" or the words "Shall the maximum tax rate of the proposed new district be _____ per one hundred dollars ($100) of assessed valuation, such rate to be in effect for the school years commencing 19___, the revenues of which are to be used for _____ (insert proposed uses of tax funds)?" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square after each word. In the event the committee proposes a maximum tax rate under the provisions of both this section and Section 3255, the rate proposed under this section shall be the maximum tax rate for the district if a majority of the votes cast are in favor of the proposition.

SEC. 6. Section 3262 of the Education Code is amended to read:

3262. When the county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3258 and 3259, the proposal shall be deemed to be an integral part of the plans and recommendations and, except as provided in this section, a favorable vote by a majority of the voters on the question of reorganization, as provided in Article 6 (commencing with Section 3291) of this chapter, shall be deemed to be a favorable vote upon the plans and recommendations as a whole.

If the plans and recommendations require the incurring of a bonded indebtedness within a new district or in a district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly organized districts, then the proposition for the incurring of the bonded indebtedness shall be submitted as a separate proposition to the electors of the district or portion thereof which is to incur such indebtedness at the same election at which the proposition of approving the plans and recommendations is submitted to vote of the electors of the proposed unified or otherwise reorganized districts. The plans and recommendations shall not be deemed to have been approved unless the proposition of incurring such indebtedness is approved by the percentage of votes required for the passage of a bond issue as provided in Section 18 of Article XI of the Constitution cast in the district or portion thereof which is to incur such indebtedness voting on such proposition at the election.

The proceedings for the issuance and sale of the bonds shall be taken in substantial conformity with the provisions of Sections 21701 to 21756, inclusive, and Sections 21806 to 21951, inclusive, except that the proposition relating to the bond issue which is to appear on the ballot shall contain substantially the words:

"Shall _____ District incur a bonded indebtedness in the aggregate principal amount of $_____ at a maximum rate of interest of _____ percent, for a period not to exceed _____ years for the purpose of paying its share of the equitable adjustment resulting from the reorganization of said school district?"

SEC. 7. Section 20803 of the Education Code is amended to read:

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

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

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, as nearly as is practicable in accordance with the provisions of Chapter 6 of Division 4 of this code.

The specification of the election order shall contain the information provided in Section 1323 of this code and shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it.

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

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall the proposed (increase decrease) in the maximum tax rates from _____to _____, such rate to be in effect in the _____ School District for the school year (or years) 19___ to 19___, the revenues of which are to be used for _____, be authorized?" or the words "Shall the proposed (increase decrease) in the maximum tax rates commencing on _____, such rate to be in effect in the _____ School District for the school years commencing 19___, the revenues of which are

to be used for _____, be authorized?" Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the maximum tax rate of the district, the ballot shall contain substantially the words "Shall the existing maximum tax rate of _____ be continued in the _____ School District for the school years 19___ to 19___, the revenues of which are to be used for _____" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give.

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

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

SEC. 8. Section 21751 of the Education Code is amended to read:

21751. The election shall be conducted as provided in Chapter 6 of Division 4, except:

(1) As otherwise provided in Sections 21701 to 21756, inclusive.

(2) That the formal notice of the election shall contain. in addition to the items specified in Section 1342:

(a) The purposes for which the bonds are to be issued.

(b) The amount of the bonds.

(c) The maximum rate of interest, not to exceed 5 percent.

(d) The maximum number of years, not to exceed 25, not to exceed which the bonds or any series thereof are to run.

No election shall be held under the provisions of this section in any school district for a period of 90 days after such an election in the same school district.

SEC. 9. Section 21753 of the Education Code is amended to read:

21753. The words to appear upon the ballots shall be "Bonds—Yes" and "Bonds—No," or words of similar import. Each elector voting at the election shall mark a cross with a

rubber stamp after the answer he desires to give. A brief statement of the proposition, setting forth the amount of the bonds to be voted upon, the maximum rate of interest, and the purposes for which the proceeds of the sale of the bonds are to be used, shall be printed upon the ballot. No defect in the statement other than in the statement of the amount of the bonds to be authorized shall invalidate the bonds election.

SEC. 10. Section 27606 of the Education Code is amended to read:

27606. Not less than 30 days before the election, the trustees shall post notices in three public places in the district, one of which places shall be the public library and copies shall be posted in each branch library, and cause such notice to be published in a newspaper of general circulation in the district. The notices shall specify the time and place of the election, and the hours during which the polls will be kept open. If within 10 days of holding the election the trustees have failed to post the notices, then any three electors of the district may give notice. In odd-numbered years, not less than 10 days before the day fixed for the election, the board of trustees shall mail to each registered voter residing within the district, a card designating the polling place and time of the election, and a sample ballot. In even-numbered years, notification of time of election and polling place shall be mailed to each registered voter residing within the district with the notification of state primary election.

SEC. 11. Section 1443 is added to the Education Code, to read:

1443. Notwithstanding any other provision of this code, the officer conducting any school election shall not be required to provide more than one ballot to the same voter for the purpose of voting on separate propositions at the same election. However, no voter shall be presented with a ballot containing a proposition on which he is not entitled to vote by virtue of not residing within the district or area affected by the proposition.

SEC. 12. Section 3301 of the Education Code is repealed.

SEC. 13. Section 10 of this act shall be operative only until the operative date of Assembly Bill No. 149 of the 1967 Regular Session. This section shall not be operative unless Assembly Bill No. 149 is enacted by the Legislature at its 1967 Regular Session.

CHAPTER 147

An act to amend Sections 1113 and 1114 of the Education Code, relating to school board elections.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Section 1113 of the Education Code is amended to read:

1113. The county superintendent of schools having jurisdiction over a governing board member election shall cause a notice to file declarations of candidacy and nominations of candidates, to be published in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. Such notice shall be substantially in the form provided in subdivision (c) of Section 1129 of this code.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

The first publication shall be made not more than 110 days, and the last publication shall be made not less than 70 days, prior to the date set for the election.

Proof of publication may be by affidavit.

SEC. 2. Section 1114 of the Education Code is amended to read:

1114. In any school district governing board election the name of any registered voter shall be placed on the ballot if there is filed with the county superintendent of schools having jurisdiction not less than 54 days prior to the election:

(a) A declaration of candidacy substantially in the form set forth in subdivision (a) of Section 1129, containing the appropriate information in the blank spaces and signed by the registered voter whose name is thereby to be placed on the ballot; or

(b) Nomination by sponsors, substantially in the form set forth in subdivision (b) of Section 1129, containing the appropriate information in the blank spaces and signed by at least 3 but not more than 10 persons each of whom is a registered voter and a parent of a pupil enrolled in a public school in the district.

CHAPTER 148

An act to amend Sections 501, 504, 1603, and 1604.1 of, and to add Article 3 (commencing with Section 280) to Chapter 1 of Part 2 of Division 1 of, and to add Sections 506 and 531.5 to, the Revenue and Taxation Code, relating to veterans' exemptions.

[Approved by Governor May 12, 1967. Filed with Secretary of State May 12, 1967.]

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

SECTION 1. Article 3 (commencing with Section 280) is added to Chapter 1 of Part 2 of Division 1 of the Revenue and Taxation Code, to read:

Article 3. Audit of Veterans' Exemption Claims

280. Commencing on or after July 1, an audit of the exemptions granted pursuant to Section 1¼, Article XIII of the Constitution shall be conducted by the auditor. The audit shall cover such exemptions claimed for the current tax year as well as any prior tax years in respect to which escaped assessments would be timely pursuant to Section 531.5.

281. The auditor shall determine the procedures and the extent of auditing required.

282. If the information is not made available through the assessor, the auditor may make written demand to the veteran or his spouse to appear and testify and to produce papers, including books, accounts, and documents germane to the claimed exemption, for the purpose of verifying entitlement to the exemption.

The auditor shall have access at any reasonable time to all records in the assessor's office, germane to the audit.

283. Should the audit prescribed by this article indicate that a claim of exemption pursuant to Section 1¼, Article XIII of the Constitution has been improperly denied, the assessor shall be notified. Upon receipt of such notice the assessor shall make a redetermination and if he finds the claimant eligible he shall notify the claimant in the manner provided in Section 1604.1 of such erroneous determination, effect an amendment of the assessment roll, and if the claimant has already paid the tax he shall have 30 days from receipt of such notice in which to file claim pursuant to Article 1 (commencing with Section 5096) Chapter 5, Part 9 of this division. The notice shall advise the time in which claim may be filed.

284. Should the audit prescribed by this article indicate that a veteran's exemption has been incorrectly allowed, the assessor shall be notified.

285. The provisions of this article shall not apply in any county unless a resolution is adopted by the board of supervisors declaring this article effective within the county.

Upon adoption of such a resolution this article shall become operative in the county on March 1, next following the date of adoption. It shall remain effective within the county unless repealed by resolution of the board of supervisors.

286. As used in this article "auditor" means the auditor, auditor-controller, or director of finance of a county.

SEC. 2. Section 501 of the Revenue and Taxation Code is amended to read:

501. If after written demand by the assessor, any person fails to comply with any provision of law for furnishing information on taxable tangible property, the assessor shall assess the property as provided in Article 1 or 4 of this chapter.

The assessment authorized by this section shall be made with respect to a failure to comply with any written demand made pursuant to Section 282 upon written request of the auditor.

SEC. 3. Section 504 of the Revenue and Taxation Code is amended to read:

504. (a) An assessment made pursuant to Sections 501 or 503 shall be subject to a penalty in an amount determined by adding to the roll 50 percent of the assessed value of the property on the first offense and 100 percent of the assessed value of the property on subsequent offenses under this article by the same person within five years following a prior offense.

(b) An assessment made pursuant to Section 531.5 shall be subject to the provisions of this section provided that the exemption was granted because of erroneous or incomplete information submitted by the claimant with knowledge that such information was erroneous or incomplete. This penalty shall be cumulative to any other penalties that may be imposed for furnishing erroneous or incomplete information. The basis used to compute the penal assessment levied pursuant to the second paragraph of Section 501 or pursuant to Section 531.5 is the total amount of the exemption erroneously allowed.

SEC. 4. Section 506 is added to the Revenue and Taxation Code, to read:

506. If the property subject to assessment cannot be assessed because it does not meet the requirements of subdivision (a) or (b) of Section 531, and it is subject to penal assessment pursuant to subdivision (b) of Section 504, judgment shall be entered in the amount of any tax based on the assessment which would otherwise be made pursuant to Section 531.5, against the person claiming the exemption upon petition of the assessor to the superior court of the county in which the property is located, with 20 days' written notice to the person who claimed the exemption. The petition shall state the name of the person claiming the exemption, the veteran in respect to whom it was claimed, the legal description of the property against which it was claimed, the date of the claim or claims, the error or errors which occasioned the allowance of the

veteran's exemption and the basis on which the error was subsequently determined, including a statement that the exemption was incorrectly allowed because of erroneous or incomplete information furnished by the person claiming the exemption.

SEC. 5. Section 531.5 is added to the Revenue and Taxation Code, to read:

531.5. Upon receipt of notice pursuant to Section 284, or upon indication from any audit that a veterans' exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the veteran's exemption. If he determines a veteran's exemption has been incorrectly allowed, an escaped assessment of the property shall be made, subject to Section 531, in the amount of the incorrectly allowed exemption.

Assessments pursuant to this section shall not be made more than five years following the lien date for the year in which the property escaped assessment.

SEC. 6. Section 1603 of the Revenue and Taxation Code is amended to read:

1603. Annually, on the third Monday in July, the board of supervisors or the assessment appeals board shall meet as the county board of equalization to equalize the assessment of property on the local roll. It shall continue in session for that purpose, from time to time, until the business of equalization is disposed of.

Any taxpayer may petition said board for a reduction in an assessment and a proportionate reduction or refund of the taxes extended thereon by filing an application pursuant to Section 1607 or Section 5097.

The county board shall have no power to receive or hear any petition for a reduction in an escaped assessment made pursuant to Section 531.5 nor a penal assessment levied in respect thereto, nor to reduce such assessments.

SEC. 7. Section 1604.1 of the Revenue and Taxation Code is amended to read:

1604.1. An assessment made pursuant to Sections 501, 503, 531, 531.1, 531.5 or 1061 of this code is not effective for any purpose, including its review, equalization and adjustment by the Board of Equalization, until the assessee has been notified thereof personally or by United States mail at his address as contained in the official records of the county assessor. Receipt by the assessee of a tax bill based on said assessment shall suffice as such notice.

Upon application for reduction pursuant to Section 1607 of this code, such assessment shall be subject to review, equalization and adjustment by the county board of equalization.

CHAPTER 149

An act to amend Section 213 of the Penal Code, relating to robbery.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 213 of the Penal Code is amended to read:

213. Robbery is punishable by imprisonment in the state prison as follows:

1. Robbery in the first degree for not less than five years.

2. Robbery in the second degree, for not less than one year.

The preceding provisions of this section notwithstanding, in any case in which defendant committed robbery, and in the course of commission of the robbery, with the intent to inflict such injury, inflicted great bodily injury on the victim of the robbery, such fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial or if admitted by the defendant, defendant shall suffer confinement in the state prison from 15 years to life.

CHAPTER 150

An act to amend Section 461 of the Penal Code, relating to burglary.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 461 of the Penal Code is amended to read:

461. Burglary is punishable as follows:

1. Burglary in the first degree: by imprisonment in the state prison for not less than five years.

2. Burglary in the second degree: by imprisonment in the county jail not exceeding one year or in the state prison for not less than one year or more than 15 years.

The preceding provisions of this section notwithstanding, in any case in which defendant committed burglary and in the course of commission of the burglary, with the intent to inflict such injury, inflicted great bodily injury on any occupant of the premises burglarized, such fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, defendant shall suffer confinement in the state prison from 15 years to life.

CHAPTER 151

An act to amend Section 264 of the Penal Code, relating to rape.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 264 of the Penal Code is amended to read:

264. Rape is punishable by imprisonment in the state prison not less than three years, except where the offense is under subdivision 1 of Section 261 of the Penal Code, in which case the punishment shall be either by imprisonment in the county jail for not more than one year or in the state prison for not more than 50 years, and in such case the jury shall recommend by their verdict whether the punishment shall be by imprisonment in the county jail or in the state prison; provided, that when the defendant pleads guilty of an offense under subdivision 1 of Section 261 of the Penal Code the punishment shall be in the discretion of the trial court, either by imprisonment in the county jail for not more than one year or in the state prison for not more than 50 years.

The preceding provisions of this section notwithstanding, in any case in which defendant committed rape and, in the course of commission of a rape other than as defined in subdivision 1 of Section 261, with the intent to inflict such injury, inflicted great bodily injury on the victim of the rape, such fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, defendant shall suffer confinement in the state prison from 15 years to life.

CHAPTER 152

An act to amend Sections 5, 8, 9, 11, 12, 14, 15, 21, 28, 29, 31, 34, and 35 of, to add Sections 50, 51, 52, 53, 53.1, 53.2, and 54 to, and to repeal Section 6 of, the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), relating to the Desert Water Agency.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 5 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 5. The Board of Directors of the Desert Water Agency organized under this act shall consist of five members. The Board of Supervisors of Riverside County shall appoint the first board of directors, each of whom shall be a resident of the agency, and shall hold office until his successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law.

SEC. 2. Section 6 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is repealed.

SEC. 3. Section 8 of the Desert Water Agency Law (Ch 1069, Stats. 1961) is amended to read:

Sec. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general Desert Water Agency elections and all special Desert Water Agency elections, except as in this act or otherwise provided.

SEC. 4. Section 9 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 9. The board of directors of Desert Water Agency shall call and canvass all elections involving matters of initiative, recall and referendum and shall call all other elections which it is authorized to canvass.

SEC. 5. Section 11 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 11. The board of directors shall be the governing body of the Desert Water Agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January of each even-numbered year, the board of directors shall choose one of its members president.

SEC. 6. Section 12 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows:" Each of the members of the board of directors shall receive for each attendance at the meetings of the board thirty dollars ($30). No directors, however, shall

receive pay for more than three meetings in any calendar month. A director shall be compensated for a meeting of the board if at the time of the holding of such meeting he is on other business of the district, at the request of the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director of the agency and shall hold office for the remainder of the unexpired term.

SEC. 7. Section 14 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a vice president, secretary, treasurer, attorney, chief engineer, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said agency. Said board may consolidate the office of secretary and treasurer, and the offices of chief engineer and general manager.

SEC. 8. Section 15 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Desert Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Desert Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchas-

ing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water outside the boundaries of the agency to the extent that the lands and inhabitants so served are southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

8. The agency may supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as are determined by the board for such service.

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency shall have or exercise no power of eminent domain with respect to property situated outside the boundaries of the agency other than the power to acquire by eminent domain any integrated water production, transmission and distribution facilities located partially within and without the boundaries of the agency, provided such integrated facilities are located southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. The agency shall not have or exercise power of eminent domain as to any property belonging to a county water district

which has more than 50,000 acres of land within its boundaries.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Desert Water Agency but shall not otherwise exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 2 percent of the assessed valuation of the taxable property in the Desert Water Agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River System are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any

other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

20.1. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency or otherwise, and to assume the costs and expenses of any and all actions or proceedings, now or hereafter begun, to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or a common benefit to lands within the agency, or to the inhabitants of the agency, or any watershed or basin overlain in whole or in part by the agency or which contributes to the water supply of the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency

are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to this agency.

24. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Desert Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Desert Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Desert Water Agency.

(b) "Municipality" and "city" shall mean the Desert Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Desert Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Desert Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Desert Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Desert Water Agency

SEC. 9. Section 21 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 21. The president, vice president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as

may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

If the president is absent or unable to act, the vice president shall exercise the powers of the president granted by this act.

The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of the agency with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, fix their compensation, subject to the approval of the board of directors.

The general manager shall perform such duties as may be imposed on him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may direct.

The chief engineer shall be the engineering advisor of the agency and shall perform such other duties as may be prescribed by the board of directors.

The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

SEC. 9.1. Section 28 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 28. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 6½ percent per annum, payable semiannually, except that interest for the first year may be payable

at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 9 2. Section 29 of the Desert Water Agency Law (Ch 1069, Stats. 1961) is amended to read:

Sec. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or properties mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed im-

provement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Desert Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improve-

ment district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. ___ of Desert Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Desert Water Agency pursuant to this section all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 6½ percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an

election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable

SEC 9.3. Section 31 of the Desert Water Agency Law (Ch. 1069, Stats 1961) is amended to read:

Sec. 31. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series The maximum term which the bonds of any series shall run before

maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed 6½ percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Desert Water Agency for Improvement District No. ___" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however,

that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 9.6. Section 34 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33 and, if the improvement district is formed under Section 29, may repay the agency from the proceeds of the sale of bonds authorized for such purpose, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 6½ percent from the special taxes levied exclusively upon the taxable property in said improvement district.

SEC. 9.7. Section 35 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 35. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, and interest on any bonds issued by the agency coming due before the expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued may be paid from the proceeds of the sale of such bonds.

SEC. 10. Section 50 is added to the Desert Water Agency Law (Ch. 1069, Stats. 1961), to read:

Sec. 50. The agency, by ordinance, may fix, on or before the first day of July in any calendar year, a water standby or availability charge within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not The standby charge shall not exceed ten dollars ($10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars ($10) per year for any parcel of less than one acre. The ordinance fixing a standby charge shall be

adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after notice and hearing in the manner prescribed in the District Reorganization Act of 1965 (commencing with Section 56000 of the Government Code). The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in August, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the agency upon which a charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax it levies, a standby charge in the amounts for the respective parcels fixed by the board. All county officers charged with the duty of collecting taxes shall collect agency standby charges with the regular tax payments to the county. Such charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property benefited thereby. Liens for such charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes

SEC. 11. Section 51 is added to the Desert Water Agency Law (Ch 1069, Stats. 1961), to read:

Sec. 51. The agency may issue negotiable promissory notes pursuant to this section, bearing interest at a rate not to exceed 6 percent per annum, for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar agency purposes and for the acquisition of land for agency purposes The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to fifty thousand dollars ($50,000), but shall not exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the agency or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to subdivision 11 of Section 15 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

SEC 12. Section 52 is added to the Desert Water Agency Law (Ch 1069, Stats 1961), to read:

Sec. 52. Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this law and to provide for such bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the agency, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the agency and to incur such indebtedness.

For the purposes of this law the portion of the agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside therein at the time of the formation thereof.

The resolution of intention shall state that the board intends to form an improvement district of an uninhabited portion of the agency which in the opinion of the board will be benefited, and to incur indebtedness by the issuance of bonds of the agency for such uninhabited improvement district.

The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(c) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the uninhabited improvement district.

The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed uninhabited improvement district, the proposed improvement, and the amount of debt to be incurred.

(b) That at the time and place specified in the resolution any person interested will be heard, and that any owner of property within the proposed uninhabited improvement district may file with the secretary at any time prior to the time set for the hearing thereon written protest to the formation of the proposed uninhabited improvement district.

Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution of intention in three public places within

the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

A copy of the resolution of intention shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed uninhabited improvement district, whose name and address and a designation of the land in which he is interested is on file with the secretary.

At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district.

If written protests are filed by the owners of one-half of the value of the property within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protests are not made the board shall by resolution determine whether it is necessary to incur the bonded indebtedness and if so, the resolution shall also state:

(a) The purpose for which the proposed debt is to be incurred

(b) The amount of the proposed debt.

(c) That the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the uninhabited improvement district.

(d) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. _____ of _____ Desert Water Agency".

The determinations made in the resolution of formation shall be final and conclusive.

After the formation of the uninhabited improvement district pursuant to this law the board may, by resolution, at such time or times as it deems proper, issue bonds of the agency, pursuant to Section 31 of this law, for the whole or any part of the amount of the indebtedness authorized by the resolution of formation. All taxes levied for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

Any action or proceeding in which the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the

date of the resolution forming such district; otherwise the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this law.

The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

SEC. 13. Section 53 is added to the Desert Water Agency Law (Ch. 1069, Stats. 1961), to read:

Sec. 53. The board, by resolution, may initiate proceedings for the annexation of territory within the agency whether contiguous or not to an improvement district to such improvement district.

The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this law.

(b) State the reason for proposing the annexation.

(c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(d) State the terms and conditions of the annexation.

(e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this section is contested, questioned, or denied shall be commenced within three months after the date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

SEC. 13.5. Section 53.1 is added to the Desert Water Agency Law (Ch. 1069, Stats 1961), to read:

Sec 53.1. Notwithstanding the provisions of Section 53, if the petition for annexation of land to an improvement district formed under Section 33 is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

SEC. 13 6 Section 53.2 is added to the Desert Water Agency Law (Ch. 1069, Stats. 1961), to read:

53.2. Proceedings to exclude territory from an improvement district, formed pursuant to Section 33, may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded, which states reasons such exclusion will be beneficial to the agency or the improvement district or the territory to be excluded.

Upon adoption of said motion to initiate exclusion proceedings or upon receipt of said petition for exclusion, the board shall adopt a resolution of intention to exclude which shall state:

(a) The method by which said exclusion proceedings were initiated; by motion of the board or by petition of voters.

(b) That taxes for carrying out the purpose of the improvement district will not be levied upon taxable property in the excluded territory following such exclusion in the event such territory is excluded.

(c) That following such exclusion, the taxable property in the territory remaining in said improvement district shall continue to be levied upon and taxed to provide funds for the purposes of said improvement district.

The resolution of intention to exclude shall also state that a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in said improvement district, is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed exclusion.

The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the proposed exclusion and the effect of such exclusion upon the agency, the improvement district and the territory to be excluded.

(b) That at such time and place any person interested, including all persons owning property in the agency or in the improvement district, will be heard.

Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

At the time and place so fixed in the resolution of intention to exclude, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property in the agency, or in the improvement district may appear and present any matters material to the questions set forth in the resolution of intention to exclude.

At the conclusion of the hearing, the board shall by resolution determine whether it is necessary or desirable to exclude said territory. If so, the resolution shall also state:

(a) The reasons why such exclusion is necessary or desirable.

(b) That the exterior boundaries of the improvement district following such exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of said, then existing, improvement district.

The determinations made in the resolution of exclusion shall be final and conclusive.

After the exclusion of territory from the improvement district pursuant to this section, all taxes levied for the carrying out of said improvement district's purpose shall be levied exclusively upon the taxable property in the improvement district as then constituted.

A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency. A copy of the resolution shall also be posted in three public places within the improvement district for at least two weeks.

The resolution of exclusion shall not be effective until the 31st day after completion of the publication and posting.

Any action or proceeding in which the validity of the exclusion of territory from the improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the effective date of the resolution of exclusion; otherwise, the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 14. Section 54 is added to the Desert Water Agency Law (Ch. 1069, Stats. 1961), to read:

Sec. 54. Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement district formed pursuant to this act to be dissolved, it shall by resolution declare its intention to dissolve the improvement district

As used in this act, "improvement district" includes an uninhabited improvement district formed pursuant to Section 52.

The resolution of intention shall state:

(a) The reason why the improvement district should be dissolved.

(b) If the improvement district was formed pursuant to Section 29 or Section 52 of this act, that no bonds have been issued for the improvement district or are outstanding.

(c) If the improvement district was formed pursuant to Section 33 of this act, that no indebtedness or liability was incurred for the improvement district or is outstanding

(d) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately

contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(e) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(f) That at such time and place any person interested, including all persons owning property in the agency or in the improvement district will be heard.

Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved The determinations made in the ordinance shall be final and conclusive

When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness of the agency contracted for such dissolved improvement district until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

After a bond election has been held in an improvement district formed pursuant to Section 29 of this law and less than two-thirds of the votes cast in such election were in favor of the measure the board may within one year of the date of such

election call and hold another election as provided in Sections 28 and 29 of this law for the purpose of resubmitting said measure to the electors of said improvement district. If said measure is not so resubmitted said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive more than two-thirds of the votes cast in such election in favor of said measure said improvement district is dissolved following the canvass of the election returns.

CHAPTER 153

An act to amend Section 71085 of the Government Code, relating to courts.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 71085 of the Government Code is amended to read:

71085. (a) The clerk, or chief clerical officer by whatever name known, the marshal or constable, or similar official, their deputies and attachés, and all other officers or employees of each court wholly or partly superseded by a municipal or justice court, shall become the clerk, the marshal, or constable, their deputies and attachés, and officers or employees of such municipal or justice court upon its organization, so far as such positions are provided by law. If no provision is made by law for officers and employees of a municipal court, there shall be the officers and employees for such court specified in subdivision (b). They shall receive compensation for their services fixed by the judge, if there are one or more other municipal courts in the county in which the court is established, at a rate comparable to but not greater than that provided by law for comparable officers and employees in any other municipal court in the county. If there is no other municipal court in the county in which the court is established, the officers and employees of the court shall receive the compensation for their services fixed by the judge within the ranges provided below until express provision has been made for officers and employees of the court, except that if any officer or employee was receiving compensation in a superseded justice court greater than the maximum range provided in this section for a comparable position in the municipal court, he shall continue to receive such compensation until express provision has been made by law for officers and employees of such municipal court. Such interim compensation fixed by the judge shall be effective only until the 61st day after final adjourn-

ment of the next succeeding regular session of the Legislature.

(b) There shall be one clerk of the court who shall receive a monthly salary in the following range: six hundred dollars ($600), six hundred fifty dollars ($650), seven hundred dollars ($700).

The clerk may appoint with the approval of the judge as many deputies as may be necessary who shall receive a monthly salary in the following range: three hundred fifty dollars ($350), three hundred seventy-five dollars ($375), four hundred dollars ($400), four hundred twenty-five dollars ($425), four hundred fifty dollars ($450), four hundred seventy-five dollars ($475), five hundred dollars ($500).

There shall be one marshal. His monthly salary shall be in the following range: five hundred dollars ($500), five hundred fifty dollars ($550), six hundred dollars ($600).

The marshal may appoint with the approval of the judge as many deputy marshals as may be necessary. The monthly salary of a deputy marshal shall be in the following range: four hundred dollars ($400), four hundred fifty dollars ($450), five hundred dollars ($500), five hundred fifty dollars ($550).

The judge of an existing court who does not succeed to judicial office shall be deemed to be a clerk or chief clerical officer within the meaning of this section.

CHAPTER 154

An act to amend Section 647a of, and to add Section 653g to, the Penal Code, relating to molestation of children and loitering.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 647a of the Penal Code is amended to read:

647a. Every person who annoys or molests any child under the age of 18 is a vagrant and is punishable upon first conviction by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment and is punishable upon the second and each subsequent conviction or upon the first conviction after a previous conviction under Section 288 of this code by imprisonment in the state prison for not less than one year.

SEC. 2. Section 653g is added to the Penal Code, to read:

653g. Every person who loiters about any school or public place at or near which children attend or normally congregate

is a vagrant, and is punishable by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

CHAPTER 155

An act to amend Section 8046 of the Fish and Game Code, relating to fish-handling privilege taxes.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1969.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

CHAPTER 156

An act to add Section 69503.1 to the Government Code, relating to destruction of superior court records.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 69503.1 is added to the Government Code, to read:

69503.1. Notwithstanding Section 69503 of the Government Code or any other law relating to the destruction of court records, the county clerk, in counties of over 650,000 population computed according to the population figures set forth in Section 28020 of the Government Code, may cause to be destroyed any records, papers and exhibits in any superior court action or proceeding after 30 years have elapsed since the filing of any paper in the action or proceeding and when

the records of the county clerk do not show that the action or proceeding is pending on appeal in any court, provided that minute book entries, minute books, judgment books, and registers of actions shall not be destroyed, unless microfilmed in accordance with the provisions of Section 69503 of the Government Code, and shall constitute for all purposes the record in lieu of the records, papers and exhibits destroyed. For the purposes of this section, "destroy" means destroy or dispose of for the purposes of destruction.

Prior to the disposition of such records the county clerk shall give notice of the proposed disposition to the Secretary of State, who shall have 60 days to request the transfer of the records. If the Secretary of State does not request the transfer of the records the county clerk may destroy them pursuant to this section.

This section shall not apply to the records of probate, real property, juvenile, criminal, or adoption actions or proceedings.

CHAPTER 157

An act to add Section 26205.6 to the Government Code, relating to destruction of records.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 26205.6 is added to the Government Code, to read:

26205.6. Notwithstanding any other law relating to the destruction of city or county records, the county recorder may cause to be destroyed any original document left with and recorded by the county recorder which is undeliverable by mail and uncalled for for 10 years or more after the date of recording. For purposes of this section, "destroy" means destroy or dispose of for purposes of destruction.

CHAPTER 158

An act to amend Section 2c of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 2c of the Los Angeles County Flood Control Act (Ch. 755, Stats. 1915) is amended to read:

Sec. 2c. The Civil Service Commission of the County of Los Angeles and the civil service department of said county shall be ex officio the civil service commission and ex officio the civil service department of the Los Angeles County Flood Control District and said commission and the members of said department shall perform all of the duties herein prescribed without additional compensation except that the district shall pay for any necessary additional expenses incurred by reason of the performance of said additional duties for said district upon the filing and approval of itemized claims therefor.

CHAPTER 159

An act to amend Sections 3105 and 18153 of the Government Code, relating to oaths of state employees.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 3105 of the Government Code is amended to read:

3105. The oath or affirmation of any civil defense worker of the state shall be filed as prescribed by State Personnel Board rule within 30 days of the date on which it is taken and subscribed.

The oath or affirmation of any civil defense worker of any county shall be filed in the office of the county clerk of the county except that where election precinct officers take and subscribe to such oath or affirmation which is an integral part of a claim for compensation, such oath and claim for compensation may be filed in either the office of the county auditor or in the office of the clerk of the board of supervisors of the county.

The oath or affirmation of any civil defense worker of any city shall be filed in the office of the city clerk of the city.

The oath or affirmation of any civil defense worker of any other agency or district shall be filed with such officer or employee of the agency or district as may be designated by such agency or district

SEC. 2. Section 18153 of the Government Code is amended to read:

18153. The oath shall be taken by a state civil service employee before his appointing power or before any person authorized in writing by his appointing power or before any person authorized by law to administer oaths.

The oath shall be filed as prescribed by State Personnel Board rule within 30 days of the date on which it is taken and subscribed. The board shall prepare and furnish printed forms of the oath.

CHAPTER 160

An act to amend Sections 19533, 19535, 19536, and 19540 of the Government Code, relating to state civil service.

[Approved by Governor May 15, 1967 Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 19533 of the Government Code is amended to read:

19533. Layoff shall be made in accordance with the relative seniority of the employees in the class of layoff. Except as otherwise provided in this part, in determining seniority scores, one point shall be allowed for each complete month of full-time state service in the class of layoff or demotion and in classes that, on the computation date have substantially the same or a higher maximum salary. One-half point shall be allowed for each complete month of full-time state service in all other classes Board rules shall establish. (a) the extent to which seniority credits may be granted for less than full-time service; (b) the seniority credit to be granted for service in a class that has been abolished, combined, divided, or otherwise altered under the authority of Section 18802; (c) the basis for determining the sequence of layoff whenever the class and subdivision of layoff includes employees whose service is less than full time; and (d) such other matters as are necessary or advisable to the operation of the provisions of this chapter.

For professional, scientific, administrative, management, and executive classes the board shall prescribe standards and methods by rule whereby employee efficiency shall be combined with seniority in determining the order of layoff and the order of names on reemployment lists. Such standards and methods may vary for different classes, and shall take into consideration the needs of state service and practice in private industry and other public employment.

SEC 2. Section 19535 of the Government Code is amended to read:

19535 In lieu of being laid off an employee may elect demotion to: (a) any class with substantially the same or lower maximum salary in which he had served under permanent or probationary status, or (b) a class in the same line of work as the class of layoff, but of lesser responsibility, if such a class is designated by the board. Whenever such a demotion requires a layoff in the elected class, the seniority score for the demoted employee shall be recomputed in that class. The appointing power shall inform the employee in the notice of layoff the classes to which he may elect to demote and to be considered for demotion in lieu of layoff an employee must

notify his appointing power in writing of such election not later than five calendar days after receiving notice of layoff.

Demotions in lieu of layoff, and layoffs resulting therefrom, shall be governed by the provisions of this article and shall be made within the subdivisions approved by the board for this purpose.

SEC. 3. Section 19536 of the Government Code is amended to read:

19536. Any employee replaced by such demotion has the same option of demotion afforded by Section 19535 as if his position had been abolished or discontinued.

Any employee demoted pursuant to this article shall receive the maximum of the salary range of the class to which he is demoted; provided, that such salary is not greater than the salary he received at the time of demotion.

SEC. 4. Section 19540 of the Government Code is amended to read:

19540. An employee compensated on a monthly basis shall be notified that he is to be laid off 15 days prior to the effective date of layoff and not more than 60 days after the date of the seniority computation. The notice of layoff shall be in writing and shall contain the reason or reasons for the layoff. An employee to be laid off may elect to accept such layoff prior to the effective date thereof.

CHAPTER 161

An act to amend Section 284 of the Code of Civil Procedure, relating to substitution of attorney.

[Approved by Governor May 15, 1967. Filed with Secretary of State May 15, 1967]

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

SECTION 1. Section 284 of the Code of Civil Procedure is amended to read:

284. The attorney in an action or special proceeding may be changed at any time before or after judgment or final determination, as follows:

1. Upon the consent of both client and attorney, filed with the clerk, or entered upon the minutes;

2. Upon the order of the court, upon the application of either client or attorney, after notice from one to the other.

CHAPTER 162

An act to add Sections 461 and 5002.5 to the Vehicle Code, relating to motor vehicles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1967. Filed with Secretary of State May 16, 1967]

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

SECTION 1. Section 461 is added to the Vehicle Code, to read:

461. The Senate, Assembly, or any committees thereof, or the Governor's office in possession and using vehicles under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more, unless otherwise provided in the lease or rental agreement, shall be exempt from the provisions of Section 460, upon the giving of written notice to the department of the desire to be so exempt.

SEC. 2. Section 5002.5 is added to the Vehicle Code, to read:

5002.5. The department shall issue regular series license plates for any motor vehicle owned by, or in the possession and use of, the Senate or Assembly, upon the request of the Rules Committee thereof.

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

There is at present considerable uncertainty as to whether or not the Senate, the Assembly, or the Governor's office is to be considered the "owner" of a vehicle when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more. In order to eliminate this uncertainty without delay, it is imperative that this act take effect immediately.

CHAPTER 163

An act to add Section 31010 to the Water Code, relating to county water districts.

[Approved by Governor May 16, 1967. Filed with Secretary of State May 16, 1967]

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

SECTION 1. Section 31010 is added to the Water Code, to read:

31010. Notwithstanding the provisions of Chapter 5.5 (commencing with Section 1450) of Division 2 of the Streets and Highways Code, any district and any county may enter into a contract agreeing to pay and apportion between them the costs of locating, removing, repairing, or relocating any facilities owned or to be owned by either party on the roads or other property of the other in such proportion and upon such terms as the governing boards of the parties shall determine to be equitable.

This section shall not supersede the provisions of Chapter 3 (commencing with Section 7030) of Division 4 of this code.

CHAPTER 164

An act to add Sections 4742.4 and 6520.3 to the Health and Safety Code, relating to contracts between counties and sanitary or sanitation districts.

[Approved by Governor May 16, 1967. Filed with Secretary of State May 16, 1967]

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

SECTION 1. Section 4742.4 is added to the Health and Safety Code, to read:

4742.4. Any county sanitation district and any county may enter into a contract agreeing to pay and apportion between them the costs of locating, removing, repairing, or relocating any facilities owned or to be owned by either party on the roads or other property of the other in such proportion and upon such terms as the governing boards of the parties shall determine to be equitable.

SEC. 2. Section 6520.3 is added to the Health and Safety Code, to read:

6520.3. Any sanitary district and any county may enter into a contract agreeing to pay and apportion between them the costs of locating, removing, repairing, or relocating any facilities owned or to be owned by either party on the roads or other property of the other in such proportion and upon such terms as the governing boards of the parties shall determine to be equitable.

CHAPTER 165

An act to amend Section 50 of Chapter 1635 of the Statutes of 1951, relating to the Solvang Municipal Improvement District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1967. Filed with Secretary of State May 16, 1967]

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

SECTION 1. Section 50 of Chapter 1635 of the Statutes of 1951, the Solvang Municipal Improvement District Act, is amended to read:

50. The district may guarantee the performance of any of its transactions, including the payment of local improvement bonds issued pursuant to any general law, without regard to any limitation by reason of any budget law or otherwise. No such guarantee shall be made in connection with the issuance of bonds pursuant to Article 7.5 (commencing with Section 115) hereof.

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

The peace, health and safety of the citizens of the state require the availability of adequate parking to serve the needs of a community and reduce the amount of law enforcement devoted to traffic control. As a resort community, the Solvang Municipal Improvement District experiences an influx of automobiles during the summer months far beyond the capacity of available public parking, thus creating major traffic problems. In order to facilitate the provision of public parking by the district before the arrival of summer, enable the more efficient use of police personnel and assure that the costs of parking are paid solely by the area benefited, it is necessary that this act take effect immediately.

CHAPTER 166

An act to amend Sections 2, 4, 9, 10, 13, and 17 of, to repeal Sections 17.5, 18, 19, 20, 21, 22, 26, 28, 29, 29.5, 30, 31, and 32 of, and to add Sections 17.5, 19, 19.1, 19.2, 20, 21, 22, and 26 to, the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency.

[Approved by Governor May 16, 1967. Filed with Secretary of State May 16, 1967]

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

SECTION 1. Section 2 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 2. As used herein, the following words shall have the following respective meanings unless otherwise indicated by their context:

(a) "Agency" means the Mojave Water Agency;

(b) "County" means the County of San Bernardino, State of California;

(c) "United States" means and includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the executive branch thereof, and all committees of the Congress of the United States of America;

(d) "State of California" includes the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the executive branch thereof, and all committees of the Legislature of the State of California;

(e) "Work" or "works" include but are not limited to dams and dam sites, reservoirs and reservoir sites, sinking basins, ground water replenishment facilities, watershed improvement facilities, ditches, laterals, flumes, pipelines, conduits, pumps, pumping plants, filters, wells, and, without limitation, all other facilities useful in the control, conservation, reclamation, diversion and transmission of water, and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "District" means any municipality, county water district, reclamation district, irrigation district, water replenishment district, water conservation district, flood control district or other district or political subdivision of the state empowered by law to appropriate and to deliver water to water users;

(g) "Elector" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections;

(h) "Board" means the board of directors of the agency;

(i) "President" means the president of the board of directors;

(j) "Secretary" means the secretary of the board of directors;

(k) "Operate" includes use, maintenance and repair;

(*l*) "May" is permissive and "shall" is mandatory.

(m) "Agency general election" or "general agency election" means general district election as provided in the Uniform District Election Law.

SEC 2. Section 4 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec 4. The board of directors shall consist of 11 directors, all of whom shall be registered to vote within the agency. The directors first elected and appointed under this act shall hold office until the third Tuesday in April, 1961, and the election and qualifications of their successors

The term of office of each director shall be four years or as provided in the Uniform District Election Law.

All vacancies occurring in the office of director shall be filled by appointment by a majority of directors elected and appointed. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy occurs. The person so chosen to fill a vacancy shall, in the case of an elected director, be a resident of the division for which the vacancy is being filled; and in the case of a vacancy in the office of an appointed director, such vacancy shall be filled by a resident of the agency.

Successive elective members of the board of directors shall be elected by the voters of the agency as provided in this act and the three remaining members of the board of directors shall be appointed as provided for in this act.

On the third Tuesday of April, 1961, seven members of said board of directors, designated and referred to as members numbered 1 through 7, respectively, shall be elected, one from each of the seven divisions of the agency as in Section 3.1. Each such director shall be voted on only by those voters living within the division of which said director is a registered voter and one director, designated and referred to as director number 8, shall be elected by the voters of the agency at large, in accordance with the provisions of this act pertaining to the qualifications of directors. The remaining three directors designated and referred to as directors numbers 9, 10 and 11 shall be appointed within 15 days after the first Tuesday after the first Monday in November in those odd-numbered years as hereinafter provided:

(a) Director number 9 shall be appointed by the Board of Supervisors of San Bernardino County from the San Bernardino County Flood Control Advisory Committee Zone 4 or 6.

(b) Director number 10 shall be appointed by the governing body of the Mojave Desert Soil Conservation District;

(c) Director number 11 shall be appointed by the governing bodies of the several public agencies lying in whole or in part within the agency which are authorized by law to sell and distribute water, and by the governing bodies of the incorporated cities lying in whole or in part within the agency. Each such public agency and incorporated city, including the county board of supervisors, shall have one vote in the appointment of said director. The person receiving the greatest number of votes shall be deemed appointed.

The appointment of this director shall be effected in accordance with the following procedure:

(1) On July 1st of each year preceding the agency general election at which the appointment is to be made, or if this date falls on a Saturday, Sunday or holiday, on the next succeeding business day, the board of directors of the agency shall publish a notice of pending appointment, directed to the governing bodies of all qualified public agencies and incorporated cities in accordance with Section 6066 of the Government Code, in a newspaper of general circulation published within the

agency and shall mail such notice to the governing body of each such public agency and incorporated city known to it to exist within the agency.

(2) Such notice of pending appointment shall indicate the date, time and place upon which the appointment is to be made, and shall indicate that, in order to participate, the governing bodies of each such public agency or incorporated city shall, at least 30 days prior to the agency general election in which the appointment is to be made, designate one representative to cast the appointing agency's or city's vote and shall furnish to the agency a certified resolution designating its official representative.

(3) Each such designated representative shall upon at least five days' additional written notice from the agency to the governing body of the appointing agency or incorporated city, meet at the place designated in such notices, said meeting to be held in the agency's office within 15 days following the agency general election, and shall cast his vote, orally, by roll-call, for director 11. The representatives present shall constitute a quorum to elect director 11. The votes shall be tabulated by the agency and written notice of the result shall be given by the agency to the person appointed and to each public agency and incorporated city involved. The determination by the agency of the individual appointed as director 11 shall be conclusive.

(4) Notwithstanding any of the foregoing provisions, the county board of supervisors shall be considered the governing body of all county services districts, and shall have one vote only in the appointment of director 11.

Of the seven divisional directors first elected from each of the seven divisions, directors numbers 1, 3, 5 and 7 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the first succeeding odd-numbered year, more than six months from the election at which the said directors were elected. Directors numbers 2, 4 and 6 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the second succeeding odd-numbered year.

The one director elected from the agency at large at the election held on the third Tuesday of April 1961, shall hold office until his successor is elected and qualified at the second succeeding general agency election.

Of the three directors appointed after the election held on the third Tuesday of April 1961, director number 9 shall hold office until his successor is appointed and qualified within 15 days after the general agency election which shall be held in the first succeeding odd-numbered year. Directors numbers 10 and 11 shall hold office until their successors are appointed and qualified within 15 days after the general agency election which shall be held in the second succeeding odd-numbered year.

In case any two or more persons receive an equal number of votes, the governing board of the agency shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

No more than three directors, either elected or appointed, may be residents of any one division. In the event of the election or appointment, or the election and appointment, of more than three directors from any one division, the governing board of the agency shall be the judge of the qualifications of its members and of election returns subject to the provisions of this act.

The succeeding elective directors shall be nominated and elected at the agency general election which shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. The election shall be conducted in accordance with the provisions of the Uniform District Election Law, and elective and appointive directors shall take office at noon on the last Friday in December next following the agency general election.

At the time each director is elected he shall be a resident of the agency if he is a representative at large or a resident of both the agency and the division he represents. All appointed directors shall be registered voters residing within the agency. A director who removes his residence from the agency shall no longer be qualified to act as a director and the board shall fill the vacancy so created as provided in this section. A director is not disqualified from serving for the remainder of his term if, during such term, his residence is removed from one division to another.

SEC. 3. Section 9 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 9. The board of directors shall be the governing body of the agency. Each board of directors shall hold its first meeting at noon on the last Friday in December next following the general agency election, and at said meeting elect from its membership a president, vice president, secretary and treasurer, and provide for the time and place of holding its meetings and the manner in which its special meetings may be called. Said board may consolidate the office of secretary and treasurer. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business.

SEC. 4. Section 10 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 10. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or reso-

lution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Mojave Water Agency as follows:". Each of the members of the board of directors shall receive for each attendance at the meetings of the board twenty dollars ($20). No director, however, shall receive pay for more than three board meetings in any calendar month. In addition to his director's fee, each director shall be reimbursed all actual expenses incurred by him in the performance of activities on behalf of the agency, including, but not limited to, room, board, and travel expenses as well as a mileage allowance for attendance at board and committee meetings, subject to the approval of the board.

SEC. 5. Section 13 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 13. The agency has the following powers:

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

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

(3) To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction or otherwise, and to hold, use, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within the agency, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to plan, complete, extend, enlarge, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act. The agency shall not interfere with or exercise any control over water rights, property or facilities owned, held or used by a district unless by consent of such district and upon such terms as are mutually agreed upon between the agency and the district.

(4) To enter into contracts, make leases, borrow money, incur indebtedness and give evidence thereof, and employ labor.

(5) To do all acts and things reasonably implied from, and necessary and appropriate to the full exercise of, all the powers granted by this act.

(6) To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with the state, any insurance corporation, or any other insurance carrier for the maintenance of a service covering the

pension of such officers, or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

(7) To issue bonds, borrow money, and incur indebtedness as authorized by law or this act.

(8) The agency may refund or retire any indebtedness or lien that may exist against the property within the agency by the issuance of general obligation bonds.

SEC. 6. Section 17 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 17. The board shall designate a depository or depositories to have the custody of the funds of the agency. All such depositories shall give security sufficient to secure the agency against possible loss and shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the board may prescribe. The treasurer or other such person or persons as may be authorized by the board of directors shall draw checks or warrants to pay demands when such demands have been audited and approved in the manner prescribed by the board of directors.

The treasurer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the agency.

The treasurer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

Any bank may act as a depositary, paying agent, or fiscal agent for the holding or handling of agency funds, notwithstanding the fact that a member of the board of directors of the agency whose funds are on deposit in said bank is an officer, employee, or stockholder of such bank, or of a holding company that owns any of the stock of such bank.

SEC. 7. Section 17.5 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 8. Section 17.5 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read:

Sec. 17.5. Notwithstanding the limitations contained in Section 16 of this act the agency may issue negotiable promissory notes bearing interest at a rate not to exceed 7 percent per annum; provided, however, that said notes shall be general obligations, payable out of the available revenues, including taxes levied against all the taxable property (other than personal property) within the agency; and provided, further, that said indebtedness shall not exceed one million dollars ($1,000,000), and which indebtedness shall mature not later than five years from the date thereof, and any tax levied to repay the principal and interest of such indebtedness or any part thereof shall not exceed ten cents ($0.10) on each one

hundred dollars ($100) of the assessed valuation of all taxable property in the agency, exclusive of personal property.

SEC. 9. Section 18 of the Mojave Water Agency Law (Ch. 2146, Stats 1959) is repealed.

SEC. 10. Section 19 of the Mojave Water Agency Law (Ch 2146, Stats 1959) is repealed.

SEC. 11 Section 19 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read·

Sec 19 Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 6½ percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters: (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

SEC. 12. Section 19.1 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read:

Sec. 19.1. The board shall provide for holding the bond election on the day fixed in the resolution calling the election and in accordance with the provisions of the Elections Code, so far as they shall be applicable, except as otherwise provided in this act.

Notice of the holding of the bond election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the election in at least one newspaper published in the agency. The last publication shall be made not less than two weeks prior to the date of the proposed election. If there is no newspaper published in the agency, then the resolution shall be posted in three public places in the agency not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

If the bond election is to be held in an improvement district, notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the election prior to the date of

the proposed election in at least one newspaper printed and published in the agency, and such resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

The returns of the bond election shall be made, the votes canvassed by the board within seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this act.

The secretary, as soon as the result of the bond election is declared, shall enter in the records of the board a statement of such results.

No irregularities or informalities in conducting the bond election shall invalidate it, if the election has otherwise been fairly conducted.

Any action or proceeding in which the validity of any bonds or of the proceedings in relation thereto (including the formation of an improvement district for which bonds are authorized to be issued by the voters thereof at a bond election) is contested, questioned, or denied shall be commenced within three months from the date of the bond election; otherwise the bonds and all proceedings in relation thereto (including the formation of the improvement district) shall be held to be valid and in every respect legal and incontestable.

SEC. 13. Section 19.2 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read:

Sec. 19.2. If from the bond election returns it appears that more than two-thirds of the votes cast in such election were in favor of and assented to the incurring of the indebtedness, the board may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized has been issued.

The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of the series.

The board shall, by resolution, prescribe the form of the bonds and of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively.

The bonds shall bear interest at a rate or rates not to exceed 6½ percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

The board may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100).

The principal and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the agency or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, signed by the president and treasurer of the agency, countersigned by the secretary, and the official seal of the agency attached. The interest coupons of the bonds shall be signed by the treasurer of the agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures or countersignatures to the bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district, the bonds are bonds of the agency, shall be issued in the name of the agency, and shall be designated "Bonds of Mojave Water Agency for Improvement District No. ___." Each bond and all interest coupons thereof shall state that taxes levied for the payment thereof will be levied exclusively upon the taxable property, exclusive of personal property, in the improvement district.

Any bonds issued by the agency have the same force, value, and use as bonds issued by a city and are exempt from all taxation within the state.

Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds from the sale of bonds shall be paid into the treasury of the agency, placed to the credit of a special improvement fund, and expended only for the purpose for which the indebtedness was created. When such purpose has been accomplished, any moneys remaining in the special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds.

Any moneys remaining in the special improvement fund from the sale of bonds of the agency after the purpose for which the indebtedness was created has been accomplished may also be used for any other Mojave Water Agency purpose

Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district.

Such moneys may not be used for such other Mojave Water Agency purpose or improvement district purpose until two-thirds of the qualified voters of the agency or improvement district have consented thereto at a special election called in the agency or improvement district by the board. Notice of the election shall be given in the manner provided for bond elections in the agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of the bonds are available may be paid from the proceeds of the sale of the bonds; but not more than 5 percent of the proceeds of any sale of bonds shall be used for this purpose.

The proceeds from the sale of bonds of the agency issued for an improvement district thereof may be expended for the purpose for which the indebtedness was created in any territory annexed to the improvement district after the authorization of the bonds.

SEC. 14. Section 20 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 15. Section 20 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read:

Sec. 20. The agency may, when authorized by vote of the electors at a general election or at a special election called for such purpose, issue revenue bonds pursuant to the Revenue Bond Law of 1941, or any other law which by its terms is applicable to this agency, but only to accomplish the purposes set forth in this act.

SEC. 16. Section 21 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 17. Section 21 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read:

Sec. 21. Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, declare its intention to form an improvement district and to incur such indebtedness

The resolution of intention shall state that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, and to call an election in such proposed improvement district, on the date to be fixed, for the purpose of submitting to the voters

thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for such improvement district.

The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred

(b) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of bonds.

(c) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property (other than personal property) in the improvement district.

The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions concerning the formation and extent of the proposed improvement district, the proposed improvement, and the amount of debt to be incurred.

(b) That at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

Notice of the hearing shall be given (1) by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published by the agency if there is a newspaper printed and published in the agency; (2) by posting a copy of the resolution of intention in six public places within the proposed improvement district at least two weeks before the time fixed for the hearing; and (3) by mailing a copy of the resolution, postage prepaid, to each person to whom land in the proposed improvement district is assessed as shown on the last equalized county assessment roll at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed improvement district, whose name and address, and a designation of the land in which he is interested, is on file with the secretary. The board may change the purpose for which the proposed debt is to be incurred or the amount of bonded debt to be incurred, or both. The board may also change the boundaries of the proposed improvement district, but not so as to include any territory which will not, in its judgment, be benefited by the proposed improvement. The purpose or amount of bonded debt or the

boundaries of the proposed improvement district shall not be changed by the board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency; by posting in six public places within the proposed improvement district; and by mailing to all of the property owners within the proposed improvement district as hereinabove provided. The notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary which map shall govern for all details as to the extent of the proposed improvement district, and shall specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of the notice.

If written protests are filed by the owners of one-half of the value of the property within the proposed improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken.

At the time and place fixed in the notice of intention, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

At the conclusion of the hearing, the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness. If so, the resolution shall also state:

(a) The purpose for which the proposed debt is to be incurred;

(b) The amount of the proposed debt;

(c) That the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the improvement district; and

(d) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No . of the Mojave Water Agency."

The determinations made in the resolution of formation shall be final and conclusive.

After the formation of the improvement district pursuant to this act, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property (other than personal property) in the improvement district.

After the board has made its determination of the matters required to be determined by the resolution of formation, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a spe-

cial election in the improvement district for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for the improvement district.

The resolution calling the bond election shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 6½ percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct; (h) that the board deems it necessary to incur the bonded indebtedness; (i) the improvement district to be benefited by the bonded indebtedness, as set forth in the resolution of formation of the improvement district, and that a map showing the exterior boundaries of the improvement district is on file with the secretary, which map shall govern for all details as to the extent of the improvement district; and (j) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property (other than personal property) in the improvement district.

The provisions of Sections 19.1 and 19.2 of this act shall govern the proceedings noticing, conducting and canvassing the returns of any election held for the purpose of forming an improvement district, as well as all proceedings governing the issuance of bonds and contesting the validity of any such bonds authorized as a result of said election.

The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this act and repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

SEC. 18. Section 22 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 19. Section 22 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read:

Sec. 22. Subject to the limitations in Section 14 of this act, the agency may join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contract may provide for con-

tributions to be made by each party thereto and for the division and apportionment of the expenses of acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof The term "public agency" as used in this section shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation or other public district of this state. The term "private corporation" as used in this section shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Mojave Water Agency, or any improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

SEC. 20. Section 26 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 21. Section 26 is added to the Mojave Water Agency Law (Ch. 2146, Stats. 1959), to read:

Sec. 26. Except as otherwise provided in this act, no director of the Mojave Water Agency shall in any manner have a monetary interest, directly or indirectly, in any contract awarded or to be awarded by the board of directors, and no officer or employee of the agency shall in any manner have a monetary interest, directly or indirectly, in any con-

tract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom. For any violation of this section, such director or other officer or employee of the Mojave Water Agency shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Neither this section nor any other law shall, however, be deemed to invalidate any contract or instrument, nor to establish or define any misdemeanor, or other crime, merely because such director or other officer or employee shall have any interest in such contract or instrument, or shall derive any benefit therefrom:

(a) If such director or other officer or employee shall own or control, directly or indirectly, not more than five (5) per centum of the outstanding stock or securities of the contracting corporation; or

(b) If such contract or instrument shall be entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and which ordinance or regulation shall have become effective prior to the making or execution of such contract or instrument.

SEC 22. Section 28 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 23. Section 29 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 24. Section 29 5 of the Mojave Water Agency Law (Ch 2146, Stats. 1959) is repealed

SEC. 25. Section 30 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 26. Section 31 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

SEC. 27. Section 32 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is repealed.

CHAPTER 167

An act to amend Section 60000 of the Government Code, relating to special municipal tax districts.

[Approved by Governor May 16, 1967 Filed with Secretary of State May 16, 1967]

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

SECTION 1. Section 60000 of the Government Code is amended to read:

60000. Pursuant to this chapter, any portion of a city may be formed into a special municipal tax district for the purpose of levying upon the taxable property in the district a special

tax not to exceed one dollar ($1) a year on each one hundred dollars ($100) of assessed valuation. The tax proceeds shall be used for any of the following functions which the city is otherwise authorized by law to perform:

(a) The maintenance or operation of any public improvement or utility of local necessity or convenience.

(b) The furnishing or performing of any special local service, including music, recreation, or advertising.

Nothing in this section shall be construed to permit the use of the tax proceeds derived under this section for the acquisition or construction of any public improvement or utility.

CHAPTER 168

An act to amend Section 400 of the Vehicle Code, relating to motorcycles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1967. Filed with Secretary of State May 22, 1967.]

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

SECTION 1. Section 400 of the Vehicle Code is amended to read:

400. A "motorcycle" is any motor vehicle other than a tractor having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and weighing less than one thousand five hundred pounds, except that four wheels may be in contact with the ground when two of the wheels are a functional part of a sidecar.

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

Unless this act takes effect immediately, motorcycles with two wheeled sidecar attachments would have to be licensed as trailers instead of as motorcycles, interfering with commerce in this state and resulting in great inconvenience to the traveler.

CHAPTER 169

An act to amend Sections 659, 663a, 664.5, 667a, and 1013 and to repeal Section 953d of the Code of Civil Procedure, relating to court procedure.

[Approved by Governor May 22, 1967. Filed with Secretary of State May 22, 1967.]

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

SECTION 1. Section 659 of the Code of Civil Procedure is amended to read:

659. The party intending to move for a new trial must file with the clerk and serve upon the adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both, either

1. Before the entry of judgment; or

2. Within 15 days of the date of mailing notice of entry of judgment by the clerk of the court pursuant to Section 664.5, or service upon him by any party of written notice of entry of judgment, or within 180 days after the entry of judgment, whichever is earliest.

Said notice of intention to move for a new trial shall be deemed to be a motion for a new trial on all the grounds stated in the notice. The time above specified shall not be extended by order or stipulation or by those provisions of Section 1013 of this code which extend the time for exercising a right or doing an act where service is by mail.

SEC. 2. Section 663a of the Code of Civil Procedure is amended to read:

663a. The party intending to make the motion mentioned in the last section must file with the clerk and serve upon the adverse party a notice of his intention, designating the grounds upon which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts or in which the judgment or decree is not consistent with the special verdict, either

1. Before the entry of judgment;

2. Within 15 days of the date of mailing of notice of entry of judgment by the clerk of the court pursuant to Section 664.5, or service upon him by any party of written notice of entry of judgment, or within 180 days after the entry of judgment, whichever is earliest.

The provisions of Section 1013 of this code extending the time for exercising a right or doing an act where service is by mail shall not apply to extend the time above specified.

An order of the court granting such motion may be reviewed on appeal in the same manner as a special order made after final judgment.

SEC. 3. Section 664.5 of the Code of Civil Procedure is amended to read:

664.5. Promptly upon entry of judgment in a superior or municipal court, the clerk of the court shall mail notice of entry of judgment to all parties who have appeared in the action or, in a special proceeding, to all parties who have appeared at the trial or hearing of the particular petition, motion or matter and shall execute an affidavit of such mailing and place it in the court's file in the cause. For purposes of this section, "judgment" shall include any judgment, order or decree from which an appeal lies. Upon request of a party the clerk shall mail notice of entry of any judgment or ruling, whether or not appealable.

SEC. 4. Section 667a of the Code of Civil Procedure is amended to read:

667a. Promptly upon entry of judgment in a justice court, the clerk of the court or the judge shall mail notice of entry of judgment to all parties who have appeared in the action or special proceeding and shall execute an affidavit of such mailing and place it in the court's file in the cause. For purposes of this section, "judgment" shall include any judgment, order or decree from which an appeal lies. Upon request of a party the clerk or the judge shall mail notice of entry of any judgment or ruling, whether or not appealable.

SEC. 5. Section 953d of the Code of Civil Procedure is repealed.

SEC. 6. Section 1013 of the Code of Civil Procedure is amended to read:

1013. In case of service by mail, the notice or other paper must be deposited in the United States post office, or a mail box, sub-post office, substation, or mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done, is extended one day, together with one day additional for every full 100 miles distance between the place of deposit and the place of address, if served by different post offices, but such extension shall not exceed 30 days in all nor shall it apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a of this code or notice of appeal.

CHAPTER 170

An act to add Sections 6005 and 6006 to the Agricultural Code, as proposed by Senate Bill No. 1, relating to pest control, and making an appropriation therefor.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 6005 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

6005. Every grower of cotton in the state shall pay to the director a fee of fifty cents ($0.50) for each bale of cotton ginned.

The fee is a maximum fee. The director may fix such fee at a less amount, and may adjust such fee from time to time, whenever he finds that the cost of administering this article can be defrayed with such below-maximum fee. The amount of the fee shall be paid to the director at the time the cotton is ginned. The amount so received by the director shall be paid into the Department of Agriculture Fund and shall be used for the control of and eradication of pink boll worm or other related cotton pests.

The revenue from the fee shall be used to pay not to exceed 50 percent of the cost of carrying out this article; the remainder shall be paid by amounts which may be available from other sources.

The director shall refund any fees which have not been matched within two years.

The director is authorized to receive moneys from other sources for this program, which will be deposited into the Department of Agriculture Fund, and used to carry out the purposes of this article.

SEC. 2. Section 6006 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

6006. The director shall appoint a Cotton Pest Control Board, consisting of nine members, to assist and advise him on matters which pertain to the eradication or control of cotton pests.

The membership shall consist of at least one cottongrower from each of the major cotton-growing counties in the state.

The board may meet in regular session each month and each member shall be allowed ten dollars ($10) per diem and mileage at the rate of five cents ($0.05) per mile for attending such regular meetings.

The board shall annually review the effectiveness of the cotton pest eradication and control program.

SEC. 3. There is hereby appropriated from the General Fund, in augmentation of Item 57 of the Budget Act of 1966, the sum of six hundred fifty thousand dollars ($650,000) to the

Department of Agriculture for control and eradication of pink boll worm, citrus white fly, and woolly white fly.

SEC. 4. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 5. This act shall be operative until February 1, 1971.

CHAPTER 171

An act to add Section 27211 to the Government Code, relating to county recorders.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 27211 is added to the Government Code, to read:

27211. The recorder shall keep an official seal of his office which shall, when embossed, stamped, impressed or affixed to a certification, show legibly.

Such seal shall:

(a) Be circular in shape;

(b) Be not less than 1¼ inches and not more than two inches in diameter;

(c) Have in the center any words or design adopted by the recorder;

(d) Have inscribed around the central words or design, "Recorder, _____ County, California," inserting therein the name of the county.

Nothing contained herein shall prohibit a recorder from continuing to use a seal of a design different than that specified herein if such seal has customarily been used.

CHAPTER 172

An act to repeal Article 3 (commencing with Section 68890) of Chapter 3 of Title 8 of, and to add Article 3 (commencing with Section 68900) to Chapter 3 of Title 8 of, the Government Code, relating to publication of judicial opinions.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Article 3 (commencing with Section 68890) of Chapter 3 of Title 8 of the Government Code is repealed.

SEC. 2. Article 3 (commencing with Section 68900) is added to Chapter 3 of Title 8 of the Government Code, to read:

Article 3. The Reporter of Decisions of the Supreme Court and the Courts of Appeal

68900. The Supreme Court shall appoint the reporter of the decisions of the Supreme Court and of the courts of appeal and such other assistants as required. Each officer provided for herein serves at the pleasure of the Supreme Court and, in addition to the duties prescribed by law, shall perform such duties as are required by the rules, orders, and practices of the Supreme Court.

68901. The annual salary of the reporter of the decisions of the Supreme Court and of the courts of appeal is nineteen thousand five hundred dollars ($19,500). The salaries of the assistants shall be established subject to approval of the Department of Finance as provided in Section 18004 of the Government Code. Each of the persons so appointed shall serve in full-time employment.

68902. Such opinions of the Supreme Court, of the courts of appeal, and of the appellate departments of the superior courts as the Supreme Court may deem expedient shall be published in the official reports. The reports shall be published under the general supervision of the Supreme Court.

68903. The official reports shall be published under a contract to be entered into on behalf of the state by the Chief Justice of California, the Secretary of State, the Attorney General, the President of the State Bar, and the Reporter of Decisions, who shall serve as secretary.

68904. The contract shall be entered into with the person who agrees to publish and sell the official reports, for a period of five years on the terms most advantageous to the state and to the public. Prior to the letting of such a contract, the Reporter of Decisions shall advertise for proposals for the publication of the reports pursuant to Section 6061 of this code in a daily paper in Sacramento, one in Los Angeles, and one in San Francisco. The Reporter of Decisions shall have no pecuniary interest in the volumes of reports.

68905 The contract shall require the publisher:

(a) To print and publish each volume in the style stipulated in the contract within 60 days after the manuscript is delivered by the reporter

(b) To sell copies to the state for official use only at the price fixed in the contract.

(c) To keep on hand and for sale at the price stipulated in the contract a sufficient number of each volume to supply all demands for six years after the publication

(d) To give bonds in the sum of ten thousand dollars ($10,000) for the fulfillment of the terms of the contract.

CHAPTER 173

An act to amend Section 19211 of the Streets and Highways Code, relating to highway lighting districts.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 19211 of the Streets and Highways Code is amended to read:

19211. At the first regular meeting after the petition has been filed with it, the board of supervisors shall fix a time for hearing the petition and the protests of interested parties, and shall cause a notice of the filing of the petition and the time set for the hearing to be published pursuant to Section 6061 of the Government Code and not less than one week prior to that time in a newspaper published and circulated in the county in which the district is situated. If there is no such newspaper, copies of the notice shall be posted in three conspicuous places in the territory to be annexed, for three weeks prior to the date fixed for hearing the petition.

CHAPTER 174

An act to add Section 2310.1 to the Business and Professions Code, relating to physicians' and surgeons' examinations.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 2310.1 is added to the Business and Professions Code, to read:

2310.1. Notwithstanding the provisions of Sections 2192 and 2310 of this code, the board shall permit any person who meets the other requirements of this chapter to take the examination referred to in Sections 2321 and 2323 if he also meets all of the following requirements:

(a) Is a graduate of a medical school which grants a doctor of medicine degree and which is located in the United States.

(b) Was licensed after written examination on the basis of submission of a doctor of medicine degree by the state in which such medical school is located.

(c) Was engaged in the practice of medicine in the United States for at least 15 years.

(d) Has operated a hospital within the United States for a period of more than 10 years.

(e) Has been a resident of this state for a period of more than two years and who has resided in this state continuously since on or before January 1, 1967.

If the applicant successfully passes the examination referred to in Sections 2321 and 2323, the board shall issue him a reciprocity certificate.

CHAPTER 175

An act to amend Sections 74361, 74364, 74374 and 74376 of the Government Code, relating to courts.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 74361 of the Government Code is amended to read:

74361. There shall be one marshal for all municipal courts established in judicial districts in San Diego County who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 48, set forth in Section 74343.1 In no event shall the compensation of the marshal be less than ten (10) schedule ranges higher than that specified for the position of assistant marshal.

SEC. 2. Section 74364 of the Government Code is amended to read:

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 43, set forth in Section 74343.1.

(b) Three lieutenants, each of whom shall receive the monthly compensation specified in Schedule 38, set forth in Section 74343.1.

(c) Twelve sergeants, each of whom shall receive the monthly compensation specified in Schedule 35.5, set forth in Section 74343.1.

(d) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 32, set forth in Section 74343.1. Upon the occurrence of a vacancy, this position shall cease to exist.

(e) Eighty deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 32, set forth in Section 74343.1.

(f) Thirteen deputy marshals-stenographers, each of whom shall receive the monthly compensation specified in Schedule 26.5, set forth in Section 74343 1. The next four (4) vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as clerk The positions of clerk

shall each receive the compensation specified in subdivision (h) of this section.

(g) Three deputy marshal-matron, who shall receive the monthly compensation specified in Schedule 30, set forth in Section 74343.1.

(h) Seven clerks, who shall receive the monthly compensation specified in Schedule 22, set forth in Section 74343.1; provided that any clerk while qualified and performing services as an interpreter shall be paid at the monthly rate specified in Schedule 26 set forth in Section 74343.1.

(i) Every person specified in subdivision (h) who works a night shift shall be paid at the monthly rate specified in the schedule set forth in Section 74343.1 next higher than the rate provided by subdivision (h). "Night shift" means an assigned work schedule of which not less than one-half of the total number of hours, plus one-half hour, are worked after 5:00 p.m. and before 8:00 a.m.

SEC. 3. Section 74374 of the Government Code is amended to read:

74374. The hereinafter enumerated classes of positions in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the equivalent classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Such adjustment shall not be more than eight ranges higher or eight ranges lower than the range specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors on any date in 1967 prior to the effective date of the 1967 amendment of this section, said adjustments shall be applied to the salary of the equivalent classifications in the marshal's office, such adjustments to take effect on the effective date of said 1967 amendment. Any salary adjustments made as a result of this section shall be effective only until 90 days after the adjournment of the 1969 General Session of the State Legislature.

The equivalent classifications are as follows:

Municipal court marshal classification	County classification
Assistant marshal	Chief deputy sheriff
Lieutenant	Deputy sheriff-lieutenant
Sergeant	Deputy sheriff-sergeant
Deputy marshal and deputy marshal—female	Deputy sheriff
Deputy marshal-matron	Deputy sheriff-matron

Deputy marshal-stenographer_____Senior stenographer
Clerk _____Intermediate typist

SEC. 4. Section 74376 of the Government Code is amended to read:

74376. In the event that the number of judges provided by Sections 73641, 73951, and 74341 of this code is increased, or that additional municipal court judicial districts are provided in the County of San Diego, thereby causing an increase in the number of judges, the marshal of the municipal courts may appoint one deputy marshal, who shall receive compensation at the rate specified by subdivision (e) of Section 74364 and Section 74374, for each additional judge appointed or elected.

CHAPTER 176

An act to amend Section 12024.5 of the Business and Professions Code, relating to weighing poultry, fish and meat.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 12024.5 of the Business and Professions Code is amended to read:

12024.5. It shall be unlawful for any person to sell or advertise for sale any dressed poultry or any other fowl or rabbit in dressed form, either cooked or uncooked, or smoked, fresh, frozen, cooked, dried, or pickled meats or fish other than by weight determined at time of sale on a scale properly sealed in accordance with the provisions of this division. Any commodity specified in this section, however, need not be weighed at the time of sale if at that time it is packed in a package or container upon which appears the net weight of the commodity therein. Except as provided below, any person, including but not limited to a manufacturer, processor, packer, wholesaler, or jobber that packs any commodity specified in this section in any package which is intended for retail sale, shall mark the net weight of the commodity therein upon the package. Packages of such products intended for retail sale need not be marked by the packer with the net weight of the commodity if they are to be marked with the net weight of the commodity by the retailer who purchases or receives such packages from the packer, provided that a written statement signed by both the packer and the retailer, on a form approved by the director, stating that the net weight of the commodity will be marked on the package by the retailer is on file at the offices of both the packer and retailer. Such written statement shall be made available to the weights and measures official for inspection upon request. The provisions

of this section do not apply to any commodity sold or offered for sale with other foods as part of a prepared meal.

CHAPTER 177

An act to amend the heading of Article 4 (commencing with Section 29091) of Chapter 1 of Division 13 of, and to add Article 4.5 (commencing with Section 29111) to Chapter 1 of Division 13 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to apiaries.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. The heading of Article 4 (commencing with Section 29091) of Chapter 1 of Division 13 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

Article 4. Importation

SEC. 2. Article 4.5 (commencing with Section 29111) is added to Chapter 1 of Division 13 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

Article 4.5. Exportation

29111. As used in this article, "certificate" means the certification by a commissioner, as an ex officio state apiary inspector, of the condition of any apiary which is to be transported to another state or country.

29112. The board of supervisors of any county may establish a schedule of fees for certificates for bees on comb to be paid by persons that request such certificates.

29113. No fee shall be charged for certification required by any law, regulation, or requirement of the United States or of this state or by any ordinance, regulation, or requirement of any county of this state.

29114. The schedule of fees for the certificates shall be based upon the approximate cost of the inspection.

29115. A commissioner shall make such inspection as may be necessary to determine the facts which are required by the state or country of intended destination and shall issue a certificate that states the facts which are determined upon receipt of the scheduled fee for a certificate or, if no scheduled fee has been established, upon request.

29116. It is unlawful for any person to alter, deface, or misuse any certificate issued pursuant to this article.

CHAPTER 178

An act to add Section 2 to Chapter 83 of the Statutes of 1923, relating to salt marsh, tide and submerged lands granted to the City of San Rafael, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 2 is added to Chapter 83 of the Statutes of 1923, to read:

Sec. 2. (a) It is found and determined that the following described lands within the City of San Rafael, herein referred to as Parcel No. 1, lie above the line of mean high tide, are no longer necessary or useful for commerce, fisheries and navigation, and are hereby freed from the public use and trust for harbors, commerce, fisheries and navigation to the extent such may have existed as to any of such lands enclosed within the following boundaries:

Parcel No. 1.

Beginning at Station 20 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42′21″ West 10.786 feet to the True Point of beginning; thence, continuing North 24°42′21″ West 319.210 feet to Station 21; thence, North 23°32′39″ East 275.077 feet to a point; thence, crossing said Canal, South 39°15′00″ East 70.681 feet to a point on the line between Stations 33 and 34 of said Canal; thence, along the Meanders of said Canal, South 23°47′39″ West 195.653 feet to Station 34; thence, South 24°42′21″ East 206.605 feet to a point; thence, across said Canal, South 13°19′40″ West 124.062 feet to the True Point of Beginning.

(b) The City of San Rafael is hereby authorized to exchange Parcel No. 1, described above in subdivision (a) hereof, for the following parcel, herein referred to as Parcel No. 2:

Parcel No. 2.

Beginning at Station 35 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42′21″ West 96.995 feet; thence, leaving last said line, North 13°19′40″ East 284.924 feet; thence, North 39°15′00″ West 115.531 feet to a point on the line of said Canal between Stations 33 and 34; thence, along last said line, North 23°47′39″ East 79.745 feet to a point; thence, leaving last said line, South 39°15′00″ East 184.762 feet;

thence, South 13°19′40″ West 405.173 feet to a point on the line of the aforementioned Canal between Stations 35 and 36; thence, along last said line, North 38°57′21″ West 12.272 feet to Station 35 and the Point of Beginning.

(c) Parcel No. 2, described in subdivision (b) hereof, shall be considered as a substitute area for the alignment of San Rafael Canal as described in Parcel No. 1, described in subdivision (a) hereof, and said substitute alignment of said San Rafael Canal shall be considered to be administered in the same manner and subject to the same trust, provisos, and reservations as apply to the lands granted to the city by Section 1 of this act.

(d) All lands subject to the trust under this act shall be subject to the following additional conditions:

(1) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to the lands shall cease and the lands shall revert and rest in the state.

In making its determination as to whether such lands have been substantially improved, the commission shall take into consideration the existing improvements made by the city to such lands.

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

(3) The lands are subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

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

(5) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the lands or any improvements, betterments or structures thereon.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

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

It is essential to clarify and confirm title to the lands proposed to be exchanged in order for the city to proceed with certain necessary projects.

CHAPTER 179

An act to amend Sections 12880 and 12884 of the Water Code, to amend Sections 12882.4 and 12885.8 of, and to amend and renumber Section 12885.2 of, the Water Code, as proposed to be added by Assembly Bill No. 110 of the 1967 Regular Session, relating to water resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

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

12880. In furtherance of the development, control and conservation of the water resources of the state and the State Water Resources Development System it is the policy of the state to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest by making grants or loans, or both, and by participating in the construction and operation of water projects, and also to provide financial assistance to public agencies for the preparation of certain feasibility reports on such water projects by making loans, in accordance with this chapter.

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

(b) The proposed project may be approved for assistance only if it is determined that the project substantially conforms to the California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance, commensurate with the need for the proposed project, that the public agency can repay it. The

potential future growth and development of the area shall be taken into consideration in the calculation of the benefits for the determination of the economic justification of a proposed project. In the case of a grant for recreation or fish and wildlife enhancement, or both, the determination of economic justification of the proposed project may, in the department's discretion, be limited to a determination of the economic justification of the recreation and fish and wildlife enhancement functions of the project. Such factors as the public health, safety, and welfare shall be taken into consideration in determining the need for a proposed project. A loan for the preparation of a proposed feasibility report on a proposed project may be approved only if it is determined that there is reasonable assurance that the public agency can repay the loan and only if the agency receives a favorable written reply from the department on a written request for a preliminary determination of eligibility for a loan for the construction of the proposed project filed with the department by the agency under the regulations of the department promulgated pursuant to this chapter.

(c) Grants in furtherance of a project that involves the development of a new water supply may be made for the following purposes:

(1) For the part of the construction cost of the proposed project properly allocated to the enhancement of fish and wildlife; provided, that a grant for such part shall not exceed fifty percent (50%) of the construction cost.

(2) For the part of the construction cost of any dam and reservoir of the proposed project properly allocated to recreational functions of statewide interest; provided, that a grant for such part shall not exceed fifty percent (50%) of the construction cost, and provided further, that the total grant under paragraphs (1) and (2) of this subdivision for any one project shall not exceed seventy-five percent (75%) of the construction cost of the project. Such construction costs may include expenditures for lands located above the high waterline of reservoirs which are necessary or desirable for public recreation in connection with the reservoir.

(3) For the construction of initial water supply and sanitary facilities which are needed for public recreational use of each proposed dam and reservoir of the proposed project. A grant for the purpose specified in this paragraph (3) shall not be subject to the limitation contained in Section 12885 on grants for the purposes specified in paragraphs (1) and (2) of this subdivision and shall not be included in computing the total amount which may be granted to a public agency in connection with a project for such purposes. A grant for the purpose specified in this paragraph (3) shall not exceed one-fourth of the total amount granted to a public agency in connection with a project for the purposes specified in paragraphs (1) or (2), or both, of this subdivision.

(d) Loans may be made only for projects primarily for domestic, municipal, agricultural, industrial, recreation, or fish and wildlife enhancement purposes. Such loans may be made for all or any part of the construction cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the construction cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 50 years. A period of development of not exceeding 10 years may be allowed in addition to such maximum 50-year repayment period, during which no payments on the principal of or the interest on such loans shall be required, when in the department's judgment such development period is justified under the circumstances. If the payment of interest is deferred pursuant to this subdivision, no interest shall be charged on the interest amounts for which payment is deferred. The accrued interest may, at the option of the public agency, be paid in annual installments during the remainder of the loan repayment period.

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

(f) If in order to accomplish the objectives of this chapter it is necessary to construct a project that is larger than one which a public agency proposes to construct, the state may participate in planning, designing, constructing, operating and maintaining the project, and in so participating shall finance those costs of the project allocated to the state, on terms agreed upon with the agency, to the end that the project shall accomplish the maximum water development objectives at a minimum total expenditure. In participating in a project under this subdivision (f), the department may perform all or part of the planning, designing, construction, operation or maintenance of the project on terms agreed upon with the agency.

The department is authorized, following receipt of an application for state participation from a public agency, to participate under this subdivision (f) on behalf of the state in any project that is larger than the one which the public agency proposes to construct and that is primarily for domestic, municipal, agricultural, industrial, recreational or fish and wildlife enhancement purposes and in so participating shall finance those costs of such project that are allocated to the state, on terms agreed upon with the public agency, subject to the prior approval of the California Water Commission, and to expend for participation in the planning, designing, and construction

of any one project an amount not exceeding one million dollars ($1,000,000) from moneys available for such participation, including but not limited to, the moneys appropriated by the California Water Resources Development Bond Act (Chapter 8 (commencing with Section 12930) of Part 6 of Division 6 of the Water Code) for provision for water development facilities for local areas as provided in this Chapter 5. Expenditures by the department in excess of one million dollars ($1,000,000) for the planning, designing, and construction of any one project may be made only upon specific authorization of the Legislature.

The department is authorized to make loans and grants to public agencies pursuant to the provisions of this chapter for projects in which the department participates under this subdivision (f).

(g) Applications for loans or grants or financial participation by the state under this chapter shall be made to the department in such form and with such supporting material as may be prescribed by the department. Supporting material with respect to the ability of a public agency to repay the loan and to the reasonable ability to finance the proposed project from other sources may be supplied by the county assessor and the county engineer. A copy of each application, except applications for loans for the preparation of proposed feasibility reports, shall be transmitted by the department to the Department of Parks and Recreation and to the Department of Fish and Game. A report on each application shall be prepared by the Department of Water Resources and filed with the Legislature if it is in session, or if it is not in session, with the Rules Committees of the Assembly and Senate, together with the comments of the California Water Commission, the Department of Parks and Recreation, and the Department of Fish and Game. In such report the department shall make findings as to the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project; provided, that in the case of reports on applications for loans for the preparation of proposed feasibility reports, in lieu of the above findings, the department shall make findings with respect to the public necessity for and urgency of need of the proposed project and the ability of the applicant to repay the requested loan for the preparation of the proposed feasibility report.

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

(1) To borrow money from and repay the same with interest to the state in accordance with this chapter on behalf of

the entire public agency or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone within the public agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit such borrowing.

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

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

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

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

(6) To annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public agency that are set forth in any contract which the agency enters into with the department under this chapter, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing.

Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), as it may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this chapter.

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

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

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

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

(2) No particular form of ballot is required.

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

(4) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum amount of money to be borrowed from the state under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

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

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

SEC. 1.2. Section 12884 of the Water Code is amended to read:

12884. The department shall require the payment of interest on each loan that is made pursuant to this chapter after the effective date of the 1967 act amending this section at a rate of 2½ percent per annum.

SEC. 1.3. Section 12882.4 of the Water Code, as proposed to be added by Assembly Bill No. 110, is amended to read:

12882.4. A copy of each application, except applications for loans for the preparation of proposed feasibility reports, shall be transmitted by the department to the Department of Parks and Recreation and to the Department of Fish and Game. A report on each application shall be prepared by the Department of Water Resources and filed with the Legislature, if it is in session, or if it is not in session, with the Rules Committees of the Assembly and Senate, together with the comments of the California Water Commission, the Department of Parks and Recreation, and the Department of Fish and Game. In such report the department shall make findings as to the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project; provided, that in the case of reports on applications for loans for the preparation of proposed feasibility reports, in lieu of the above findings the department shall make findings with respect to the public

necessity for and urgency of need of the proposed project and the ability of the applicant to repay the requested loan for the preparation of the proposed feasibility report.

SEC. 1.5. Section 12885.2 of the Water Code, as proposed to be added by Assembly Bill No. 110 of the 1967 Regular Session, is amended and renumbered to read:

12885.1. Loans may be made only for projects primarily for domestic, municipal, agricultural, industrial, recreation, or fish and wildlife enhancement purposes. Such loans may be made for all or any part of the construction cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the construction cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 50 years. A period of development of not exceeding 10 years may be allowed in addition to such maximum 50-year repayment period, during which no payments on the principal of or the interest on such a loan shall be required, when in the department's judgment such development period is justified under the circumstances. If the payment of interest is deferred pursuant to this section, no interest shall be charged on the interest amounts for which payment is deferred. The accrued interest may, at the option of the public agency, be paid in annual installments during the remainder of the loan repayment period.

SEC. 2. Section 12885.8 of the Water Code, as proposed to be added by Assembly Bill No. 110 of the 1967 Regular Session, is amended to read:

12885.8. The department shall require the payment of interest on each loan that is made pursuant to this chapter after the effective date of the 1967 act amending this section, at a rate of 2½ percent per annum.

SEC. 2.5. Sections 1.3, 1.5, and 2 of this act shall become operative only if Assembly Bill No. 110 is enacted into law by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 110 takes effect; at which time Sections 12880 and 12884 of the Water Code as amended by Sections 1 and 1.2 of this act are repealed.

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

State loans for water projects are vital to the continued development of California. It is necessary that this act go into immediate effect in order to prevent irreparable injury to the local water project developments.

CHAPTER 180

An act to amend Sections 150, 157, 159, 162, and 12602 of, to amend and renumber Section 154.5 of, to add Sections 163, 165, 166, 12604.3, and 12634.3 to, and to repeal Section 163 of, the Water Code, relating to the California Water Commission.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 150 of the Water Code is amended to read:

150. There is in the Department of Water Resources the California Water Commission.

SEC. 2. Section 154.5 of the Water Code is amended and renumbered to read:

163.5. The department shall furnish to the California Water Commission, at its request, such assistance as is required to the extent funds are made available therefor.

SEC. 3. Section 157 of the Water Code is amended to read:

157. Each member of the California Water Commission shall receive fifty dollars ($50) for each day during which he is engaged in the performance of his official duties, but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars ($2,000); except the chairman of the commission may receive compensation of not to exceed two thousand five hundred dollars ($2,500) for performance of such duties. In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

SEC. 4. Section 159 of the Water Code is amended to read:

159. Special meetings may be called at any time by the chairman or by the executive secretary at the request of any four members, upon notice specifying the matters to be acted upon at such meeting, but no other matters shall be acted upon at special meetings which were not so noticed, unless all members are present and consent thereto.

SEC. 5. Section 162 of the Water Code is amended to read:

162. It is the intention of the Legislature that in the making of all major departmental determinations, policies and procedures, such as departmental recommendations to the Legislature, the director and the California Water Commission shall be in agreement whenever possible; but for the purpose of fixing responsibility to the Governor and to the Legislature, in the event of disagreement between the director and the commission upon such matters, the views of the director shall prevail. In the event of disagreement pursuant to this section, a written report upon such disagreement shall be made immediately to the Governor and to the President pro Tempore

of the Senate and the Speaker of the Assembly by the commission and by the director.

SEC. 6. Section 163 of the Water Code is repealed.

SEC. 7. Section 163 is added to the Water Code, to read:

163. The commission may employ an executive secretary, exempt from civil service, under subdivision (a)(5) of Section 4 of Article XXIV of the Constitution, and a staff engineer from the staff of the department who shall be responsible to the commission The commission may also employ such clerical assistants as may be necessary for the proper discharge of its duties and may purchase or rent necessary supplies, instruments, tools, equipment and conveniences.

SEC. 7.3. Section 165 is added to the Water Code, to read:

165 The California Water Commission shall conduct an annual review of the progress of construction and operation of the State Water Resources Development System, and shall make a report on its findings to the department and to the Legislature, together with whatever recommendations it deems appropriate.

SEC. 7 6. Section 166 is added to the Water Code, to read.

166. The California Water Commission shall hold public hearings on all additional facilities proposed to be added to the State Water Resources Development System by the department pursuant to the authority granted by Sections 12931 and 12938.

SEC. 8. Section 12602 of the Water Code is amended to read:

12602. The department, or a representative authorized by the department to do so, may call, conduct or attend conferences or hearings, official or unofficial, within or without this state, or otherwise participate in such conferences or hearings, with interested persons, agencies or officers, of this or any other state, or with the Congress of the United States, congressional committees, or officials of the federal government, concerning water projects, plans, or problems. However, where the appropriations committees of the Congress are hearing requests for appropriations for flood control projects being planned or constructed in California under the jurisdiction of the United States Army Corps of Engineers, or reclamation projects being planned or constructed in California by the Bureau of Reclamation, United States Department of the Interior, the California Water Commission shall present its views. Prior to making such presentation, the commission shall consult with interested local, state, and federal agencies, and may on request report to the committees the views of any county, city, state agency, or public district regarding such appropriations. Nothing in this section or in Section 12604.3 shall be deemed or construed to modify, limit, or take away from any of the powers and duties vested in the department, or any other state agency, pursuant to this article.

SEC. 9. Section 12604.3 is added to the Water Code, to read:

12604.3. In matters concerning the coordination of planning, construction, and operation of federal water development and flood control projects in the State of California with state and local projects, the California Water Commission shall advise the department, and the Governor, and to this end may confer with the appropriate executive agencies of the United States.

SEC. 10. Section 12634.3 is added to the Water Code, to read:

12634.3. The department shall submit, prior to January 1st of each year, a report to the California Water Commission summarizing its activities, including existing and prospective planning projects, the need for such projects, and the estimated costs thereof. The commission may conduct public hearings on such reports and may make recommendations thereon to the department and the Legislature.

CHAPTER 181

An act to amend Section 11552 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 11552 of the Business and Professions Code is amended to read:

11552. (a) If there is no advisory agency, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting, which shall act thereon within 40 days thereafter.

If there is an advisory agency, it shall report, in writing, on the map or maps of any subdivision submitted to it within 50 days after the tentative map has been filed and the report shall approve, conditionally approve or disapprove the map or maps of the subdivision.

The governing body may authorize the advisory agency to report its action direct to the subdivider. If the governing body does not so authorize the advisory agency, the advisory agency shall make its report to the governing body, which body shall act upon the report within 10 days or at its next succeeding regular meeting after receipt of the report.

Any reports or recommendations on the map or maps of any subdivision submitted to the advisory agency or governing body shall be submitted in writing to the subdivider prior to final action on the map or maps by the advisory agency or governing body. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail directed to the subdivider at his designated address and bearing the proper postage.

(b) If the subdivider is dissatisfied with any action of the advisory agency with respect to the tentative map, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required, he may, within 15 days after such action, appeal to the governing body, unless an appeal board has been designated in which event such appeal must be to the appeal board, for a public hearing thereon. The governing body or appeal board as the case may be shall hear the appeal, upon notice to the subdivider and the advisory agency, unless the subdivider consents to a continuance, within 15 days or at its next succeeding regular meeting. At the time fixed for the hearing the governing body or appeal board shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the advisory agency or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the governing body or appeal board shall within seven days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory agency and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

If the subdivider or advisory agency is dissatisfied with any action of the appeal board with respect to the tentative map, or the kinds, nature and extent of the improvements required by the appeal board, either may, within 15 days after such action, appeal to the governing body. The governing body shall hear the appeal within 15 days or at its next succeeding regular meeting, unless the subdivider consents to a continuance, and shall give notice of such hearing to the subdivider, the appeal board and the advisory agency. The governing body shall hear the argument of the subdivider, the appeal board and the advisory agency or of their representatives based upon the testimony and the documents before the appeal board, and may receive documents from or hear the testimony of any competent person respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into. Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

CHAPTER 182

An act to amend Section 14800 of the Elections Code, relating to absent voter ballots.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 14800 of the Elections Code is amended to read:

14800. Any voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, or nursing home, may request in a written statement, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing a written statement from the voter's physician or practitioner or a written statement signed by an official of the hospital, sanatorium, or nursing home stating that the voter is a patient in a hospital, sanatorium, or nursing home, and that the voter will be confined therein on election day.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope on or before election day and return it to the office of the clerk.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballot. Thereafter, the clerk shall count these ballots and add them to the totals for absent voter ballots.

A request for a ballot under this section shall be made, and the ballot delivered to the voter and returned to the clerk no later than the time the polls close on election day.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

CHAPTER 183

An act to add Sections 12737, 12738, and 12739 to the Water Code, relating to the Klamath River Flood Control Project, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 12737 is added to the Water Code, to read:

12737. The project for flood protection on the Klamath River at and in the vicinity of Klamath, California, is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 478, 89th Congress, as authorized by the Flood Control Act of 1966 (Title II of the act approved November 7, 1966, Public Law 89-789, 80 Stat. 1405), at an estimated cost to the state of such sum as may be appropriated, from time to time, for state cooperation by the Legislature upon the recommendation and advice of the department, to be available for expenditure as funds for carrying out said project are appropriated by Congress. "Lands, easements, and rights-of-way" for this project may include lands for the relocation site of the town of Klamath.

SEC. 2. Section 12738 is added to the Water Code, to read:

12738. The County of Del Norte shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by the Flood Control Act of 1966 (Public Law 89-789, 80 Stat. 1405), will be furnished by the county in connection with the plan for flood control purposes adopted and authorized in Section 12737.

SEC. 3. Section 12739 is added to the Water Code, to read:

12739. The County of Del Norte, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12737, and may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part. The county may acquire lands, easements, and rights-of-way for the project, including those required for the relocated site of the town of Klamath.

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

The Klamath River Flood Control Project is necessary to provide needed flood control protection in the Klamath River area. This act must go into immediate effect in order to meet the commitments required under federal law to insure the construction of this project.

CHAPTER 184

An act to amend Section 35127 of the Government Code, relating to elections on question of annexation.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 35127 of the Government Code is amended to read:

35127. The legislative body shall appoint two clerks, one judge and one inspector for each voting place, as officers of the election. Each officer shall be a qualified voter of the voting precinct in which he is appointed to act.

CHAPTER 185

An act to amend Section 9006 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 9006 of the Fish and Game Code is amended to read:

9006. In Districts 11, 12, and 13 and in the tidewaters of Districts 2 and 2½ traps not to exceed 24 inches in length, 12 inches in width, and 12 inches in height, with one opening not to exceed 2 inches in diameter, may be used to take shiner perch (Cymatogaster aggregata), staghorn sculpin (Leptocottus armatus) and mudsuckers (Gillichthys mirabilis). Any other species taken shall be returned to the water immediately.

CHAPTER 186

An act to amend Section 14620.5 of the Elections Code, relating to absent voter ballots.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 14620.5 of the Elections Code is amended to read:

14620.5. Whenever there are 30 or less persons registered to vote in any precinct, the clerk may, not less than 29 days prior to election day, furnish an application blank for an

absent voter ballot to each registered voter, together with a statement that there will be no polling place for the election, and if the voter desires to vote at the election, he shall apply for an absent voter ballot not less than seven days before the election or vote at the office of the county clerk on election day.

The order of the election board, or publications required for the election, shall state that there will be no polling places for the particular precinct in the election, and that the qualified voters shall vote by absent voter ballots or vote at the office of the county clerk on election day.

No precinct shall be divided to bring it within the provisions of this section.

CHAPTER 187

An act to amend Section 619.1 of the Revenue and Taxation Code, relating to notice of assessment.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 619.1 of the Revenue and Taxation Code is amended to read:

619.1. The notice required by Section 619 shall be directed to the mailing address of the property owner or his designee.

CHAPTER 188

An act to repeal Section 29110 of the Government Code, relating to county taxes.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 29110 of the Government Code is repealed.

CHAPTER 189

An act to amend Section 504b of, and to repeal Section 515 of, the Penal Code, relating to embezzlement.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 504b of the Penal Code is amended to read:

504b. Where under the terms of a security agreement, as defined in Section 9105 of the Commercial Code, the debtor has the right to sell the property covered thereby and is to account to the secured party for, and pay to the secured party the indebtedness secured by the security agreement from, the proceeds of the sale of any of the said property, and where such debtor, having sold the property covered by the security agreement and having received the proceeds of such sale, willfully and wrongfully, and with the intent to defraud, fails to pay to the secured party the amounts due under the security agreement, or the proceeds of such sale, whichever is the lesser amount, and appropriates such money to his own use, said debtor shall be guilty of embezzlement and shall be punishable as provided in Section 514.

SEC. 2. Section 515 of the Penal Code is repealed.

CHAPTER 190

An act to amend Section 26101 of the Government Code, relating to expenditures for county advertising purposes.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

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

26101. If the rate of four cents ($0.04) will not raise fifty thousand dollars ($50,000) in any one year, the board may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between the amount raised as the result of the four-cent ($0.04) levy and fifty thousand dollars ($50,000).

CHAPTER 191

An act to amend Sections 32915, 33518, 33519, 33766, 34001, 34591, 35751, 35781, 35811, 35833, 35971, 38182, 38662, and 38671 of, and to add Sections 32733, 33520, 33766.5, and 35781.5, to, and to repeal Sections 33520 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to milk product standards.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 32733 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

32733. Samples of milk and milk products to be tested for coliform bacteria shall be taken at the milk products plant where bottled or from delivery vehicles owned or operated by the milk products plant.

Sampling procedures and laboratory methods for the determination of coliform bacteria shall be established by regulations issued by the director to insure accuracy of the sampling.

SEC. 3. Section 32915 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

32915. The labeling requirements of Sections 32912, 32913 and 32914 also apply to milk and cream which is sold in bulk to the wholesale trade and to milk and cream which is sold by any milk products plant for processing purposes. When any nonnutritive or artificial sweetener is added to any milk product or imitation milk product, the words "artificially sweetened" shall become a part of the name of the product.

SEC. 4. Section 33518 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

33518. A suitable milkhouse or room, which is properly screened to exclude flies or insects shall be provided and maintained for the separating, cooling, mixing, canning, and keeping, or otherwise caring for, the milk and cream. The milkhouse or room shall contain a two-compartment wash sink. The milkhouse or room shall not be used for any other purpose. It shall not be located in, or be a part of, any building in which fowls or animals, except milking cows, are housed, or be a part of any room where milking cows are held, or a part of, or communicate with, any room or place which is used by any person for sleeping or living accommodations.

SEC. 5. Section 33519 of the Agricultural Code, as proposed by Senate Bill No 1, is amended to read:

33519. The pails, cans, bottles, or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus, or equipment which come in contact with the milk or its products shall be thoroughly washed and afterwards sterilized each time they are used by exposing them to water vapor at a temperature of not less than 170 degrees Fahrenheit for a period of at least 15 minutes or at a temperature of not less than 200 degrees Fahrenheit for a period of at least five minutes in a steam cabinet equipped with an indicating thermometer which is located in the coldest zone; or exposure to an enclosed jet of steam for not less than one minute; or complete immersion in hot water at a temperature of not less than 170 degrees Fahrenheit for a period of at least five minutes; or exposure to a flow of hot water of a temperature of not less than 170 degrees Fahrenheit, as determined at an outlet, for a period of at least five minutes; or exposure to hot air at a temperature of not less than 180 degrees Fahrenheit for a period of at least 20 minutes in an oven or hot air cabinet which is equipped with a indicating thermometer located in the coldest zone, or by a chemical or other sterilization process which has been approved by the director and which is used in the manner which is established by regulation of the director.

SEC. 6. Section 33520 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 7. Section 33520 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

33520. Multiuse containers, equipment and utensils used in the handling, storage and transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials and shall be so constructed as to be easily cleanable. All containers, equipment, and utensils shall be in good repair. All milk pails used for handmilking and stripping shall be seamless and of the hooded type having an opening not exceeding one-third of the area of an open pail of the same size. All can lids shall cover the pouring lip so as to protect such lip from contamination.

SEC. 10. Section 33766 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

33766. The inside surfaces of any equipment, apparatus, or container, which comes in contact with milk or its products, shall be smooth and readily cleanable and free of open seams, cracks, or crevices. All openings in covers of tanks, vats, separators or other equipment shall be protected by raised edges or otherwise to prevent the entrance of surface drainage Every tank in which milk or a milk product is stored shall be equipped with an accurate thermometer. All surface coolers shall be equipped with condensate deflectors and tight-fitting shields.

SEC. 11. Section 33766.5 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

33766.5. Recirculated cold water which is used in coolers and exchangers shall be obtained from a safe source and protected from contamination. Any freezing point depressant shall be nontoxic. All bottling or packaging machine supply tanks and bowls shall have covers which are constructed to prevent any contamination from reaching the inside of the filler tank or bowl. A drip deflector shall be installed on each filler valve. All conveyors which deliver sterile containers to bottling or packaging facilities shall be afforded overhead protection from contamination. Pasteurized milk and any milk product shall be conducted from one piece of equipment to another only through sanitary piping.

SEC. 13. Section 34001 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

34001. Pasteurization of milk or a milk product is a process which consists of one of the following:

(a) Uniformly heating milk or a milk product to a temperature of not less than 145 degrees Fahrenheit and of holding it at such temperature for at least 30 minutes, except a milk product which has a higher fat content than milk, or contains added sweeteners, or both, shall be heated to at least 150 degrees Fahrenheit and held at or above this temperature for at least 30 consecutive minutes.

(b) Uniformly heating milk or a milk product to a temperature of at least 161 degrees Fahrenheit and holding it at such temperature for at least 15 seconds, except a milk product which has a higher fat content than milk, or contains added sweeteners, or both, shall be heated to at least 166 degrees Fahrenheit and held at or above this temperature for at least 15 consecutive seconds.

Each such type of heating shall be conducted in approved and properly operated equipment. The milk or milk product shall be immediately cooled to a temperature of not above 50 degrees Fahrenheit after the completion of either of such heatings.

Nothing contained in this chapter shall be construed as prohibiting any other process which has been demonstrated to be equally efficient and is approved by the director.

SEC. 15. Section 34591 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

34591. Except as otherwise provided in this article, it is unlawful for any person to sell or otherwise dispose of any market milk, skim milk, flavored milk, flavored dairy drink, buttermilk, or cultured buttermilk to the retail trade, unless such product is contained in a standard milk bottle or in a single service container which has been mechanically filled and capped or sealed in a milkroom which is properly designed and equipped as approved by the director. The pouring lip of standard milk bottles used to package market milk and milk products sold at retail shall be covered at the time of capping or closure to at least its largest diameter by the cap or cover. A single service container shall meet the specifications of Appendix J, United States Public Health Service Grade A Pasteurized Milk Ordinance 1965 Recommendations.

SEC. 17. Section 35751 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

35751. This division does not prohibit the addition of vitamins and minerals to market milk or the sale of market milk to which any vitamins and minerals have been added if such milk is labeled to show the addition of the vitamins and minerals and the amounts of vitamins and minerals which have been added.

A statement of the method and manner of adding vitamins and minerals shall be filed with and approved by the director, and, when offered for sale, such vitamin and mineral milk shall not be of a standard which is below the legal requirements of market milk. When vitamin D is added to milk, the amount shall be such as to increase the vitamin D content to at least 400 U.S.P. units per quart.

SEC. 18. Section 35781 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

35781. Except as otherwise provided in this article, market milk shall not contain:

(a) More than 15,000 bacteria per milliliter if raw.

(b) More than 75,000 bacteria per milliliter before pasteurization.

(c) More than 15,000 bacteria per milliliter or more than 10 coliform bacteria per milliliter at time of delivery to the consumer if pasteurized.

SEC. 19. Section 35781.5 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

35781.5. A milk producer delivering in cans on delivery to a plant receiving both graded market milk and ungraded market milk or manufacturing milk shall label each can containing market milk as to the producer and grade of such market milk.

SEC. 21. Section 35811 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

35811. Market cream shall conform to all of the standards which are set for market milk of the same grade except those which relate to milk fat and solids not fat, and except that the maximum bacterial count for market cream shall be 20,000 per milliliter.

SEC. 22. Section 35833 of the Agricultural Code, as proposed by Senate Bill No 1, is amended to read:

35833. All pasteurized market milk and market milk products shall be bottled or canned only in the plant where pasteurized, except as otherwise provided in this division.

This section does not apply to market cream or cultured market milk products having a product acidity of not less than 0 20 percent expressed as lactic acid.

SEC. 23. Section 35971 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

35971. Half-and-half is a pasteurized market milk product. It shall contain not less than 11.7 percent of milk fat and it shall contain not more than 20,000 bacteria per milliliter or more than 10 coliform bacteria per milliliter at the time of delivery to the consumer. It shall be subject to degrading or exclusion based upon excess bacteria pursuant to Article 14 (commencing with Section 36121), Chapter 2, Part 2 of this division, and reestablishment pursuant to Article 15 (commencing with Section 36151), Chapter 2, Part 2 of this division.

SEC. 25. Section 38182 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38182. Skim milk or nonfat milk shall conform to the bacterial standards, coliform bacteria standards, and temperature standards of the grade or class of milk from which such skim milk is derived.

SEC. 34. Section 38662 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38662. Flavored dairy drink shall contain not more than 1.8 percent milk fat and not more than 15,000 bacteria per milliliter or more than 10 coliform bacteria per milliliter at the time of delivery of the product to the consumer.

SEC. 36. Section 38671 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38671. Sour cream is pasteurized market cream which has been fermented by the addition of pure cultures of one or more strains of lactic acid bacteria so that the product contains not less than 0.20 percent acidity expressed as lactic acid. It may contain added milk solids which are derived from market milk and a harmless edible stabilizer not to exceed six-tenths of 1 percent by weight. Sour cream shall otherwise conform to all requirements for market cream, except those which pertain to bacteria count. Sour cream shall contain no more than 10 coliform bacteria per milliliter.

CHAPTER 192

An act to amend Sections 18522, 19330, 19364, 19369, and 19392 of the Government Code, relating to the state civil service.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 18522 of the Government Code is amended to read:

18522. "Position" means any office or employment in the "state civil service" as the phrase is defined in Section 4 of Article XXIV of the Constitution.

"Former position" means either (a) the last position which an employee held as a probationer, permanent employee, or career executive or (b) a position to which the same appointing power could have assigned such an employee within a designated geographical, organizational or functional subdivision of a state agency as determined appropriate by the board.

SEC. 2. Section 19330 of the Government Code is amended to read:

19330. Subject to board rule an appointing power may grant a leave of absence without pay, to any employee under his jurisdiction for a period not exceeding one year. A leave so granted assures to the employee the right to return to his former position upon expiration of the leave.

SEC. 3. Section 19364 of the Government Code is amended to read:

19364. Transfer of a permanent employee from one position to another in the same class under the same appointing power, or under a different appointing power if the transfer is made because of a transfer of functions from one state agency to another, shall not require a new probationary period. Transfer of a probationer under like circumstances shall require service of the remainder of the probationary period.

Transfer of an employee from one class to another or from one appointing power to another shall require the service of a

new probationary period unless such probationary period shall have been waived by the appointing power. An employee rejected during such probationary period shall be reinstated to his former position.

SEC. 4. Section 19369 of the Government Code is amended to read:

19369. The board may prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies for not to exceed two years for the purpose of training. Such temporary assignments or loans shall be deemed to be in accord with the provisions of this part limiting employees to duties consistent with their class. An employee participating in such an arrangement shall have the absolute right to return to his former position.

SEC. 5. Section 19392 of the Government Code is amended to read:

19392. During any state military emergency and subject to board rule, an appointing power may grant a leave of absence without pay to any employee under his jurisdiction to:

(a) Engage in civilian war work pursuant to mandatory order of the agency of the United States or of the state having authority to make such order.

(b) Assume active duty in the United States Merchant Marine.

(c) Assume active full-time duty for the American Red Cross.

Such a leave assures to the employee the right to return to his former position upon its expiration.

CHAPTER 193

An act to amend Section 19253.5 of the Government Code, relating to state employees medical termination.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 19253.5 of the Government Code is amended to read:

19253.5. (a) In accordance with board rule, the appointing power may require an employee to submit to a medical examination by a physician or physicians designated by the appointing power to evaluate the capacity of the employee to perform the work of his position.

(b) Fees for the examination and for the services of medical specialists or technicians, if necessary, shall be paid by the state agency. The employee may submit medical or other evidence to the examining physician or to the appointing power. The examining physician shall make a written report of the examination to the appointing power. The appointing

power shall provide a copy to the physician designated by the employee.

(c) When the appointing power, after considering the conclusions of the medical examination and other pertinent information, concludes that the employee is unable to perform the work of his present position, but is able to perform the work of another position including one of less than full time, the appointing power may demote or transfer the employee to such a position.

The employee demoted or transferred pursuant to this section shall receive the maximum of the salary range of the class to which he is demoted or transferred, provided that such salary is not greater than the salary he received at the time of his demotion or transfer.

(d) When the appointing power after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician, and other pertinent information, concludes that the employee is unable to perform the work of his present position, or any other position in the agency, and the employee is not eligible or elects not to accept disability or service retirement, the appointing power may terminate the appointment of the employee.

(e) The appointing power may demote, transfer or terminate an employee under this section without requiring the employee to submit to a medical examination, when the appointing power relies upon a written statement submitted to the appointing power by the employee as to the employee's condition or upon medical reports submitted to the appointing power by the employee.

(f) The employee shall be given written notice of any demotion, transfer, or termination under this section at least 15 days prior to the effective date thereof. No later than 15 days after service of such notice, the employee may appeal the action of the appointing power to the board. The board, in accordance with its rules, shall hold a hearing. The board may sustain, disapprove, or modify the demotion, transfer, or termination.

(g) Whenever the board revokes or modifies a demotion, transfer, or termination, the board shall direct the payment of salary to the employee calculated on the same basis and using the same standards as provided in Government Code Section 19584.

(h) Upon the request of an appointing authority or the petition of the employee who was terminated, demoted, or transferred in accordance with this section, the employee shall be reinstated to an appropriate vacant position in the same class, in a comparable class or in a lower related class if it is determined by the board that the employee is no longer incapacitated for duty. Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the

board may require the satisfactory completion of a new probationary period. When the board finds the employee who was terminated, demoted or transferred is no longer incapacitated for duty but there is no vacant position to which he appropriately can be appointed, the name of the employee shall be placed upon such reemployment lists as are determined to be appropriate by the board.

CHAPTER 194

An act to amend Section 19140 of the Government Code, relating to state civil service.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 19140 of the Government Code is amended to read:

19140. Subject to board rule an appointing power may reinstate any person having probationary or permanent status who resigned from his position without fault or delinquency on his part.

Such reinstatement shall be within three years. Time spent (a) in a position which is exempt from civil service or (b) as a temporary employee in another governmental agency engaged in a technical cooperation program under an agreement approved by the state shall not be considered in computing the three-year period.

Such reinstatement may be to a position (a) in the class from which resigned, or (b) in a lower class in the same series, or (c) in a lower class in a related series requiring similar types of qualifications and knowledges and abilities, or (d) in another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range.

Any employee reinstated to a position under the provisions of this section shall serve the probationary period prescribed for the class before attaining permanent status in such position.

CHAPTER 195

An act to amend Section 117 of the Code of Civil Procedure, relating to courts.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 117 of the Code of Civil Procedure is amended to read:

117. All judges of the justice court, except as otherwise provided in this section, and judges of the municipal court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed three hundred dollars ($300), except that a municipal court judge sitting as a small claims court shall also have jurisdiction in proceedings in unlawful detainer after default in rent for residential property where the term of tenancy is not greater than month to month, and where the whole amount claimed is three hundred dollars ($300) or less.

Action shall be commenced and maintained in small claims court as follows:

(1) When a defendant has contracted to perform an obligation in a particular judicial district, an action founded on such obligation may be commenced and maintained either in the judicial district where such obligation is to be performed, or in which the defendant, or any such defendant, resides at the commencement of the action.

(2) When the action be for injury to person or to personal property, either the judicial district where the injury occurs, or where the defendants, or any of them, reside at the commencement of the action, shall be the proper judicial district for the trial of the action.

(3) In all other cases, actions shall be commenced and maintained in the judicial district in which the defendant, or any such defendant, resides at the commencement of the action.

CHAPTER 196

An act to repeal Section 4155 of the Fish and Game Code, relating to mountain lion bounty, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 4155 of the Fish and Game Code is repealed.

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

The Legislature may not have adjourned in sufficient time to allow this act to become operative prior to October 1, 1967.

If this act is not operative on such date, the effect of Section 4155 will revive and be operative until such time as this act becomes operative. To prevent such revival of the effect of Section 4155, it is necessary that this act go into immediate effect.

CHAPTER 197

An act to add Section 6.1 to the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945), relating to the Humboldt County Flood Control District.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 6.1 is added to the Humboldt County Flood Control District Act (Ch. 939, Stats. 1945), to read:

Sec. 6.1. In addition to its other powers, the district has all of the powers granted to public agencies by the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, of the Water Code).

CHAPTER 198

An act to add Section 6.1 to the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955), relating to the Del Norte County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 6.1 is added to the Del Norte County Flood Control District Act (Ch. 166, Stats. 1955), to read:

Sec. 6.1. In addition to its other powers, the district has all of the powers granted to public agencies by the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, of the Water Code).

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

In order for the district to acquire funds from the state either by grant or loan pursuant to the Davis-Grunsky Act for construction of district water facilities to serve vitally needed health, recreation, and fish and wildlife functions within the district is it necessary that this act take immediate effect.

CHAPTER 199

An act to amend Section 1645 of the Elections Code, relating to compensation of precinct board members.

[Approved by Governor May 23, 1967. Filed with Secretary of State May 23, 1967.]

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

SECTION 1. Section 1645 of the Elections Code is amended to read:

1645. Each member of a precinct board shall receive as compensation for his services a sum fixed by the board of supervisors of the county, which sum shall be paid out of the treasury of the county in which he acts. The inspector may receive up to five dollars ($5) more compensation than the other members of the precinct board. The inspector shall receive not more than twenty-nine dollars ($29) and the other members shall receive not more than twenty-four dollars ($24). The additional compensation to the inspector is for services rendered in securing election officers and other duties which may be directed by the county clerk or registrar of voters. In those precincts in which the precinct board consists of not less than four clerks in addition to the other four members of the board, the compensation received by the clerks shall not be more than twelve dollars ($12).

CHAPTER 200

An act to amend Sections 71 and 12154 of the Education Code, relating to instruction in the schools.

[Approved by Governor May 24, 1967. Filed with Secretary of State May 24, 1967.]

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

SECTION 1. Section 71 of the Education Code is amended to read:

71. English shall be the basic language of instruction in all schools.

The governing board of any school district and any private school may determine when and under what circumstances instruction may be given bilingually.

It is the policy of the state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered in those situations when such instruction is educationally advantageous to the pupils. Bilingual instruction is authorized to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language.

SEC. 2. Section 12154 of the Education Code is amended to read:

12154. Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted. Such school shall, except under the circumstances described in Section 71, be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state. The attendance of the pupils shall be kept by private school authorities in a register, and the record of attendance shall indicate clearly every absence of the pupil from school for a half day or more during each day that school is maintained during the year.

SEC. 3. This act shall not be construed as permitting the establishment of schools or classes which separate pupils on any basis other than those situations in which bilingual instruction is educationally advantageous to the pupils.

CHAPTER 201

An act to amend Section 19141 of the Government Code, relating to state civil service.

[Approved by Governor May 24, 1967. Filed with Secretary of State May 24, 1967.]

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

SECTION 1. Section 19141 of the Government Code is amended to read:

19141. For the purposes of this section, "employee" means a permanent employee, or an employee serving under another appointment who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service.

(a) An employee who has vacated a position to accept another position in a higher class, or a class on the same level, under temporary appointment or limited-term appointment shall, if he so desires, at the termination of such appointment, be reinstated to his former position.

(b) An employee who has vacated a position to accept another position in a higher class, or a class on the same level, and who is rejected during the probationary period shall be reinstated to his former position.

(c) An employee who has vacated a position to accept appointment to an exempt position shall be reinstated in accordance with the provisions of paragraph (i) of this section, if he so desires, at any time within six months after vacating such former position, and may, with the consent of the appointing power of the vacated position, be reinstated to such former position at any time.

(d) An employee who has vacated a position to accept appointment by the Governor to an office to serve at his pleasure or for a fixed term or by the Legislature, shall if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated in accordance with the provisions of paragraph (i) of this section.

An employee who has vacated a position to accept appointment by any court of record in this state or any justice, judge or clerk thereof, or by the Judicial Council, shall if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated in accordance with the provisions of paragraph (i) of this section.

(e) An employee who has vacated a position to accept an appointment to a position herein defined as "an exempt deputy or assistant position" shall, if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated in accordance with the provisions of paragraph (i) of this section; provided, however, that such employee shall return to his former position within four years after vacating his former position.

For the purposes of this section, the term "an exempt deputy or assistant position" shall include:

(1) A confidential position to any officer mentioned in paragraph (1) or (2) of subdivision (a) of Section 4 of Article XXIV of the State Constitution, as the term "confidential position" is used in paragraph (5) of said Section 4 of Article XXIV;

(2) A position exempt from civil service under paragraph (6) of subdivision (a) of Section 4 of Article XXIV of the State Constitution;

(3) A position exempt from civil service under the provisions of Section 22 of Article XX of the State Constitution;

(4) A position exempt from civil service under the provisions of Section 2.1 of Article IX of the State Constitution; and

(5) A position filled by any of the deputies or assistants appointed by the Attorney General and exempt from civil service under the provisions of Section 15003 or 18592 of the Government Code.

(f) When an employee has vacated a position to accept appointment to an exempt position and is laid off from that position his name shall be placed upon all appropriate layoff lists the same as if he had been laid off from the position which he vacated to accept appointment to such exempt position.

(g) An employee who has vacated a position to accept appointment to an exempt position or a limited term position in the same department, board, commission, or state agency, shall, if he so desires, at the termination of such appointment,

or any extension thereof by operation of law or new appointment, be reinstated to his former position.

(h) Tenure in a position or office filled by appointment by the Governor, or by the Legislature, or by any court of record of this state or any justice, judge or clerk thereof, or by the Judicial Council, or in a position defined as "an exempt deputy or assistant position" pursuant to paragraph (e) of this section upon the return of the employee to a civil service position shall be deemed to be time served in such civil service position for the purpose of determining his seniority and eligibility for merit increases.

(i) Placement by reinstatement shall be the responsibility of the appointing power of the department, board, commission, or state agency wherein the employee was serving at the time of the exempt appointment and shall be one of the following:

(1) Any position with the same appointing power in the class in which he was serving at the time of his exempt employment; or

(2) A vacant position in any department, commission, or state agency for which he is qualified at substantially the same level.

(j) The amendments to this section enacted by the 1961 Regular Session of the Legislature shall not be effective with respect to any employee who does not have a right on the effective date of the amendments to be reinstated without the consent of the appointing power pursuant to this section as it read immediately prior to the amendments.

CHAPTER 202

An act to amend the heading of Chapter 10 (commencing with Section 6951) of Division 6 of, to amend Sections 6952 and 6952.5 of, and to add Sections 6950 and 6951.5 to, the Education Code, relating to public education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1967. Filed with Secretary of State May 24, 1967.]

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

SECTION 1. The heading of Chapter 10 (commencing with Section 6951) of Division 6 of the Education Code is amended to read:

CHAPTER 10. EDUCATION OF NONIMMIGRANT CHILDREN AND CHILDREN RESIDING IN CHILDREN'S INSTITUTIONS

SEC. 2. Section 6950 is added to the Education Code, immediately preceding Section 6951, to read:

6950. Whenever a school district provides education in kindergarten or grades 1 through 12 for nonimmigrant chil-

dren, the district shall be reimbursed for the actual cost of educating each such nonimmigrant child by the county or city and county in which the school district is located. For the purposes of this chapter, such nonimmigrant child shall be deemed to be a resident of such county or city and county. If the parent or guardian of such nonimmigrant child is required to make a payment to the school district pursuant to Section 10508, the cost of educating such nonimmigrant child shall be reduced by the amount of such payment.

For the purpose of this section a "nonimmigrant child" is defined as an alien having a residence in a foreign country which he has no intention of abandoning, who is legally admitted to the United States as a nonimmigrant student or visitor, and who seeks to pursue a course of study in the public schools of this state.

SEC. 3. Section 6951.5 is added to the Education Code, to read:

6951.5. Every person, association, corporation or public agency who maintains or conducts a children's institution or engages in referring children to family homes shall report to the county superintendent of schools of the county where the school district providing education for children pursuant to Section 6951 of the Education Code is situated, within 30 days, any referral to such family home or any admission to such children's institution and the county or city and county in which each such child resided prior to his referral to such family home or admission to such institution

Such county superintendent shall notify the school district which provides education for children pursuant to Section 6951 of the Education Code of such referral or admission.

SEC. 3.5. Section 6952 of the Education Code is amended to read:

6952. The county or city and county of which any such minor is a resident shall at the close of each school year pay to the district educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenses of the school district during such school year less all apportionments from the state or allocations from the federal government received by the district during such school year, by the total number of units of average daily attendance in such school district during such school year.

The county or city and county of which any such minor is a resident shall at the close of each school year also pay to the district educating such minor the excess expenditures of educating such minor during the school year. The excess expenditures shall be determined by dividing the total excess expenditures of the school district during such school year on account of educating such minors less all special purpose apportionments from the state or allocations from the federal government on account of the excess costs of educating such minors by the total number of units of average daily attend-

ance of such minors in such school or classes during such school year.

The average daily attendance for all such minors who attend a junior high school in accordance with Sections 5601 to 5612, inclusive, shall be credited to the elementary district in which the institution is located for apportionment purposes.

For the purpose of this section "excess expenditures" shall mean the additional expenditures made by the district during the school year for education of such minors in regular classes and in classes maintained in regularly established licensed institutions authorized by law to be maintained by the district.

SEC. 4. Section 6952.5 of the Education Code is amended to read:

6952.5. In addition to any other payments required by this chapter, where the education in kindergarten or grades 1 through 12 of children described in Section 6951 or Section 6950 is provided in buildings or facilities owned by the school district, the county or city and county of the minor's residence shall pay to the school district, for the minor's use of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such children during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund, except that if the school has no such fund, it shall be deposited in district's building fund.

No payment shall be made to a district under this section for children described in Section 6951 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6951 in buildings or facilities owned by the district. No payment shall be made to a district under this section for children described in Section 6950 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6950 in buildings or facilities owned by the district.

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

In order that the urgently needed procedures for financing the education of alien children and children in institutions and family homes provided for by this act may be effectuated as early as possible for the 1967–1968 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 203

An act to add Section 51030.5 to the Government Code, relating to taxation of the occupancy of lodgings.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 51030.5 is added to the Government Code, to read:

51030.5. The legislative body of any city or county may levy a tax on the privilege of renting a mobilehome, as defined in Section 18004 of the Health and Safety Code, which is located outside a mobilehome park for occupancy on a transient basis unless such occupancy is for any period of more than 30 days. Such tax when levied by the legislative body of a county shall apply only to the unincorporated areas of the county.

This section does not authorize any city or county to levy a tax on the privilege of renting any mobilehome when the tenant is an employee of the owner or operator of the mobilehome.

CHAPTER 204

An act to amend Section 214.01 of the Revenue and Taxation Code relating to the welfare exemption from property taxation.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 214.01 of the Revenue and Taxation Code is amended to read:

214.01. For the purpose of Section 214, property shall be deemed irrevocably dedicated to religious, charitable, scientific, or hospital purposes only if a statement of irrevocable dedication to only these purposes is found in the articles of incorporation of the corporation, or in the case of any other fund or foundation, or corporation chartered by an act of Congress, in the bylaws, articles of association, constitution, or regulations thereof, as determined by the State Board of Equalization.

If, when performing the duties specified by Section 254.5, the board finds that an applicant for the welfare exemption is ineligible therefor, because at the time of the filing of the affidavit required by Section 254.5, the applicant's articles of incorporation, or in the case of any noncorporate fund or foundation, its bylaws, articles of association, constitution or regulations, did not comply with the provisions of this section,

the board shall notify the applicant in writing. The applicant shall have six months from the date of the mailing of such notice to amend its articles of incorporation, or in the case of any noncorporate fund or foundation, its bylaws, articles of association, constitution or regulations, and to notify the board thereof. In the event that the applicant makes such amendments to comply with the provisions of this section and files a certified copy of these amendments with the board within the time specified, the board shall make a finding that the applicant, if otherwise qualified, is eligible for the welfare exemption and forward such finding to the assessor.

SEC. 2. This act shall be operative on the lien date of 1968.

CHAPTER 205

An act to amend Sections 2, 3, 4, 5, 6.1, 8, 9, 13, 23, 24, 25.5, 26.1, 26.4, 26.6, 26.7, 26.9, 26.10, 26.13, 28, 31, and 33 of, to add Sections 7, 7.1, 7.2, 7.3, 7.4, and 20 to, and to repeal Section 7 of, the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara County Flood Control and Water District.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 2 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

SEC. 2. A flood control and water district is hereby created to be called the Santa Clara County Flood Control and Water District. Said district shall consist of all the territory of the County of Santa Clara lying within the exterior boundaries of said county. As used in this act "district" means the Santa Clara County Flood Control and Water District.

SEC. 2. Section 3 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

SEC. 3. The board of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone

on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 12 of this act.

SEC. 3. Section 4 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

SEC. 4. The objects and purposes of this act are to provide for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to provide for the conservation of flood and storm waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood or other waters from any sources, within or without the watershed in which the district is located for beneficial use within the district.

SEC. 4. Section 5 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of water used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the water-

courses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to cooperate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the district or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act; and to adopt and carry out any definite plan or system for accom-

plishing, facilitating and/or financing all work which may lawfully be accomplished by the district and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the district for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-

half cent ($0 005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency or district a portion of the cost of water imported by such city, public agency or district into, for use within, and of benefit to the Santa Clara County Flood Control and Water District.

15. To establish designated floodways in accordance with the provisions of the Cobey-Alquist Flood Plain Management Act (Chapter 4 (commencing with Section 8400), Part 2, Division 5 of the Water Code).

16. To acquire, construct, maintain, operate and install landscaping or recreational facilities in connection with any dam, reservoir, or other works owned or controlled by the district.

SEC. 5. Section 6.1 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 6.1. Whenever a part only of a parcel of land is required by the district, and the taking thereof, and the construction of the proposed public improvement thereon, will interfere with reasonable access to the remainder or a portion thereof, or will otherwise cause substantial damage to the remainder, the district may condemn, purchase, or otherwise acquire the whole parcel of land or such portion of the remainder to which access is impaired and may sell the remainder or exchange the same for other property required for district purposes. Or, in lieu of such acquisition of the remainder, the district may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the remainder for use by the public, including the owner of the land.

SEC. 6. Section 7 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is repealed

SEC. 7. Section 7 is added to the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951), to read:

Sec. 7. The board of directors shall consist of seven members. Five members shall be elected, one from each of the five county supervisorial districts. Two members shall be appointed by the Board of Supervisors of Santa Clara County representing the district at large. The term of office of directors shall be four years. The directors shall hold office until their successors shall be elected or appointed and qualified. As used elsewhere in this act, the terms "board" and "board of directors" mean the board of directors of the Santa Clara County Flood Control and Water District.

SEC 8. Section 7 1 is added to the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951), to read:

Sec. 7.1. Each of the five elected members shall be nominated and elected by the electors of the supervisorial district which he represents at the times and in the manner provided by general law for the election of county supervisors. Elected

directors from the second, third and fifth supervisorial districts shall be first elected at the general election held in 1968. Elected directors from the first and fourth districts shall be first elected at the general election held in 1970. At each general election thereafter, either three or two directors, as the case may be, shall be elected. The term of office shall begin at noon on the first Monday in January following the election period. In order to be eligible for election or appointment each director must have been a qualified elector in the district he represents for the period of at least two years immediately preceding his election or appointment, and must continue to reside therein during his incumbency in office provided however no change in boundaries of a supervisorial district shall affect the term of office of any director. Every member of the board, whether elected or appointed, may be recalled by the voters in accordance with the recall provisions of Chapter 2 (commencing with Section 27200) of Division 14 of the Elections Code applicable to officers of counties.

SEC. 9. Section 7.2 is added to the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951), to read:

Sec. 7.2. The two appointed directors shall represent the district at large, but one appointed director must have been a qualified elector for a period of at least two years immediately preceding his appointment in that portion of the district which consisted of the area of the South Santa Clara Valley Water Conservation District on the effective date of this section. The other appointed director must have been such a qualified elector in that portion of the district which consisted of the area of the Santa Clara Valley Water Conservation District on the effective date of this section. Each appointed director must continue to reside within the area from which he was appointed during his incumbency in office.

The first term of office of the appointed director residing in said area of the Santa Clara Valley Water Conservation District shall terminate on the first Monday in January of the first even-numbered year following his appointment, and the first term of office of the director residing in said area of the South Santa Clara Valley Water Conservation District shall terminate on the first Monday in January of the second even-numbered year following his appointment.

SEC. 10. Section 7.3 is added to the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951), to read:

Sec. 7.3. Whenever a vacancy occurs in the office of an elected director, such vacancy shall be filled by appointment by the board of directors of a qualified elector from the district in which the vacancy occurs. If such an appointment is not made within 30 days from the occurrence of such vacancy, the Board of Supervisors of Santa Clara County shall make the appointment. An appointee shall hold office until the election and qualification of his successor. At the next general election

following any vacancy, a director shall be elected for the unexpired term of such office unless such term is to expire on the first Monday in January of the year succeeding such general election.

Whenever a vacancy occurs in the office of an appointed director, such vacancy shall be filled by appointment by the Board of Supervisors of Santa Clara County of a qualified elector from the area in which the vacancy occurs for the unexpired term of such office.

SEC. 11. Section 7.4 is added to the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951), to read:

Sec. 7.4. The first board of directors shall be appointed by the Board of Supervisors of the County of Santa Clara. Seven directors shall be appointed, one from each of the five county supervisorial districts and one from each of the two areas described in Section 7.2 of this act. The directors appointed shall meet the qualifications for director set forth in Sections 7.1 and 7.2 of this act. The first board of directors shall hold office until their successors shall be elected or appointed and qualified.

SEC. 12. Section 8 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 8. The offices of the district attorney, county counsel, county surveyor, county assessor, county tax collector, county auditor or controller, county registrar of voters, and county treasurer of the County of Santa Clara shall be ex officio offices of the district and all officers, their assistants, deputies, clerks, and employees of such offices shall respectively perform, unless otherwise provided by the board, the same various duties for the district as for said County of Santa Clara, in order to carry out the provisions of this act. The County of Santa Clara and the district may also enter into agreements whereby said county provides additional services to the district or the district provides services to said county.

SEC. 13. Section 9 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 9. The board shall have power to adopt ordinances, resolutions and other legislative acts for the district which shall be adopted, certified to, recorded, and published, in the same manner except as herein otherwise provided for, as are ordinances, resolutions, or other legislative acts for the County of Santa Clara The board shall have power to make and enforce all needful rules, regulations, standards, and procedures for the administration and government of the district, and to appoint and employ all needful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

In addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman, a clerk and such other officers and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Said officers and employees shall be employed, suspended, or their employment terminated in accordance with an ordinance setting forth rules, regulations, standards and procedures for appointment, suspension and termination of employment. Said ordinance shall be adopted by the board within 12 months after the effective date of the amendments made to this section at the 1967 Regular Session of the Legislature.

SEC. 14. Section 13 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 13. The board shall have the power, in any year:

1. To levy ad valorem taxes or assessments in the district, to pay the general administrative costs and expenses, including maintenance and operation of established works, of the district, to carry out any of the objects or purposes of this act of common benefit to the district, and to provide a fund which may be used by the district to pay the costs and expenses of constructing or extending any or all works established within or on behalf of a zone or participating zones within said district; provided, that funds so used are replaced from funds derived from either of the following sources:

(a) Taxes or assessments levied pursuant to subdivisions 2 or 3 of this section within the zone or participating zones benefited by such construction in the year or years immediately following the use of said funds; or

(b) Fees or charges collected under authority of Section 5, subdivision 9, or Section 26.

Taxes or assessments under paragraph (a) of subdivision 1 of this section may be levied for purposes of this subdivision of this section by either of the following methods:

(a) By a levy or assessment upon all property within the district, including land, improvements thereon, and personal property; or

(b) By a levy or assessment upon all real property within the district, including both land and improvements thereon.

2. To levy taxes or assessments in each or any of said zones and participating zones, to pay the cost of carrying out any of the objects or purposes of this act performed or to be performed on behalf of said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by any of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property; or

(b) By a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon; or

(c) By a levy or assessment upon land only within a zone or participating zones.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy assessments upon any property in each or any of said zones, according to the provisions and procedures of the Improvement Act of 1911, the Improvement Bond Act of 1915, the Municipal Improvement Act of 1913, or the Refunding Assessment Bond Act of 1935.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 15. Section 20 is added to the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951), to read:

Sec. 20. The Board of Supervisors of Santa Clara County shall, at the time and place established by said board of supervisors for hearing and adopting the budget for said county, hear and adopt the budget submitted by the district, making

such additions thereto or deletions therefrom as said board of supervisors deems to be in the best interest of the district.

SEC. 16. Section 23 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 23. Any improvement or unit of work not performed by district personnel and estimated by the engineer to cost in excess of five thousand dollars ($5,000) shall be done by contract. All such contracts shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

The provisions of this section requiring competitive bidding and the award of contracts to the lowest responsible bidder shall be inapplicable to the extent the improvement or unit of work is to be performed on its own facilities by a public utility subject to the jurisdiction of the California Public Utilities Commission.

SEC. 17. Section 24 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SEC. 18. Section 25 5 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 25.5. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

SEC. 19. Section 26 1 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 26.1. As used in connection with the ground water charge, the following words shall mean:

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

"Ground water" means nonsaline water beneath the natural surface of the ground, whether or not flowing through known and definite channels; "nonsaline water" means water which has less than 1,000 parts of chlorides to 1,000,000 parts of water, both quantities measured by weight.

"Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method, from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavations or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction of ground water produced in the construction or reconstruction of a well, or water incidentally produced with

oil or gas in the production thereof, or water incidentally produced in a bona fide mining or excavating operation or water incidentally produced in the bona fide construction of a tunnel, unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

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

"Accumulated overdraft" means the amount of ground water necessary to be replaced in the ground water basins or zones of the district to prevent the movement of saline water into the fresh ground water body, or to prevent ground water quality degradation from other sources, or to prevent subsidence of the land.

"Average annual overdraft" means the amount of ground water equal to the average annual decrease in the amount of ground water in storage that occurs during a long-term base hydrologic period under the particular set of physical conditions presently affecting the supply, use, and disposal of water in the ground water basins and the zones.

"Annual water supply surplus or deficiency" means the amount by which the summation of the items of water supply exceeds or is smaller than the summation of the items of water disposal under actual conditions in the area and during the year under consideration.

"Water year" means July 1st of one calendar year to June 30th of the following calendar year.

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

SEC. 20. Section 26.4 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 26.4. Within six months after the date of establishing any such zone or zones, all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district installed by the district or at the district's option by the operator thereof. Any new water-producing facility, constructed or reestablished, or any abandoned water-producing facility which is reactivated, after such date, shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district within 30 days after the completion or reestablishment, or reactivation thereof.

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

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

SEC. 21. Section 26.6 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 26.6. On the second Tuesday in February of each year the engineering investigation and report shall be delivered to the clerk of the district board in writing. Said clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Tuesday of March in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding said engineering investigation and report shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district to call at the offices of the district to examine said engineering investigation and report.

There shall be held by the board on the second Tuesday of March of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facility within the district, or any person interested in the condition of the ground water supplies or the surface water supplies of the district, may in person, or by representative, appear and submit evidence concerning the ground water conditions and the surface water supplies of the district. Appearances also may be made supporting or protesting said written engineering investigation and report. The board shall, before the levy of the ground water charge, find and determine for each ground water basin or zone of the district the annual water supply surplus or deficiency for the preceding water year; the estimated annual water supply surplus or deficiency for the current water year and ensuing water year; the accumulated overdraft as of the end of the preceding water year; the amount of ground water extracted in the preceding water year; the estimated amount of ground water to be extracted during the current water year and ensuing water year; the configuration of the ground water table at the end of the preceding water year and changes from the previous year; and the amount of water the district is obligated by contract to purchase in the ensuing water year.

Said findings and determinations by the board shall be conclusive and binding upon all persons and parties.

SEC. 22. Section 26.7 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec 26.7. Prior to the end of the water year in which said hearing is held, and based upon the findings and determinations from said hearing, the board shall determine whether or not a ground water charge should be levied in any zone or zones. If the board determines that a ground water charge should be levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water Different rates may be established in different zones; provided, however, that in each zone the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

The ground water charge in any year shall not exceed a fixed and uniform rate of eight dollars ($8) per acre-foot for agricultural water, or a fixed and uniform rate of thirty dollars ($30) per acre-foot for all water other than agricultural water.

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

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

SEC. 23. Section 26.9 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 26.9. After the establishment of a zone in which a ground water charge may be levied, each owner or operator of a water-producing facility within said zone, until such time as said water-producing facility has been permanently abandoned, shall file with the district, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility, the method or basis of the computation of such water production, and the amount of the ground water charge based on such computation. If no water has been produced from said water-producing facility during the preceding six-months period, said statement shall be filed as provided for herein, setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water

charge is payable to the district on or before the last date upon which the water production statements shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the district. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the district shall charge interest at the rate of one percent (1%) each month on the delinquent amount of the ground water charge.

Should any owner or operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statements as required by this act, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such owner or operator in an amount of ten percent (10%) of the amount found by said district to be due, except in those cases where payment in the proper amount has been made within the time required by this act and the failure to register the water-producing facility or to file the water production statement within the time required by this act resulted, in the opinion of the board, from excusable and justifiable circumstances, in which case the board may reduce or waive the penalty.

When a water-measuring device is permanently attached to a water-producing facility, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and shall be used as the basis for computing the water production of said water-producing facility in completing the water production statement, unless it can be shown that the water-measuring device is not measuring accurately.

When a water-measuring device is not permanently attached to a water-producing facility, the board may establish a method or methods to be used in computing the amount of water produced from such water-producing facilities.

Such methods may be based upon any, or all, or a combination of some of the following criteria: the minimum charge sufficient to cover administrative costs of collection, size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility.

SEC. 24. Section 26.10 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 26.10. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the

next semiannual water production statement; provided that if pursuant to Section 26.13, the owner or operator has been notified of a determination by the district that the production of water from the water-producing facility is in excess of that disclosed by the sworn statement covering such water-producing facility, and such owner or operator fails to protest such determination in the manner and in the time set forth in Section 26.13, he shall be precluded from later filing an amended water production statement for that period for such water-producing facility.

SEC. 25. Section 26.13 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec 26.13. If the district has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, the district may cause an investigation and report to be made concerning the production of water from each such water-producing facility. The district may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate.

After such determination has been made by the district, a written notice thereof shall be mailed to the person operating such water-producing facilities at his address as shown by the district's records. Any such determination made by the district shall be conclusive on all persons having an interest in such water-producing facility, and the ground water charge, interest and penalties thereon, shall be paid forthwith, unless such person files with the board within 15 days after the mailing of such notice, a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water production and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. If the water production statement was filed and the amount disclosed thereon was paid within the time required by this act, and the board finds that the failure to report the amount of water actually produced resulted from excusable or justifiable circumstances, the board may waive the charge of interest on the amount found to be due. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall have 20 days from the date of mailing to

pay the ground water charge, interest or penalties provided by the provisions of this act.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the records of the district. The service is complete at the time of deposit.

SEC. 26. Section 28 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 28. There is hereby granted to the district the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right-of-way and lands.

SEC. 27. Section 31 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, or interest therein, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties in Sections 25365, 25521, 25522, 25524, 25526, 25527, 25530 through and including 25535, 50335, and 50430 through and including 50445 of the Government Code; provided, however, that notice of the board's intended action shall be as prescribed in Section 25363 of the Government Code; provided, further, that property

which, in the unanimous judgment of the board does not have a sale value in excess of one hundred dollars ($100), or a rental value in excess of fifty dollars ($50) per month, as determined by a qualified land appraiser, or which has no access to a public road, or which consists of an easement for ingress and egress to property, which by the terms of said easement will terminate when ingress and egress is supplied to said property by a public road, may be, on terms prescribed by the board, sold, leased, or conveyed by any person authorized by a majority vote of the board, and upon confirmation by the board. The board may also reconvey property no longer needed for district use to the former owner by whom such property was conveyed, or from whom such property was condemned to the district or his successor in interest for a price not less than that paid by the district for such property.

SEC. 28. Section 33 of the Santa Clara County Flood Control and Water District Act (Ch. 1405, Stats. 1951) is amended to read:

Sec 33. Each person elected or appointed to the office of director shall, within 10 days after receiving his certificate of election, or notice of appointment, qualify as such by taking and subscribing to an official oath and executing and filing an official bond in the sum of one thousand dollars ($1,000) which shall be approved by the judge of the Superior Court of Santa Clara County and shall be recorded in the offices of the county recorder of such county The director shall file such official bond, together with his official oath, with the clerk of the board.

For each day's attendance at the meetings of the board, each director shall receive compensation therefor which shall be established by the Board of Supervisors of Santa Clara County. Each director shall also receive actual and necessary expenses while engaged in official business under an order of the board.

Employees appointed by the board under this act when required by the board of the district, shall execute bonds conditioned, executed, approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments

SEC. 29. (a) Any water conservation district formed and operating pursuant to the provisions of the Water Conservation Law of 1931 lying wholly within the boundaries of Santa Clara County shall be consolidated with the Santa Clara County Flood Control and Water District 120 days after the effective date of this act unless the board of directors of any such water conservation district adopts a resolution or the registered voters of such water conservation district file a petition calling for an election, as hereinafter provided, on the question as to whether or not such water conservation district should be so consolidated.

(b) If the board of directors of any such water conservation district desires an election to be held on the issue of whether or not such district shall be consolidated with the Santa Clara

County Flood Control and Water District, it shall adopt a resolution calling for such an election within such district. The resolution shall be adopted and filed with the Board of Supervisors of Santa Clara County within 30 days after the effective date of this act.

(c) If no such resolution has been filed within said 30-day period, the registered voters of any such water conservation district may file a petition with the Board of Supervisors of Santa Clara County to call an election within such water conservation district on the issue of whether or not such water conservation district shall be consolidated with the Santa Clara County Flood Control and Water District.

Such petition shall contain at least 2 percent of the signatures of the voters registered in such water conservation district on the effective date of this act. The petition may consist of a single instrument or separate counterparts. Each signer of a petition shall add to his signature the date of signing. Such petition shall be filed within 90 days after the effective date of this act. Within 15 days after the date of filing of such petition, the Clerk of the Board of Supervisors of Santa Clara County shall cause it to be examined and determine whether it is signed by the requisite number of registered voters. When said examination has been completed, the clerk shall attach his certificate to the petition showing the result of his examination.

(d) If no resolution or petition has been filed within the times prescribed herein, all of such water conservation districts shall be consolidated into the Santa Clara County Flood Control and Water District. Such consolidation shall become effective 120 days after the effective date of this act

(e) If, within the times prescribed herein, either a resolution or petition containing the required number of signatures of registered voters has been filed calling for such an election, the Board of Supervisors of Santa Clara County shall call such an election in the district or districts in which it has been determined, either by resolution or petition, that an election shall be held. The Board of Supervisors of Santa Clara County shall call such an election or elections between 15 and 30 days after the time for filing of petitions has elapsed. Said board of supervisors shall set the date for such an election between 60 and 90 days after the call for such election Costs of such election shall be borne by the water conservation district in which such election is held.

The board of supervisors shall call such election by ordinance and not otherwise and submit to the registered voters of any such water conservation district the question "Shall the ____ ____ Water Conservation District (giving the name of the water conservation district) be consolidated with and merged into the Santa Clara County Flood Control and Water District?" For the purposes of said elections, said board of supervisors shall in said ordinance, establish special election precincts within the boundaries of such water conservation dis-

trict and form election precincts by consolidating the precincts established for general elections in said water conservation district to a number not exceeding six general election precincts for each such special election precinct, and shall designate a polling place and appoint one inspector, one judge, and at least one clerk for each such special election precinct.

In all particulars not recited in said ordinance such special election shall be held as nearly as practicable in conformity with the general election laws of the state, except as provided herein.

Said ordinance calling for such special election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation, circulated in the water conservation district or districts in which an election is to be held. The last publication of such ordinance must be at least 14 days before said election; and if there be no such newspaper then such ordinance shall be posted in five public places designated by the board of supervisors, in each water conservation district affected in which an election is to be held, for at least 30 days before the date fixed for such election. No other notice of such election need be given, nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special election shall not affect the validity of said election. If, at such election, a majority of the votes cast are in favor of consolidating with and merging into the Santa Clara County Flood Control and Water District, such consolidation shall become effective 15 days after the certification of the results of such election by the Board of Supervisors of Santa Clara County; provided, however, that if an election has been held in a water conservation district having 50 percent of the total registered voters of all water conservation districts lying wholly within Santa Clara County, no consolidation of any water conservation district with the Santa Clara County Flood Control and Water District shall be consummated if the consolidation has not been approved by a majority vote of the registered voters voting at an election in such water conservation district.

(f) If any water conservation district is consolidated with the Santa Clara County Flood Control and Water District, the Board of Supervisors of Santa Clara County shall appoint the first board of directors prior to the effective date of such consolidation.

SEC. 30. The area of any water conservation district, or any zone thereof, which pursuant to the terms of this act is consolidated with the Santa Clara County Flood Control and Water District, shall constitute a zone of said Santa Clara County Flood Control and Water District. The obligations of said water conservation district, including but not limited to obligations for payment of principal and interest on outstanding bonds, due and owing on the date of such consolidation, shall remain as obligations of said areas.

SEC. 31. Title to all real and personal property of any water conservation district which, pursuant to the terms of this act, is consolidated with the Santa Clara County Flood Control and Water District, shall upon such consolidation, vest in the Santa Clara County Flood Control and Water District, and all funds on hand or moneys due or to become due to such water conservation district shall be paid into the county treasury to the credit of the zone consisting of the area of such water conservation district or zone thereof. Any of such funds committed for the payment of principal and interest on bonds issued and sold by any such water conservation district shall continue to be committed for such purpose.

SEC. 32. All employees of any water conservation district which, pursuant to the terms of this act, is consolidated with the Santa Clara County Flood Control and Water District, shall, upon such consolidation, become employees of the Santa Clara County Flood Control and Water District and receive the same rate of pay as they receive from such water conservation district on the date of such consolidation, subject to the right of the district board to make salary adjustments, along with salary adjustments for its other employees.

SEC. 33. Sections 6, 7, 8, 9, 10, 11, 15, 22, and 28 of this act shall become operative only if one or more of the water conservation districts lying wholly within the boundaries of Santa Clara County are consolidated with the Santa Clara County Flood Control and Water District and shall become operative on the effective date of such consolidation; provided, however, that the Board of Supervisors of Santa Clara County shall have the power to appoint the first board of directors of the Santa Clara County Flood Control and Water District as prescribed in subdivision (f) of Section 29 of this act.

SEC. 34. The provisions of the District Reorganization Act of 1965 shall not be applicable to the consolidation of districts provided by this act.

CHAPTER 206

An act to add Section 821 to the Education Code, relating to county superintendents of schools.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 821 is added to the Education Code, to read:

821. The county superintendent of schools may contract with any other county superintendent of schools for the purpose of providing the educational services or conducting pro-

grams authorized for a county superintendent of schools for the education of educationally handicapped minors, physically handicapped minors, and mentally retarded minors. A contract entered into pursuant to this section shall be approved by each board of education of the counties involved before it may be given effect.

CHAPTER 207

An act to add Section 12104 to the Education Code, relating to severance and exclusion of minors from schools.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 12104 is added to the Education Code, to read:

12104. The administration of each private school and public school district of any county shall, upon the severance of attendance or the denial of admission of any child who is physically handicapped, mentally retarded, or multiple handicapped but is otherwise subject to the compulsory education laws of California, report such severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 schooldays to the county superintendent of schools in the jurisdiction. The report shall include names, ages, last known address, and the reason for such severance, expulsion, exclusion, exemption, transfer, or suspension.

It shall be the duty of the county superintendent of such county to examine such reports and draw to the attention of the county board of education and local district board of education any cases in which the interests of the child or the welfare of the state may need further examination.

After preliminary study of available information in cases so referred to it, the county board of education may, on its own action, hold hearings on such cases in the manner provided in Education Code Section 10608 and with the same powers of final decision as therein provided.

CHAPTER 208

An act to amend Section 14240 of the Elections Code, relating to voter challenges.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 14240 of the Elections Code is amended to read:

14240. A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

(a) That he is not the person whose name appears on the register.

(b) That he has not been a resident of the state one year next preceding the election.

(c) That he has not been a naturalized citizen of the United States for 90 days prior to the election.

(d) That he has not been a resident of the county for 90 days preceding the election.

(e) That he has not been a resident of the precinct for 54 days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of a felony.

(h) That he has been convicted of the embezzlement or misappropriation of public money.

On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge any voter or question him concerning his qualifications to vote.

If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that such person or persons be challenged, he shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the clerk, charged with the duty of conducting the election, and describe to him the contents of such document or list and such evidence, if any, received bearing on voting qualifications. The clerk shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The clerk may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

No person shall post or cause to have posted any poster, bill, or placard containing any information concerning eligibility to vote to be displayed on the day of the election within 500 feet of the entrance to a polling place.

CHAPTER 209

An act to add Section 22870.5 to the Elections Code, relating to municipal ballots.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 22870.5 is added to the Elections Code, to read:

22870.5. If the number of candidates is such that all of the names will not fit in one column of reasonable length, a double column may be used and the following provisions shall apply:

(a) The space between the two halves of the double column shall be less than that between the double column and any other columns on the ballot and the lines separating the columns and the two halves of the double column shall be printed so as to emphasize the fact that the candidates in the double column are running for the same office.

(b) The designation of the office and any other words required to be at the top of a single column shall be printed across the top of the entire double column with no dividing line. The words "Vote for one," "Vote for two" or more, as the case may be, shall be centered over the entire double column and shall be printed below any other words at the top of the double column.

(c) The names of the candidates including the blank space or spaces necessary to permit the voter to write in the names of persons not printed on the ballot shall be apportioned as equally as possible between the two columns. The odd space, if any, shall be included in the left hand column.

(d) The double column shall be used for no more than one office and for no more than one term for any office.

(e) The order of names and blank spaces in the double column shall be the same as would apply to a single column with the left hand side of the double column taken first.

CHAPTER 210

An act to repeal Sections 19591.1, 19591.2, 19591.3, 19591.5, 19594.5, and 19594.6 of the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Notwithstanding the provisions of Section 19590 of the Education Code, a final apportionment may be made to a school district which did not, on the date a con-

ditional apportionment was made prior to August 10, 1966, have outstanding bonds of the district exceeding 95 percent of the maximum amount of bonds which it could have had outstanding on that date under any law, if all of the following conditions exist:

(a) The amount of outstanding bonds of the district on the date the conditional apportionment was made prior to August 10, 1966, falls short of 95 percent of the maximum amount of bonds which it could have outstanding under any law, by twenty thousand dollars ($20,000) or less.

(b) The deficiency in outstanding bonded indebtedness described in subdivision (a) arose because of the annexation of a lapsed school district to the applicant district.

(c) The annexation of the lapsed school district occurred within five days prior to the date of the conditional apportionment.

SEC. 2. Section 19591.1 of the Education Code is repealed.

SEC. 3. Section 19591.2 of the Education Code is repealed.

SEC. 4. Section 19591.3 of the Education Code is repealed.

SEC. 5. Section 19591.5 of the Education Code is repealed.

SEC. 6. Section 19594.5 of the Education Code is repealed.

SEC. 7. Section 19594.6 of the Education Code is repealed.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A school district which has applied for a conditional apportionment and which meets the requirements of law that it be bonded to 95 percent of capacity, may, through the untimely annexation of a lapsed district, inadvertently cause the outstanding bonded indebtedness to fall to less than the required amount. At least one school district in the state finds itself in this unfortunate predicament at a time when it is in dire need of funds for school building construction and is otherwise eligible therefor in all respects. In order that school districts in this situation may receive the loans to which they are otherwise entitled without further delay, it is necessary that this act take effect immediately.

CHAPTER 211

An act to amend and renumber Sections 16485, 16486, and 16487 of the Vehicle Code, relating to payment of judgments.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 16485 of the Vehicle Code is amended and renumbered to read:

16379. The department shall not suspend a license or registration of a motor vehicle and shall restore any suspended license or registration following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility for future damages and when the trial court in which the judgment was rendered orders the payment of the judgment in installments and while the payment of any installment payment is not in default. Whenever the trial court orders the payment of a judgment in installments as provided in this section, it shall forward a certified copy of the order to the department, together with a certified copy of judgment or certified copy of the docket entries in an action resulting in a judgment for damages and a certificate of facts relative to the judgment on a form provided by the department.

SEC. 2. Section 16486 of the Vehicle Code is amended and renumbered to read:

16380. The trial court may order the payment of a judgment in installments only when the defendant is not insured or the insurance policy covering the automobile involved in the accident, for the ownership or operation of which the defendant is held liable, is not sufficient to pay the amount of the judgment, and then only as to such portion of the judgment not covered by the insurance policy. The order shall fix the amounts and times of payment of the installments and shall be without prejudice to any other legal remedies available to the judgment creditor.

SEC. 3. Section 16487 of the Vehicle Code is amended and renumbered to read:

16381. In the event that it is made to appear to the court that the judgment debtor has failed to pay any installment as permitted by the order of the court, the court shall give notice of the default to the department and the department shall forthwith suspend the driving privilege and registration certificates and registration plates of the judgment debtor until the judgment is satisfied as provided in this chapter.

CHAPTER 212

An act to create a California Bicentennial Celebration Commission, making an appropriation.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. There is in the state government a California Bicentennial Celebration Commission. The commission shall consist of 15 members:

(a) Two Members of the Senate appointed by the Senate Committee on Rules.

(b) Two members, who may or may not be Members of the Senate, appointed by the President pro Tempore of the Senate.

(c) Two Members of the Assembly appointed by the Speaker of the Assembly.

(d) Two members, who may or may not be Members of the Assembly, appointed by the Speaker of the Assembly.

(e) The Lieutenant Governor.

(f) Six public members appointed by the Governor with the consent of the Senate.

The Members of the Legislature shall participate on the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

SEC. 2. The Lieutenant Governor shall serve as chairman of the commission.

SEC. 3. The members of the commission shall not receive compensation for their services under this act, but each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

SEC. 4. The commission shall plan the celebration in 1969 and 1970 of the state's 200th anniversary in the manner which will most appropriately depict our historical past, our living present and our vibrant future, and the commission shall work with, advise, and coordinate the bicentennial activities of, all cities, counties, and state agencies, in order to ensure the commemoration of the state's 200th anniversary in the most meaningful and significant manner. The commission may contract with such other agencies, public or private, as it deems necessary to carry out the purposes of this section.

SEC. 5. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this act, including, but not limited to, the authority to employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties.

SEC. 6. For purposes of this act, the commission may accept any gifts, donations or bequests, and may accept grants of funds from private and public agencies. Any gift, donation, bequest or grant received pursuant to this section shall be deposited in the California Bicentennial Celebration Fund, which is hereby created in the State Treasury. The money in the California Bicentennial Celebration Fund is appropriated, without regard to fiscal years, for purposes of this act. The commission may expend any money in the fund for promotion and advertising, for participation in local events related to the purposes of this act, and for any purpose related to the purposes of this act and specified in the gift, donation, bequest or grant.

SEC. 7. The commission shall submit a report to the Legislature not later than 60 calendar days following the commencement of the 1968 Regular Session concerning such studies it has made and such actions it has taken and recommending such legislation and other action as it deems necessary for the implementation and enforcement of this act.

SEC. 8. Sections 1 to 7, inclusive, of this act shall be operative only until January 1, 1971.

SEC. 9. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated from the General Fund to the California Bicentennial Celebration Commission to carry out the purposes of this act. It is the intention of the Legislature that the appropriation made by this section shall be regarded by the commission as sufficient for its operation until January 1, 1971, when added to such gifts, donations, bequests, or grants which it might receive from other sources.

CHAPTER 213

An act to add Section 20820 to the Government Code, relating to the state retirement system.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 20820 is added to the Government Code, to read:

20820. Any local member of this system who is credited with service as a court reporter in the superior court, for which he received compensation on a per diem basis, may elect at any time prior to retirement to receive credit for time prior to the effective date of this section during which he performed court reporting duties in connection with civil court cases in the superior court in the same county and for which he was compensated by fees paid by litigants other than the county.

Any member so electing shall contribute in a lump sum or by installment payments over a period not in excess of the length of time for which service will be credited and subject to minimum payments fixed by the board, an amount equal to the contributions he would have made had the fees been paid by the county plus the interest which would have accrued to such contributions had they been made at the time such fees were received, computed at the interest rate in effect on the date of his election. The same credit shall be given for such service as would have been given had the fees been received from the county.

Employer costs of all benefits based on service credited under this section shall be paid from contributions of the county under its contract with the board.

This section shall not apply to any contracting agency nor to the employees of such agency unless and until the agency elects to be subject hereto by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the agency's employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision of such contract.

CHAPTER 214

An act to amend Sections 15503, 15504, 15505, 15507, 15509, 15510, and 15511 of, to repeal Sections 15501 and 15502 of, and to add Sections 15501, 15502, 15512, 15513, 15514, and 15515 to, the Education Code, relating to public school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 15501 of the Education Code is repealed.

SEC. 1.3. Section 15501 is added to the Education Code, to read:

15501. The Legislature finds and declares as follows:

(a) By an urgency act (Stats. 1933, Ch. 59), the Legislature at the 1933 General Session established reasonable minimum standards for the design and construction of new school buildings, as now defined in Section 15452. Although it was not required that then existing school buildings incorporate these standards, it was intended by the Legislature that in the intervening years continuous progress would be made in the repair, reconstruction or replacement of such school buildings.

(b) Progress toward this end has been outstanding in some school districts. In other school districts the matter has been ignored, thus prolonging a dual level of safety for the school children of California.

(c) Recognizing that some school buildings are better preserved than others, that some are less hazardous than others, that some more nearly satisfy modern educational needs than others, but that the best of these buildings are at least 33 years old and approaching the end of their efficient service life, it is reasonable to expect that all of them will have been repaired, reconstructed or replaced by 1983, at which time the newest of them will be 50 years old.

SEC. 1.5. Section 15502 of the Education Code is repealed.

SEC. 1.7. Section 15502 is added to the Education Code, to read:

15502. It is the intent of the Legislature to re-examine the progress under this article from time to time. To enable it to do so, and to expedite the provision of safe educational facilities for California school children, the Legislature intends that the governing board of each school district adopt a plan for the orderly repair, reconstruction, or replacement of school buildings not repaired, reconstructed, or replaced in accordance with this article.

SEC. 2. Section 15503 of the Education Code is amended to read:

15503. The governing board of any school district which has in use for school purposes any school buildings which were not constructed under approved plans and the supervision and inspection requirements of Article 4 (commencing with Section 15451) of this chapter shall have such buildings examined pursuant to this section and shall have completed on or before January 1, 1970, the examination, reporting and estimate requirements of this section and Section 15512.

Whenever an examination of the structural condition of any school building of a school district has been made by the Department of General Services, or by any licensed structural engineer or licensed architect for the governing board of the school district, or under the authorization of law, and a report of the examination, including the findings and recommendations of the agency or person making the examination, has been made to the governing board of the district, and the report shows that the building is unsafe for use, the governing board of the district shall immediately have prepared an estimate of the cost necessary to make such repairs to the building or buildings as are necessary, or, if necessary, to reconstruct or replace the building so that the building when repaired or reconstructed, or any building erected to replace it, shall meet such standards of structural safety as are established in accordance with law. The estimate shall be based on current costs and may include other costs to reflect modern educational needs. Also an estimate of the cost of replacement based on the standards established by the State Allocation Board for area per pupil and cost per square foot, shall be made and reported.

The report required by this section shall include a statement that each of the buildings examined is safe or unsafe for school use. For the purpose of this statement the sole consideration shall be protection of life and the prevention of personal injury at a level of safety equivalent to that established by Article 4 (commencing with Section 15451) of this chapter and the rules and regulations adopted thereunder, disregarding, insofar as possible, such building damage not jeopardizing life which would be expected from one disturbance of nature of the intensity used for design purposes in said rules and regulations.

SEC. 3. Section 15504 of the Education Code is amended to read:

15504. After securing the estimates, the governing board of the district shall, if the district has sufficient funds to its credit to permit the repairs, reconstruction, or replacement, and such funds do not represent the proceeds of a bond issue previously authorized by the electorate of the district for other purposes, immediately proceed in such manner as is authorized by law to secure the necessary authorization for the expenditure of the funds. If authorization to expend the funds is not required by law, the board shall within six months from the receipt of the report of the examination of the building or

buildings initiate action for the repair, reconstruction, or replacement of the building or buildings.

SEC. 4. Section 15505 of the Education Code is amended to read:

15505. If the district does not have sufficient funds available to permit the governing board of the district to proceed with the repair, reconstruction, or replacement of the building or buildings, the governing board shall within six months after receiving the report of the examination of the building or buildings, call an election at which there shall be submitted to the qualified electors of the district three propositions, as follows:

(a) (1) Authorization of bonds of the district in an amount sufficient, as shown by the estimate, to provide funds for the repair, or reconstruction, of the building or buildings, in accordance with the governing board's plan; or

(2) Authorization of bonds of the district in an amount sufficient as shown by the estimate obtained by the district to construct new school facilities on the site of one or more of the unfit building or buildings, or on other sites, in accordance with the governing board's plan.

(b) Authorization of the increase of the maximum tax rate of the district for such length of time as will permit raising sufficient funds by district taxation for the repair, reconstruction, or replacement of the building in accordance with the governing board's plan.

(c) Abandonment of the building and the use of tents or other temporary structures for school purposes in lieu of the building abandoned.

Neither of the propositions under (a) and (b) shall be required to make provision for financing of the entire repair, reconstruction or replacement program of the district, but shall at least provide funds for commencement of such repair, reconstruction or replacement, consistent with the governing board's plan.

SEC. 5. Section 15507 of the Education Code is amended to read:

15507. The resolution ordering and the notice calling the election shall specify the building or buildings initially proposed to be repaired, reconstructed, or replaced, and those proposed to be repaired, reconstructed, or replaced pursuant to the governing board's plan.

SEC. 6. Section 15509 of the Education Code is amended to read:

15509. If, at the election, the requisite number of voters cast their ballots in favor of the issuance of bonds, the bonds shall be issued and sold in the manner provided by law for the issuance and sale of bonds of the district, and the proceeds used for the purpose or purposes specified in the resolution or notice calling the election. In such event, the results of the voting upon the proposition calling for an increase in the

maximum tax rate of the district submitted at the election shall be disregarded.

SEC. 7. Section 15510 of the Education Code is amended to read:

15510. If, at the election, issuance of bonds of the district is not authorized, and if, on the proposition of increasing the tax rate of the district the number of votes cast in the affirmative is sufficient to authorize an increase in the tax rate of the district, the increase shall be authorized, and the governing board shall proceed to increase the rate and to use the proceeds of the increased tax solely for the purpose or purposes specified in the resolution or notice calling the election.

SEC. 8. Section 15511 of the Education Code is amended to read:

15511. If at the election, neither the proposal for the issuance of bonds nor the proposal to increase the maximum tax rate of the district to initiate the governing board's plan is approved and authorized, the governing board of the district shall, in accordance with the same or a modified plan, submit the proposals to authorize the issuance of bonds and to increase the tax rate no later than five years following the last submission of these propositions to the qualified electors of the district. The result of the voting on the proposition to authorize the use of tents or other temporary structures shall be considered by the governing board as an advisory vote, and the tents or other temporary structures may be used for school purposes to the extent that such use is deemed necessary by the governing board.

SEC. 9. Section 15512 is added to the Education Code, to read:

15512. The governing board of each school district required to act pursuant to Section 15503 shall, within six months after receiving the report of the examination of the building or buildings, place on file with the Bureau of School Planning within the Department of Education a summary of all reports of examinations and estimates relating to school buildings which have not been repaired, reconstructed or replaced in accordance with law, including a summary of previous elections held and actions taken concerning this matter, if any, and a statement of intentions to repair, reconstruct or replace such buildings which shall constitute the governing board's plan. The plan shall include the approximate date it is contemplated that such actions to repair, reconstruct or replace each such building will occur.

SEC. 10. Section 15513 is added to the Education Code, to read:

15513. The Bureau of School Planning within the Department of Education shall summarize and report to the Legislature every two years, commencing with the 1968 Regular Session, the data placed on file with the bureau pursuant to Section 15512.

SEC. 11. Section 15514 is added to the Education Code, to read:

15514. Except as provided in Section 15515, nothing in this article shall be construed as relieving any member of the governing board of a school district of any liability for injury to persons or damage to property imposed by law.

SEC. 12. Section 15515 is added to the Education Code, to read:

15515. No member of the governing board of a school district shall be held personally liable for injury to persons or damage to property resulting from the fact that a school building was not constructed under the requirements of Article 4 (commencing with Section 15451) of this chapter, if such governing board complies with the provisions of this article. Such limit on liability shall commence when such governing board initiates action to comply with the provisions of Section 15503.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This statute provides a means to correct the unsafe condition of school buildings which condition may endanger the students and other persons using such buildings and such correction should take place as soon as it can reasonably be done, and therefore it is necessary that this statute take effect immediately.

CHAPTER 215

An act to validate the organization and annexation of school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Whenever the order of the board of supervisors necessary for the organization or annexation of a school district was completed before the first day of February, 1967, such district is hereby declared to be legally created and to be effective for assessment or taxation purposes if the statement, together with the map or plat, required to be filed under Sections 54900 to 54903.1, inclusive, of the Government Code, is filed prior to April 1, 1967.

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

Under existing law, the organization and annexation of any school district is not effective for the purposes of assessment and taxation if the statement and map or plat required to be filed by Government Code Sections 54900 and following are not filed on or before the first day of January of the year in which the assessments or taxes are to be levied. In order to permit school districts which have filed such statements and map or plats during the months of February and March, 1967, to properly function for the purposes of assessment and taxation in the first fiscal year of their existence it is necessary that this act take effect immediately.

CHAPTER 216

An act to amend Sections 68540 and 68541 of the Government Code, relating to courts.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 68540 of the Government Code is amended to read:

68540. (a) Whenever a judge of a superior court is assigned by the Chairman of the Judicial Council to sit in a superior court in another county, the county to which such judge is assigned shall reimburse the county in which such judge was selected as a superior court judge in an amount equal to the lending county's portion of the regular salary of such judge paid for the time he was serving in the other court.

(b) Whenever a judge of a municipal or justice court is assigned by the Chairman of the Judicial Council to sit in a superior court in another county, the county to which such judge is assigned shall reimburse the county in which such judge was selected as a municipal or justice court judge in an amount equal to the regular salary of such judge paid for the time he was serving in the other court.

(c) The state shall pay the same proportion of the extra compensation of a judge of a municipal or justice court, assigned to a superior court, that it pays of the salary of a judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

SEC. 2. Section 68541 of the Government Code is amended to read:

68541. The extra compensation of a judge of a justice court sitting in another justice court or a municipal court under assignment made by the Chairman of the Judicial Council shall be paid by the county which by law is charged with the payment of the compensation of the judge of the court to which the

assignment is made, and, if the assignment is to a justice or municipal court in another county, the county to which such judge is assigned shall reimburse the county in which such judge was selected as a justice court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was serving in the other court. This reimbursement shall be made from the same funds as the extra compensation is paid.

CHAPTER 217

An act to amend Section 266 of the Revenue and Taxation Code, relating to property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 266 of the Revenue and Taxation Code is amended to read:

266. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year of 1957, 1958, 1962, 1963, 1964, 1965, or 1966 on property as to which the college exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Notwithstanding any provisions of this division to the contrary, anyone claiming an exemption under the provisions of this act shall have a period of one year from the date on which this act becomes effective in which to file for such exemption.

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

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

CHAPTER 218

An act to amend Sections 50602, 50730, 50731.5, 50732, 50740, and 50741 of, to add Sections 50602.5, 50731.6 and 50756 to, and to repeal Sections 50731 and 50756 of, the Water Code, relating to reclamation district elections.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 50602 of the Water Code is amended to read:

50602. Members of the board shall be elected for a term of four years and shall serve until their successors are elected and qualified. The terms of the members shall be staggered.

SEC. 2. Section 50602.5 is added to the Water Code, to read:

50602.5. Members of the board of a district whose terms have not been staggered as of the date when this section becomes effective shall meet and classify themselves by lot into two classes as nearly equal in number as possible in order to determine when their respective terms shall expire. Unless otherwise provided in the bylaws, the term of office of the class having the lesser number of members shall be deemed to expire on the date for the general district election in 1969. The terms of the other members shall be deemed to expire on the date for the general district election in 1971.

SEC. 3. Section 50730 of the Water Code is amended to read:

50730. There shall be an election in each district on the first Tuesday after the first Monday in November in each odd-numbered year at such place in or near the district as designated by the board. The costs of the election shall be a charge upon the district.

SEC. 4. Section 50731 of the Water Code is repealed.

SEC. 5. Section 50731.5 of the Water Code is amended to read:

50731.5. Nominations for the office of trustee shall be made by petition of five or more qualified voters filed with the secretary not earlier than 75 days nor later than 5 p.m. on the 54th day before the election. Notice that such petitions may be received shall be published once by the secretary at least seven days prior to the final date for receiving petitions. Such notice shall be published in a newspaper in each county in which any of the district lands are situate, if any newspaper

is published therein, and if not, in a newspaper having general circulation therein.

SEC. 6. Section 50731.6 is added to the Water Code, to read:

50731.6. The nomination petition shall be in substantially the following form:

OFFICIAL FILING PETITION

Nomination of Candidate

We, the undersigned voters of the _____ (name of district) District, hereby nominate _____ (name of candidate) for the office of _____ (office) of said _____ (name of district) District.

Name	Date	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____

Affidavit of Circulator

State of California }
County of _____ } ss.

_____ (name of circulator), being duly sworn, deposes and says:

That _____ (he/she) circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

_____
(Signature of circulator)

Subscribed and sworn to before me
this _____ day of _____, 19___

_____
Notary Public in and for the County
of _____, State of California.
My commission expires _____.

Affidavit of Nominee

State of California }
County of _____ } ss.

_____ (name of nominee), being duly sworn, says that he is the above-named nominee for the office of _____ (office), that he will accept the office in the event of his election, that he desires his name to appear on the ballot as follows:

_____
(Print name above)

that he desires the following occupational designation, containing not more than three words, to appear on the ballot under his name, and that such designation is correct.

_____
(Print desired designation, if any, above)

_____
(Signature of nominee)

Subscribed and sworn to before me
this _____ day of _____, 19___

_____
Notary Public in and for the County
of _____, State of California.
My commission expires _____.

SEC. 7. Section 50732 of the Water Code is amended to read:

50732. Notice of the election shall be published by the secretary once a week for four weeks beginning not less than one month prior to the date of election in the same newspaper or newspapers used for publication of the notice calling for nomination petitions.

SEC. 8. Section 50740 of the Water Code is amended to read:

50740. If by 5 p m. on the 54th day prior to a general district election the number of nominees does not exceed the number of trustees to be elected and if a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board, an election shall not be held.

SEC. 9. Section 50741 of the Water Code is amended to read:

50741. When no election is held pursuant to Section 50740 then the board of supervisors shall appoint those nominated for the positions of trustee, and if no person has been nominated for said position, the board of supervisors shall appoint any qualified person or persons In lieu of the notice provided in Section 50732, notice shall than be published only once stating that the board of supervisors will appoint the trustees and that no election will be held.

SEC. 10. Section 50756 of the Water Code is repealed.

SEC. 11. Section 50756 is added to the Water Code, to read:

50756. The candidates, of the number to be elected, receiving the highest number of votes shall be deemed elected.

SEC. 12. This act shall become operative on January 1, 1968.

CHAPTER 219

An act to amend Section 3.2 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), relating to the Tehama County Flood Control and Water Conservation District.

[Approved by Governor May 25, 1967. Filed with Secretary of State May 25, 1967.]

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

SECTION 1. Section 3.2 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957) is amended to read:

Sec. 3.2. In addition to its other powers, the district has all of the powers granted to public agencies by the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880) Part 6, Division 6, of the Water Code).

CHAPTER 220

An act to amend Section 280 of, and to add Section 281 to, the Health and Safety Code and to repeal Section 2 of Chapter 1329 of the Statutes of 1965, relating to medical tests for newborn children.

[Approved by Governor May 26, 1967. Filed with Secretary of State May 26, 1967.]

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

SECTION 1. Section 280 of the Health and Safety Code is amended to read:

280. It is the policy of the State of California to make every effort to detect, as early as possible, phenylketonuria and other preventable heritable disorders leading to mental retardation or physical defects.

The State Department of Public Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices and shall be administered to each child born in California at such time as the department has established appropriate regulations and testing methods.

The department shall inform all hospitals or physicians, or both, of required regulations and tests and may alter or withdraw any such requirements whenever sound medical practice so indicates.

The department shall report to the Governor and the Legislature annually as to the progress and effect of testing programs.

The provisions of this section shall not apply if a parent or guardian of the newborn child objects to a test on the ground that the test conflicts with his religious beliefs or practices.

SEC. 2. Section 2 of Chapter 1329 of the Statutes of 1965 is repealed.

SEC. 3. Section 281 is added to the Health and Safety Code, to read:

281. This article shall remain in effect until the 61st day after the final adjournment of the 1969 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 221

An act to amend Section 87 of the Agricultural Code and Section 4052 of the Agricultural Code as proposed by Senate Bill No. 1, relating to horseracing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 26, 1967. Filed with Secretary of State May 26, 1967.]

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

SECTION 1. Section 87 of the Agricultural Code is amended to read:

87. The board of directors may, with the approval of the Department of Agriculture:

(a) Fix the term of office, the amount of bond, salary and prescribe the duties of the secretary and of the treasurer.

(b) Manage the affairs of the association.

(c) Make all necessary bylaws, rules and regulations for the government of the association.

(d) With the approval of the Department of General Services, arrange for and conduct or cause or by contract permit to be conducted by any other individual, institution, corporation or association, upon its property at such time as they may deem advisable, any activity, notwithstanding other provisions of the code.

(e) Delegate, as it may deem advisable, to its officers or employees any of the powers vested in the board under subdivisions (b) and (d) of this section. Any such delegation of powers may be revoked at any time.

An agricultural association shall not lease its racetrack, for running races of horses, to any private person, firm or corporation except to a national or international exposition or its affiliated corporations or associations for the period of time now permitted by law for fairs. The provisions of this subdivision shall not apply to existing leases or extensions or renewals thereof nor to the negotiating and issuing of a new lease to any private person, firm, or corporation by an agricultural association that is leasing its racetrack for running races of

horses, on the effective date of the amendment to this section enacted at the 1963 Regular Session of the Legislature, if such new lease (1) contains terms more favorable to the association, and (2) is approved by the California Horse Racing Board.

SEC. 2. Section 4052 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

4052. An association shall not lease its racetrack for running races of horses to any private person, firm, or corporation, except to a national or international exposition or its affiliated corporations or associations for the period of time which is now permitted by law for fairs.

This section does not apply to any existing lease or extension or renewal of any existing lease. This section also does not apply to the negotiating and issuing of a new lease to any private person, firm, or corporation by an association that is leasing its racetrack for running races of horses, on October 1, 1963, if such new lease complies with all of the following requirements:

(a) Contains terms more favorable to the association.

(b) Is approved by the California Horse Racing Board.

SEC. 3. Notwithstanding any other provision of law, no district agricultural association, the state, nor any subdivision of the state, has the authority to lease, let, or grant authority for the use of, the Del Mar Race Track for the purpose of conducting horseracing until December 31, 1967. This subdivision does not apply to any remaining term of an existing lease.

SEC. 4. Any funds deposited with the 22nd District Agricultural Association by a bidder who submitted a sealed bid to 22nd district for the lease of Del Mar Race Track shall be returned to such bidders; provided, that the return of such funds to the bidders shall not affect any bidder's right to be accepted as the successful bidder for the lease after December 31, 1967.

The sealed bids previously submitted to the 22nd District Agricultural Association in 1966 are hereby declared as valid bids for the lease of the Del Mar Race Track and such bids are continued as bids which may be accepted by the district agricultural association after December 31, 1967.

SEC. 5. Section 2 of this act shall become operative only if the Agricultural Code as proposed by Senate Bill No. 1 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 1 takes effect; at which time Section 87 of the Agricultural Code of 1933 as amended by Section 1 of this act is repealed.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present lease of Del Mar Race Track will expire soon, and in order to provide the Legislature and the various departments of state government proper time to consider and evaluate the best course of action in handling the future activities of this racetrack, it is necessary that this act go into immediate effect.

CHAPTER 222

An act to amend Section 5353 of the Public Utilities Code, relating to charter-party carriers of passengers.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 5353 of the Public Utilities Code is amended to read:

5353. The provisions of this chapter do not apply to:

(a) Transportation service rendered wholly within the corporate limits of a single city or city and county.

(b) Transportation of school pupils conducted by or under contract with the governing board of any school district entered into pursuant to authority vested by the provisions of the Education Code.

(c) Common carrier transportation services between fixed termini or over a regular route which are subject to authorization pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code.

(d) Transportation services occasionally afforded for farm employees moving to and from farms on which employed when such transportation is performed by the employer in vehicles owned or leased by him, or by a nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4 (commencing with Section 1190), Division 6, of the Agricultural Code, and without any requirement for the payment of compensation therefor by the employees.

(e) Transportation service rendered by a publicly owned transit system.

(f) Passenger vehicles carrying passengers on a noncommercial enterprise basis.

(g) Taxicab transportation service licensed and regulated by a city or county, by ordinance or resolution, rendered in vehicles designed for carrying not more than eight persons excluding the driver.

CHAPTER 223

An act to add Sections 13596.2 and 13596.3 to the Education Code, relating to school employee merit system.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 13596.2 is added to the Education Code, to read:

13596.2. The governing board of a school district whose average daily attendance is less than 3,000 may, by affirmative vote of a majority of its members, adopt the procedure set forth in Article 5 (commencing with Section 13701) of this chapter. The motion or a resolution for adoption of the system shall specify the date that the provisions of Article 5 shall be applicable to the classified employees of the district, which shall not be later than July 1 next following the date of adoption.

SEC. 2. Section 13596.3 is added to the Education Code, to read:

13596.3. The governing board of a school district whose average daily attendance is 3,000 or more may, by affirmative vote of a majority of its members, and a county superintendent of schools, with the consent of the majority of the members of the county board of education, adopt the procedure set forth in Article 5 (commencing with Section 13701) of this chapter, provided a lawful petition has not been received as authorized in Section 13596, or may adopt the procedure at any time after a two-year period has elapsed following an unsuccessful election conducted in accordance with Section 13596 of this code.

The motion, order, or resolution for adoption of the procedure shall specify the date that the provisions of Article 5 shall be applicable to classified employees, which shall not be later than July 1 next following the date of adoption.

CHAPTER 224

An act to amend Section 13584.2 of the Education Code, relating to newly unified school districts.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 13584.2 of the Education Code is amended to read:

13584.2. If all or any part of any district or districts which is unified with all or any part of a district, has, or have, the

merit system prior to the date of the reorganization election, all employees not legally requiring certification qualifications of the reorganized district shall be employed in accordance with Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. If on the date of such reorganization election, two or more of the said defined districts of such reorganized district have merit systems, the reorganized district shall adopt a single merit system which shall contain all provisions necessary to secure to all employees the rights guaranteed by Section 13584.3 of this code.

Seniority of the personnel of the reorganized district shall be established as of the date of original employment in the district or districts as defined above. Where there are more than a sufficient number of employees for a given classification under the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10, such personnel shall be retained in employment for a period of not less than one year as if the reorganization had not occurred but without prejudice to the powers of the personnel commission and the governing board of the new unified district to reasonably reassign such persons. If at the expiration of such period, upon a finding made by the personnel commission that there are excess personnel in any given classification, such personnel shall, if the governing board so directs, be placed upon appropriate reemployment lists for 39 months, and shall, if so placed, be offered and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. The acceptance of a position in lower rank in accordance herewith shall not be deemed to constitute a waiver of the right to reemployment at the original level should a vacancy at such level occur within the period mentioned in this section.

CHAPTER 225

An act to amend Section 6752 of the Education Code, relating to educationally handicapped minors.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 6752 of the Education Code is amended to read:

6752. A school district maintaining special educational programs for educationally handicapped minors shall not enroll at any given time more than 2 percent of total district en-

rollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils enrolled at the end of the first school month and sixth school month of the school year.

CHAPTER 226

An act to amend Sections 16463 and 16467.1 of, to add Chapter 6.5 (commencing with Section 17010) to Division 7 of, the Public Utilities Code, relating to public utility districts.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 16463 of the Public Utilities Code is amended to read:

16463. A district may acquire, construct, own, complete, use, and operate a fire department, street lighting system, public parks, public playgrounds, golf courses, public swimming pools, public recreation buildings, buildings to be used for public purposes, and works to provide for the drainage of roads, streets, and public places, including, but not limited to, curbs, gutters, sidewalks, and pavement of streets. For the purposes of this division all of the foregoing projects shall be considered a public utility or public utility works.

SEC. 2. Section 16467.1 of the Public Utilities Code is amended to read:

16467.1. Notwithstanding the provisions of Section 16467 of this code, fire departments, street lighting systems, public parks, public playgrounds, public swimming pools, public recreation buildings, buildings used for a public purpose, and works to provide for the drainage of roads, streets, and public places, including, but not limited to, curbs, gutters, sidewalks, and pavement of streets need not be operated on a self-sustaining, revenue-producing basis. Revenue to defray the cost of acquiring, constructing, installing, maintaining, improving, and operating such utilities and to pay the principal and interest and to create reserve and sinking funds on any indebtedness incurred in connection therewith, may be raised in any manner authorized by this division

SEC. 3. Chapter 6.5 (commencing with Section 17010) is added to Division 7 of the Public Utilities Code, to read:

CHAPTER 6.5. ADOPTION OF IMPROVEMENT ACTS

17010. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more

of the streets or public places of the district, or any property or rights-of-way owned by the district, any work or improvement which the district is authorized to do and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any district which may be assessed therefor, and which need not be composed of lands contiguous to each other. The Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, and the Street Opening Act of 1903, as now or hereafter provided, are applicable to districts.

17011. In the application of said acts to proceedings under this section the terms used in said acts shall have the following meanings:

(a) "City council" and "council" mean board;

(b) "City" and "municipality" mean district;

(c) "Clerk" and "city clerk" mean secretary;

(d) "Superintendent of streets" and "street superintendent" and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties;

(e) "Tax collector" means county tax collector;

(f) "Treasurer" and "city treasurer" mean the treasurer of the public utility district, unless the district elects to use the county treasurer as provided in Section 16036, in which case it is the county treasurer as ex officio treasurer of the district;

(g) "Right-of-way" means any parcel of land in, on, under or through which a right-of-way or easement has been granted to the district for the purpose of constructing or maintaining or work or improvements which the district is authorized to do.

17012. The powers and duties conferred by said acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the board, officers, and agents of the district, respectively.

17013. The improvements authorized to be constructed or acquired by this chapter are restricted to those permitted to be constructed or acquired pursuant to this division.

CHAPTER 227

An act to amend Section 52311 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to the Seed Law.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 52311 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52311. A person is not subject to the penalties which are prescribed by this chapter in any of the following cases:

(a) For selling in this state any agricultural or vegetable seed which is incorrectly labeled or represented as to kind, variety, or type, which seed cannot be identified by examination of it, unless he has failed to obtain an invoice or grower's declaration which gives the commonly accepted name of the kind, kind and variety, or kind and type, and to take such other precautions as may be necessary to insure the identity to be that which is stated.

(b) As to any matter which is required by Article 8 (commencing with Section 52451) of this chapter, for selling such seed in original unopened sealed packages which are fully labeled by another dealer, unless he has failed to have such seed retested and relabeled as to the percentage of germination within the period which is prescribed by Section 52481, or unless he has failed to correct the label after notice that such label has been found to be incorrect.

(c) For shipping, delivering, transporting, or selling within this state any agricultural or vegetable seed which has a false labeling as to percentage of germination or hard seeds, unless he has first been given an opportunity by the director to be heard. This exemption does not, however, relieve any person from the obligation, upon order of an enforcement official, to stop further sale of any seed which is found to be incorrectly labeled as to germination, nor does it exempt such seed from seizure pursuant to this chapter.

CHAPTER 228

An act to amend Section 718 of the Civil Code, relating to leases of city property.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 718 of the Civil Code is amended to read:

718. No lease or grant of any town or city lot, which reserves any rent or service of any kind, and which provides for a leasing or granting period in excess of 99 years, shall be valid. The property owned by, or that held by, or under the management and control of, any municipality, or any department or board thereof, may be leased for a period not to exceed 55 years. The property of any municipality not acquired for park purposes may, for the purpose of producing, or effecting the production of minerals, oil, gas or other hydrocarbon substances, be leased for a period not to exceed 35 years. Any tidelands or submerged lands, granted to any city by the State of California, may be leased for a period not to exceed 66 years unless the grant from the state of the use thereof provides specifically the term for which said lands

may be leased. Tidelands and submerged lands owned or controlled by any city, together with the wharves, docks, piers and other structures or improvements thereon, and so much of the uplands abutting thereon as, in the judgment of the city council, or other governing body, of said city, may be necessary for the proper development and use of its waterfront and harbor facilities, may be leased for a period not to exceed 66 years. Said tidelands, submerged lands and uplands may be so leased only for industrial uses, the improvement and development of any harbor, or harbors, of said city, the construction and maintenance of wharves, docks, piers or bulkhead piers, or any other public use or purpose consistent with the requirements of commerce or navigation at, or in, any such harbor or harbors.

CHAPTER 229

An act to add Section 5783.12 to the Public Resources Code, relating to the election of the board of directors of the Spring Valley Recreation and Park District.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 5783.12 is added to the Public Resources Code, to read:

5783.12. Notwithstanding any other provision of this chapter, the district board of the Spring Valley Recreation and Park District, in San Diego County, may call and give notice of an election to be held in said district to determine whether or not henceforth the district board of directors shall be elected, and if so, to select the board of directors of said district. Said election shall be called and conducted in accordance with this chapter.

If a majority of the votes cast at the election favors the election of the district board of directors, then on the first of January in the year following said election the terms of all members of the previously serving board of directors shall expire and the terms of the newly selected board of directors shall commence. The three nominees receiving the largest vote at said election shall hold office for a term of four years, or until their successors are elected and qualified; the two nominees receiving the fourth and fifth largest number of votes shall hold office for a term of two years, or until their successors are elected and qualified. In all subsequent elections members of the board of directors shall be elected for four-year terms

Any vacancy in the office of a member elected to the district board pursuant to this section shall be filled in the manner prescribed by this chapter.

CHAPTER 230

An act to amend Section 6537.1 of the Business and Professions Code, relating to postgraduate barber courses.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 6537.1 of the Business and Professions Code is amended to read:

6537.1. A college may admit a registered apprentice or registered barber in this state to a postgraduate course. The college shall notify the board of the name and the file number of the license of each person so admitted. This course consists of instruction in the styling of haircuts, bleaching and coloring of hair, barber science, straightening or relaxing of hair, men's hairpieces (toupees), and waving of hair except permanent waving. A person admitted to this course shall not perform any act of barbering in the college for hire or reward. The postgraduate course may be offered to a registered apprentice or a registered barber only after 6 p.m. on any workday. Such course may also be offered any hour of any day that the college is not open to the public.

CHAPTER 231

An act to add Section 6537.2 to the Business and Professions Code, relating to barber colleges.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 6537.2 is added to the Business and Professions Code, to read:

6537.2. A barber college may engage any one of the following persons, who are not licensed California barber instructors, to lecture or demonstrate under the supervision of the barber college:

(a) A physician and surgeon to lecture on or demonstrate sanitation, sterilization, skin, or scalp diseases.

(b) A person whose experience or education qualifies him to lecture on phases of subjects applicable to the barber business, such as business administration, economics, bookkeeping, and taxes.

(c) A manufacturer of barbering products or his representative to demonstrate products usable in the practice of barbering.

(d) A hair stylist licensed in this state or in any other state or country to practice barbering to lecture on or demonstrate any phase of hair styling.

(e) An organizer or officer of a barber organization to lecture on a subject affecting the welfare of the barber business.

No person engaged by a barber college, pursuant to this section, shall be engaged for more than 10 class periods per year, each period to be no longer than five hours per day, nor shall he serve in the capacity of a California licensed instructor.

Any barber college engaging a person, pursuant to this section, shall keep a daily record of the engagement which shall be open for inspection by the board. The record shall include the name, address, and qualifications of the person engaged, the specific date of the engagement, the number of class periods which each engagement entails, and the duration of each class period. The lectures and demonstrations authorized by this section shall be confined to the classroom.

CHAPTER 232

An act to amend Section 23791 of the Business and Professions Code, relating to zoning.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 23791 of the Business and Professions Code is amended to read:

23791. Nothing in this division interferes with the powers of cities conferred upon them by Sections 65850 to 65861, inclusive, of the Government Code.

CHAPTER 233

An act to add Section 190.2 to the Streets and Highways Code, relating to allocation of funds for grade separation projects, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 190.2 is added to the Streets and Highways Code, to read:

190.2. Harbor Boulevard, which is part of Route 72 in the City of Fullerton, is hereby declared to be a city street within the meaning of Sections 189 and 190, and is eligible for an

allocation of funds for grade separation pursuant to Section 190.

The Legislature hereby finds and declares that although Harbor Boulevard is presently a portion of Route 72, the Legislature has provided that it shall cease to be a state highway at the time and manner set forth in Section 372, the department has commenced acquisition of the property necessary for the right-of-way along the route which will replace the existing Route 72 in this area, and Harbor Boulevard will be returned to the City of Fullerton within a few years. Because of heavy traffic congestion, it is necessary that Harbor Boulevard be eligible for a grade separation allocation as soon as possible.

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

The heavy traffic congestion which now exists on Harbor Boulevard presents a serious safety problem. In order that the railroad crossing problem on this street may be remedied without further loss of life and damage to property, it is necessary that this act take effect immediately.

CHAPTER 234

An act to amend Sections 5354, 5371, 5372, 5373, 5374, 5375, 5376, 5378, 5379, 5391, 5411, and 5413 of, and to add Sections 5371.1, 5371.2, 5373.1, 5375.1, 5377.1, 5383, and 5384 to, the Public Utilities Code, relating to charter-party carriers of passengers.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 5354 of the Public Utilities Code is amended to read:

5354. In construing and enforcing the provisions of this chapter relating to the prescribed privileges and obligations of the holder of a permit or certificate issued hereunder, the act, omission, or failure of any officer, agent, or employee, or person offering to afford the authorized service with the approval or consent of the permit or certificate holder, is the act, omission, or failure of the permit or certificate holder.

SEC. 2. Section 5371 of the Public Utilities Code is amended to read:

5371. No charter-party carrier of passengers excepting transit districts, transit authorities or cities owning and operating local transit systems themselves or through wholly owned nonprofit corporations shall engage in transportation services

made subject to this chapter without first having obtained from the commission a certificate that public convenience and necessity require such operation, except that certain specific transportation services as defined in Section 5384 may be conducted under authority of an annual permit issued by the commission.

SEC. 3. Section 5371.1 is added to the Public Utilities Code, to read:

5371.1. Notwithstanding any other provision in this chapter:

(a) The commission shall issue an initial annual certificate to any charter-party carrier of passengers holding a valid operating permit issued by the commission prior to July 1, 1967, provided the application therefor shall have been filed with the commission not later than 90 days after the effective date of this section; and thereafter annually reissue any certificate initially issued hereunder, if the commission finds that the applicant possesses satisfactory fitness and financial responsibility to initiate or continue to conduct the authorized transportation services, and has heretofore and will continue to faithfully comply with the rules and regulations adopted by the commission with respect thereto as well as the rules and regulations promulgated by the California Highway Patrol with respect to safety of operation;

(b) No charter-party carrier of passengers initially issued a certificate shall be restricted as to point of origin or destination in the State of California; and

(c) Every application for an initial certificate or annual reissuance thereof shall be accompanied by the appropriate fee as specified in Sections 5373 or 5373 1.

SEC. 4. Section 5371.2 is added to the Public Utilities Code, to read:

5371.2. All holders of certificates issued subsequent to 90 days after the effective date of this section shall operate from a service area to be determined by the commission. In no case shall this area encompass more than a radius of 40 air miles from the home terminal. The home terminal shall be designated by the applicant. This certificate shall be classified as a class B certificate.

SEC. 5. Section 5372 of the Public Utilities Code is amended to read:

5372. Applications for permits and certificates shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by such proof of service upon interested parties as the commission may require.

SEC. 6. Section 5373 of the Public Utilities Code is amended to read:

5373. Each annual application for a permit to act as a charter-party carrier of passengers pursuant to the provisions of this chapter shall be accompanied by a filing fee of fifty dollars ($50). Each certificate to act as a charter-party carrier

of passengers shall be accompanied by an annual renewal fee of one hundred dollars ($100).

SEC. 7. Section 5373.1 is added to the Public Utilities Code, to read:

5373.1. Each initial application for a certificate or permit shall be accompanied by a filing fee of:

(a) Class A certificates—five hundred dollars ($500).

(b) Class B certificates—two hundred dollars ($200).

(c) Permits, one hundred dollars ($100).

SEC. 8. Section 5374 of the Public Utilities Code is amended to read:

5374. Before an annual permit or certificate is issued, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct the proposed transportation services.

SEC. 9. Section 5375 of the Public Utilities Code is amended to read:

5375. The commission may, with or without hearing, issue or refuse to issue a permit or certificate. If the commission finds that public convenience and necessity require the proposed transportation service and the applicant possess satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation services, and will faithfully comply with the rules and regulations adopted by the commission with respect thereto, it shall issue the permit or certificate to conduct the requested operations, or may issue it for the partial exercise of the privilege sought, and may attach to the permit or certificate such terms and conditions as, in its judgment, are required in the public interest; provided also that the permit or certificate shall not require the filing or publication of time schedules or tariffs. The fact that the applicant for the certificate is, or may later become a holder of a certificate of public convenience and necessity as a passenger stage corporation issued pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code shall not be deemed inconsistent with the provisions of this section, and such dual authority may be authorized.

SEC. 10. Section 5375.1 is added to the Public Utilities Code, to read:

5375.1. Notwithstanding the provisions of Section 5375, if the applicant desires to operate in a territory already served by the holder of a certificate, the commission shall hold a hearing before granting the certificate. The commission shall not grant a certificate to such an applicant unless it can be shown that the existing charter-party carrier of passengers serving the territory is not providing services which are satisfactory to the commission and adequate for the public. In no event shall the commission issue more certificates than public convenience and necessity require and the commission shall place any restrictions upon such certificates as may reasonably be necessary to protect any existing charter-party carrier of passengers.

SEC. 11. Section 5376 of the Public Utilities Code is amended to read:

5376. A permit or certificate shall be and remain in effect for one year unless suspended or terminated by the commission.

SEC. 12. Section 5377.1 is added to the Public Utilities Code, to read:

5377.1. No certificate issued pursuant to this article, or rights to conduct any of the services therein authorized, shall be sold, leased, or assigned, or otherwise transferred or encumbered, unless authorized by the commission. A filing fee of fifty dollars ($50) shall accompany all such applications.

SEC. 13. Section 5378 of the Public Utilities Code is amended to read:

5378. The commission may cancel, revoke, or suspend any operating permit or certificate issued pursuant to the provisions of this chapter upon any of the following grounds:

(a) The violation of any of the provisions of this chapter, or of any operating permit or certificate issued thereunder.

(b) The violation of any order, decision, rule, regulation, direction, demand, or requirement established by the commission pursuant to this chapter.

(c) The conviction of the charter-party carrier of passengers of any misdemeanor under this chapter.

(d) The rendition of a judgment against the charter-party carrier of passengers for any penalty imposed under this chapter.

(e) The failure of a charter-party carrier of passengers to pay any fee imposed upon the carrier within the time required by law.

(f) On request of the holder of the permit or certificate.

(g) Failure of a permit or certificate holder to operate and perform reasonable service.

SEC. 14. Section 5379 of the Public Utilities Code is amended to read:

5379. After the cancellation or revocation of a permit or certificate, or during the period of its suspension, it is unlawful for a charter-party carrier of passengers to conduct any operations as such a carrier. The commission may either grant or deny an application for a new permit or certificate whenever it appears that a prior permit or certificate of the applicant has been canceled or revoked pursuant to Section 5378 or whenever it appears, after hearing, that as a prior permit or certificate holder, the applicant engaged in any of the unlawful activities set forth in Section 5378 for which his permit or certificate might have been canceled or revoked.

SEC. 15. Section 5383 is added to the Public Utilities Code, to read:

5383. The commission shall create the following classifications or types of certificates for charter-party carriers of passengers:

Class A: From any point or points within the state to other points in or out of this state.

Class B: From any point within the territory of origin specified in the certificate to any points in the state, or territory of origin.

SEC. 16. Section 5384 is added to the Public Utilities Code, to read:

5384. The commission shall issue permits to persons, who are otherwise qualified, whose passenger carrier operations fall into the following categories:

(a) Specialized carriers, who do not hold themselves out to serve the general public, but only provide service under contract with industrial and business firms, governmental agencies and private schools or who only transport agricultural workers to and from farms for compensation or who only conduct transportation services, which are incidental to another business. Such permits shall be limited to a 50-mile radius of operation from the home terminal.

(b) Carriers using only vehicles under 15-passenger seating capacity and under 7,000 pounds gross weight.

SEC. 17. Section 5391 of the Public Utilities Code is amended to read:

5391. The commission shall, in granting permits or a certificate pursuant to this chapter, require the charter-party carrier of passengers to procure, and to continue in effect during the life of the permit or certificate, adequate protection against liability imposed by law upon the charter-party carrier of passengers for the payment of damages for personal bodily injuries, including death resulting therefrom, protection against a total liability of the charter-party carrier of passengers on account of bodily injuries to, or death of, more than one person as a result of any one accident, and protection against damage or destruction of property. The minimum requirements for such assurances of protection against liability shall not be less than the requirements which are applicable to operations conducted under certificates of public convenience and necessity issued pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code, and the rules and regulations prescribed pursuant thereto shall apply to charter-party carriers of passengers.

SEC. 18. Section 5411 of the Public Utilities Code is amended to read:

5411. Every charter-party carrier of passengers and every officer, director, agent, or employee of any charter-party carrier of passengers who violates or who fails to comply with, or who procures, aids, or abets any violation by any charter-party carrier of passengers of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit or certificate issued to any charter-party carrier of passengers, or who pro-

cures, aids, or abets any charter-party carrier of passengers in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit or certificate, is guilty of a misdemeanor and is punishable by fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than three months, or both.

SEC. 19. Section 5413 of the Public Utilities Code is amended to read:

5413. Every charter-party carrier of passengers and every officer, director, agent, or employee of any charter-party carrier of passengers who violates or who fails to comply with, or who procures, aids, or abets, any violation by any charter-party carrier of passengers of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit or certificate issued to any charter-party carrier of passengers, or who procures, aids, or abets any charter-party carrier of passengers in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit, or certificate, is subject to a penalty of not more than five hundred dollars ($500) for each offense.

CHAPTER 235

An act to maintain the Streets and Highways Code by amending and renumbering Section 35550, as added by Chapter 31 of the Statutes of 1964, First Extraordinary Session; and by repealing Section 210.5, as added by Chapter 1020 of the Statutes of 1965, and Section 561, as added by Chapter 1372 of the Statutes of 1965, relating to streets and highways.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 210.5 of the Streets and Highways Code, as added by Chapter 1020 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 210.5 of the Streets and Highways Code, as added by Chapter 1263 of the Statutes of 1965.

SEC. 2. Section 561 of the Streets and Highways Code, as added by Chapter 1372 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Section 561 of the Streets and Highways Code, as added by Chapter 1397 of the Statutes of 1965.

SEC. 3. Section 35550 of the Streets and Highways Code, as added by Chapter 31 of the Statutes of 1964, First Extraordinary Session, is amended and renumbered to read:

35549.1. When the reassessment is recorded, the original assessment shall be canceled by the street superintendent so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the treasurer who shall cancel them. The lien of the reassessment shall hold its relative rank as to other special assessment liens as of the date of filing of the original assessment.

CHAPTER 236

An act to maintain the Vehicle Code by amending Sections 11110, 12810, 13355, 13356, 13361, 22655, and 40303, relating to motor vehicles.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 11110 of the Vehicle Code is amended to read:

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Sections 20001, 20002, 20003, 20004, 20006, 23104,

23105, or 23106 of this code or Sections 192 or 193 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities.

SEC. 2. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, any conviction under Section 14601, 20002, 23102, 23103, or 23104 of this code shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

SEC. 3. Section 13355 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while a habitual user of narcotic drugs or while under the influence of intoxicating liquor or narcotic drugs.

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

(d) Two or more offenses of violating Section 20002, 23103, or 23104 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court shall immediately report such findings to the department.

SEC. 4. Section 13356 of the Vehicle Code is amended to read:

13356. Upon the recommendation of the judge of a juvenile court the department shall also revoke or suspend the privilege of any person to operate a motor vehicle who has been found to have committed any of the following offenses:

(a) Reckless driving.

(b) Failure to stop in the event of an accident as provided for in Section 20002.

(c) Two or more offenses within a period of six months of violating the provisions of this code limiting the speed of vehicles.

(d) A violation of this code punishable as a felony or of the provisions of the Penal Code relating to the grand theft of a motor vehicle.

SEC. 5. Section 13361 of the Vehicle Code is amended to read:

13361. The department may suspend the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Failure to stop in the event of an accident resulting in damage to property only, or otherwise failing to comply with the requirements of Section 20002.

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

(c) Failure to stop upon striking an unattended vehicle, or otherwise failing to comply with the requirements of Section 20002.

(d) Manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

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

SEC. 6. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol, or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613

of the Government Code, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002, through 20006, inclusive, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

SEC. 7. Section 40303 of the Vehicle Code is amended to read:

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(a) Sections 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Sections 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Sections 2800 and 2803, relating to the refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 20002, relating to failure to stop after collision with an unattended vehicle.

(h) Section 23109, relating to participating in speed contests.

(i) Section 14601, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 23332, relating to persons upon vehicular crossings.

(*l*) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

CHAPTER 237

An act to repeal a certain obsolete act, relating to the reconstruction of a road in Mendocino County.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Chapter 941 of the Statutes of 1941 is repealed.

CHAPTER 238

An act to repeal a certain obsolete act, relating to the creation of the Los Angeles Metropolitan Transit Authority.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Chapter 547 of the Statutes of 1957 is repealed.

CHAPTER 239

An act to repeal a certain obsolete act, relating to the creation of the Golden Gate Authority Commission.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Chapter 1714 of the Statutes of 1959 is repealed.

CHAPTER 240

An act to amend Section 31520.1 of the Government Code, relating to county employees' retirement.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 31520.1 of the Government Code is amended to read:

31520.1. In any county subject to the provisions of Articles 6.8 and 7.5, the board of retirement shall consist of seven members and one alternate, one of whom shall be the county treas-

urer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth and sixth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor and one may be a retired member, and shall be appointed by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The alternate member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no alternate member. The first person chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh, and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later. Thereafter the terms of office of the six elected members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event the second, third or seventh member is absent from a board meeting for any cause, or if there is a vacancy with respect to the second, third, or seventh member, the alternate member shall fill such vacancy until a successor qualifies. The alternate shall sit on the board in place of the seventh member when a member of the same service is before the board for determination of his retirement.

CHAPTER 241

An act to amend Section 11629 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 11629 of the Business and Professions Code is amended to read:

11629. Any map filed under the provisions of this chapter may be amended to correct an error in any course or distance shown thereon, or to show any course or distance that was omitted therefrom, or to correct an error in the description of the land which the map comprised, by (a) the filing of an

amending map or (b) the recording of a certificate of correction. The amending map or certificate of correction may be prepared by any registered civil engineer or licensed land surveyor. The amending map of a final map shall conform to the requirements of Section 11567, and in case of a parcel map shall conform to the requirements of Section 11577. The certificate of correction shall set forth in detail the corrections made, and show the names of the present fee owners of property affected by the correction or omission. The county surveyor shall examine such amending map or certificate of correction and if such examination discloses that the only changes shown thereon are changes above provided for, he shall certify this to be a fact over his signature on the amending map or certificate of correction. Thereafter, the amending map or certificate of correction shall be filed or recorded in the office of the recorder in which the original map was filed. Upon the filing of the amending map or recording of the certificate of correction, the recorder shall index the names of fee owners shown on the certificate of correction in his general index and shall note upon the original map and any copies thereof in his office, the book and page reference to the amending map or certificate of correction and thereupon the original map shall be deemed to have been conclusively so corrected.

CHAPTER 242

An act to amend Sections 10150, 10176, 10238, and 10238.7 of, to add Section 10474.5 to, and to repeal Section 10106 of, the Business and Professions Code, relating to real estate.

[Approved by Governor May 31, 1967. Filed with Secretary of State May 31, 1967.]

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

SECTION 1. Section 10106 of the Business and Professions Code is repealed.

SEC. 2. Section 10150 of the Business and Professions Code is amended to read:

10150. Application for license as real estate broker shall be made in writing to the commissioner. The application shall be accompanied by the real estate broker license examination fee and by the recommendation of two real estate owners of the county in which the applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a real estate broker license be granted to him.

SEC. 3. Section 10176 of the Business and Professions Code is amended to read:

10176. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person,

investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and he may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling with his own money or property the money or other property of others which is received and held by him.

(f) Claiming, demanding, or receiving a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to perform any acts set forth in Section 10131 for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange real estate or a business opportunity for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(j) Obtaining the signature of a prospective purchaser to an agreement which provides that such prospective purchaser shall either transact the purchasing, leasing, renting or exchanging of a business opportunity property through the broker obtaining such signature, or pay a compensation to such broker if such property is purchased, leased, rented or ex-

changed without the broker first having obtained the written authorization of the owner of the property concerned to offer such property for sale, lease, exchange or rent.

SEC. 4. Section 10238 of the Business and Professions Code is amended to read:

10238. In lieu of the bond required by Section 10237.8 a real property securities dealer may file a cash bond in the sum of five thousand dollars ($5,000), evidence of deposit in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, investment certificates or share accounts in the amount of five thousand dollars ($5,000) issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation, or bonds issued by the United States or the State of California in the principal amount of six thousand dollars ($6,000) with the State Treasurer. Such bond shall be subject to all conditions set forth in Sections 10237.8 and 10237.9.

SEC. 5. Section 10238.7 of the Business and Professions Code is amended to read:

10238.7. Every person sustaining an injury resulting from a transaction subject to this article which was in violation of the provisions of the article may recover in a civil action against the real property securities dealer the amount of the damages with interest at 7 percent per annum from the date of the injury, and shall be entitled to be awarded a reasonable attorney's fee. Any such action shall be brought within three (3) years from the date of the transaction notwithstanding the date the injury was discovered.

SEC. 6. Section 10474.5 is added to the Business and Professions Code, to read:

10474.5. If the twenty thousand dollars ($20,000) liability of the Real Estate Education, Research and Recovery Fund as provided for in Section 10474 is insufficient to pay in full the valid claims of all aggrieved persons by whom claims have been filed against any one licensee, such twenty thousand dollars ($20,000) shall be distributed among them in the ratio that their respective claims bear to the aggregate of such valid claims, or in such other manner as the court deems equitable. Distribution of such moneys shall be among the persons entitled to share therein, without regard to the order of priority in which their respective judgments may have been obtained or their claims have been filed. Upon petition of the Real Estate Education, Research and Recovery Fund, the court may require all claimants and prospective claimants against one licensee to be joined in one action, to the end that the respective rights of all such claimants to the Real Estate Education, Research and Recovery Fund may be equitably adjudicated and settled.

CHAPTER 243

An act to amend Sections 13596 and 13701 of, and to add Section 13596.1 to the Education Code, relating to school employee merit systems.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 13596 of the Education Code is amended to read:

13596. (1) On or after the effective date of this section the classified employees of any district whose average daily attendance is 3,000 or greater, may, in accordance with this article, petition the governing board to make the provisions of Article 5 (commencing with Section 13701) of this chapter applicable to their employer district. Said petition shall read substantially as follows:

"We, the undersigned classified employees of the _____ (Name of school district), constituting 15 percent of the classified personnel entitled to vote, request the governing board to submit to election the question of whether or not the merit (civil service) system shall become applicable to this district."

NAME POSITION CLASSIFICATION

"Classified employee" as used in this section shall be construed to include all personnel a part of the classified service as defined in Section 13581 of this code.

(2) Within 120 days after receipt of the petition the governing board shall: (a) Obtain the services of competent and qualified persons to present the pros and cons of the issue.

(b) Provide adequate and ample opportunity for all of its classified personnel to attend one or more meetings at which the issue is presented.

(c) Having complied with subsections (a) and (b), foregoing, conduct an election by secret ballot of its classified personnel to determine whether or not they desire to have the merit system applicable to the district. The ballot shall read:

"Shall the merit (civil service) system for classified employees be applicable in the _____ (Name of school district)?

☐ Yes
☐ No"

The ballot shall not require the employees' signatures or other personal identifying requirements, but the board shall devise an identification system to insure against fraud in the balloting process.

(d) The board shall appoint a three- or five-person tabulating committee, at least one member of which shall be a member of the governing board, to canvass the ballots and present the

results to the governing board. If a simple majority votes in favor of the merit system the same shall become applicable in the district.

(e) The tabulating committee required by this section shall certify the results of the election to the governing board at the next regular or special meeting of the board following the date the committee completes tabulation of the votes. If the tabulating committee completes the tabulation on the same day as the governing board meets in regular or special session, the committee shall certify the results of the election to the board at such meeting.

SEC. 2. Section 13596.1 is added to the Education Code, to read:

13596.1. Effective upon certification to a governing board by a tabulating committee that an election, as authorized in Section 13596 of this code, has been successful, all of the provisions of Article 5 (commencing with Section 13701) that can reasonably be construed to be applicable to classified employees shall be applicable.

All of the provisions of Article 5 (commencing with Section 13701) shall become fully effective upon appointment of at least two members of the personnel commission.

The commission shall immediately adopt existing rules and regulations of the district relating to classified personnel pending the establishment of its rules and which are not inconsistent with law.

SEC. 3. Section 13701 of the Education Code is amended to read:

13701. Any school district adopting the provisions of this article in accordance with Section 13596.1 of this chapter shall cause the personnel commission to be appointed in the manner prescribed in Sections 13707, 13707.1 and 13707.2. The personnel commission shall appoint the personnel director in the manner provided in Section 13717 after appointment of at least two of its members.

CHAPTER 244

An act to add Section 71314 to the Water Code, relating to municipal water districts.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 71314 is added to the Water Code, to read:

71314. A district may insure its directors, officers, assistants, employees, agents, and deputies for injury, death, or disability incurred while engaged in the business of the dis-

trict and the cost of such insurance is a proper charge against the district. Such insurance is in addition to any compensation secured under the provisions of Division 4 (commencing with Section 3201) of the Labor Code and inuring to the benefit of the director, officer, deputy, assistant, employee, or agent, or his beneficiary or heir.

CHAPTER 245

An act to amend Sections 8751, 8752, 8777, 8803, 9152, 9851, 9852, 9877, 9902, and 10252 of the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 8751 of the Revenue and Taxation Code is amended to read:

8751. The excise tax imposed by this part is due and payable monthly on or before the last day of the month following each calendar month in which a taxable use of fuel occurs.

SEC. 2. Section 8752 of the Revenue and Taxation Code is amended to read:

8752. On or before the last day of each month, every user shall file on forms prescribed by the board a return showing the amount of fuel used during the preceding calendar month by the user in this state, the amount of any tax due, and such other information as the board may require to carry out the purposes of this part, except that the provisions of this section shall not be applicable to any user whose sole use of fuel subject to the tax imposed by this part is for the propulsion of a privately operated passenger automobile, provided that the fuel used in this state, except fuel brought into this state in the fuel tank of the vehicle, is purchased from and delivered into the fuel tank of the vehicle by a vendor holding a permit issued under this part.

SEC. 3. Section 8777 of the Revenue and Taxation Code is amended to read:

8777. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the month following the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 4. Section 8803 of the Revenue and Taxation Code is amended to read:

8803. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the month

following the month for which the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 5. Section 9152 of the Revenue and Taxation Code is amended to read:

9152. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the last day of the month following the month for which the overpayment was made, or, with respect to determinations made under Article 2, 3 or 4 of Chapter 4 of this part, after six months from the date the determinations became final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period or unless the claim relates to a period for which a waiver has been given pursuant to Section 8783.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 8783 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 6. Section 9851 of the Revenue and Taxation Code is amended to read:

9851. The tax imposed by this part is due and payable monthly on or before the last day of the month following each calendar month during which taxable operations occur.

SEC. 7. Section 9852 of the Revenue and Taxation Code is amended to read:

9852. Each operator shall on or before the last day of each month prepare a return for the preceding calendar month in such form as the board may prescribe, showing the gross receipts of the operator, the amount of tax due for the month covered by the return, and such other information as the board deems necessary for the proper administration of this part. Returns shall be signed by the operator or his duly authorized agent but need not be verified by oath.

SEC. 8. Section 9877 of the Revenue and Taxation Code is amended to read:

9877. All deficiency determinations, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the month following the month or months for which the deficiency determination is made until the date of payment.

SEC. 9. Section 9902 of the Revenue and Taxation Code is amended to read:

9902. All determinations so made, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the month following the month or months for which the determinations are made until the date of payment.

SEC. 10. Section 10252 of the Revenue and Taxation Code is amended to read:

10252. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the last day of the month following the month in which the taxable operations occurred, or with respect to determinations made under Article 2, 3 or 3.5 of Chapter 4 of this part, after six months from the dates the determinations become final, or after six months from the date of overpayment, whichever period expires later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 9882.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 9882 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 11. The provisions of this act shall become operative on the first day of the month next succeeding the month in which this act becomes effective.

CHAPTER 246

An act to amend Section 28135 of the Government Code, relating to county officers.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 28135 of the Government Code is amended to read:

28135. In a county of the 35th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, thirteen thousand five hundred dollars ($13,500) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, for all services required of him as supervisor, five thousand eight hundred dollars ($5,800) a year except that the chairman of the board of supervisors, shall receive six thousand four hundred dollars ($6,400) a year. Each supervisor shall also receive the following mileage and traveling expenses: when using a privately owned automobile, ten cents ($0.10) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board of supervisors and in attending

each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of ten cents ($0.10) a mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

(d) For attending as a juror in the superior court or in the justice courts, each juror shall be paid three dollars ($3) for each day's attendance upon the court and eight cents ($0.08) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

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

CHAPTER 247

An act to amend Sections 29155 and 29160 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to apiaries.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 29155 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29155. If disease is found in any apiary, the inspector shall notify the owner or person in charge or possession of

such apiary in writing. The notice shall state the nature of the disease found and the manner in which the inspector has marked the hives or combs which contain evidence of disease and shall order the abatement of such disease within a specified time.

It is unlawful for the owner of any such diseased apiary after receiving such notice to refuse or neglect to abate any such disease within the time which is specified in the notice or order.

SEC. 2. Section 29160 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29160. If the owner or person in charge or possession of an apiary in which disease is found to exist cannot be located after diligent search by the inspector, or if notice has been served pursuant to this article and the owner or person in charge or possession of the apiary refuses or neglects to abate the disease within the time which is specified in the notice, the inspector shall abate the disease within 72 hours after expiration of the time which is specified in the notice. The cost of any such abatement shall be paid by the owner of the apiary.

CHAPTER 248

An act to amend Section 6535 of the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 6535 of the Business and Professions Code is amended to read:

6535. No college of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto, completion of the ninth grade, or the equivalent education as determined by an examination conducted by an examining agency prescribed by the board, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,248 hours to be completed within 15 months, at the rate of not more than eight hours in any one working day, except that a student may complete a service in process, with time credit, but not to exceed 30 additional consecutive minutes. The total number of weekly hours shall not exceed 40, except that the accumulated minutes necessary to complete a service in process shall be added thereto. The maximum weekly total of hours shall not exceed 42½.

The course of instruction shall consist of the fundamentals of the following subjects:

(a) Sanitation, antiseptics, sterilization, hygiene and bacteria. Instruction in these subjects shall be limited to their relation to barbering.

(b) Haircutting and shaving.

(c) Massaging of the scalp, face, and neck.

(d) Shampooing, and the applying of hair tonics, hairdressing preparations, and rinses.

(e) Facials and scalp massages or treatments with creams, lotions, oils or other cosmetic preparations either by hand or mechanical appliances, but such appliances shall not be galvanic nor faradic.

(f) Shop management, ethics, salesmanship, implements, and a brief study of the history of barbering.

(g) Laws and regulations governing the practice of barbering.

(h) Common skin and hair diseases of the scalp, face and neck.

(i) The structure and functions of the skin and hair of the scalp, face and neck.

(j) Cosmetic preparations used in the practice of barbering.

(k) Circulation, muscles, nerves and cells of the scalp, face and neck only as such subjects are related to massaging or other acts of barbering.

(*l*) Introduction to coloring, bleaching, relaxing of hair, hairpieces, and waving of the hair, except that waving shall not include permanent waving.

CHAPTER 249

An act to amend Sections 5, 8, 11, 14, 15, 21, 27, and 46 of, to add Sections 50, 51, and 52 to, and to repeal Section 6 of the San Gorgonio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961), relating to the San Gorgonio Pass Water Agency.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 5 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 5. The board of directors of the agency organized under this act shall consist of seven members. The Board of Supervisors of Riverside County shall appoint the first board of directors, each of whom shall be a resident or owner of real property within the agency, and shall hold office until his successor is elected. Following the creation of the five divisions of the agency by the first board of directors, and at the first agency election thereafter, all successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law, which shall apply to the agency.

SEC. 2. Section 6 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is repealed.

SEC. 3. Section 8 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general agency elections and all special agency elections, except as in this act otherwise provided.

SEC. 4. Section 11 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 11. The board of directors shall be the governing body of the agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January of each even-numbered year, the board of directors shall choose one of its members president, and another of its members vice president.

SEC. 5. Section 14 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a secretary, treasurer, and auditor, and define their duties and fix their compensation and may so appoint a general manager and define his duties and fix his compensation. The board may employ such additional assistants and employees, and such engineers, attorneys and professional and other consultants as it may deem necessary to efficiently maintain and operate said agency. Each shall serve at the pleasure of the board.

SEC. 6. Section 15 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 15. The agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the agency;

5. To acquire, or contract, to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or other-

wise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water under the control of the agency to any city, or any company or public agency serving a city, which city is located wholly or partially within the agency, for distribution only within such city; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers,

8. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation, provided that the use to which such property is to be devoted by the agency must be pleaded and proven by the agency to be a more necessary public use than that to which it is then appropriated, as a condition to the exercise of such right of eminent domain. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city;

provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. In no event shall the agency have or exercise the power of eminent domain with respect to property situated outside the boundaries of the agency;

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 2 percent of the assessed valuation of the taxable property in the agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such

newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River system are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the San Gorgonio Pass Water Agency.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. Particularly, but not exclusively, the agency may contract with the State of California for delivery of water under the State Water Plan. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, The Metropolitan Water District of

Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, defend and compromise, in the name of the agency, and to assume the costs and expenses of any and all actions and proceedings which involve or affect the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or inhabitants of the agency, and in any such action or proceeding the agency may act as a representative of any class or classes of users of water within the agency, producers of water within the agency or owners of rights to water used or useful within the agency, or owners of property within the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency

to the State of California or any agency thereof under any contract which shall be made with it, or as all or part of the terms and conditions under which the corporate area of the agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to the agency.

24. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the agency. In the application of said Improvement Act of 1911 to proceedings instituted by the agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the agency.

(b) "Municipality" and "city" shall mean the agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the agency.

(g) "Mayor" shall mean the president of the board of directors of the agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the San Gorgonio Pass Water Agency.

25. To disseminate information concerning the activities of the agency; and in instances in which it shall be found by two-thirds vote of the board of directors to be necessary for the protection of agency rights and properties to disseminate information concerning such rights and properties, also concerning matters which in the judgment of the board may adversely affect such rights and properties; provided, that expenditures during any fiscal year for such purposes shall not exceed one cent ($0.01) for each one hundred dollars ($100) of assessed valuation of such agency.

SEC. 7. Section 21 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 21. The president, vice president, and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

If the president is absent or unable to act, the vice president shall exercise the powers of the president granted by this act.

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

SEC. 8. Section 27 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 27. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for

the payment of the interest on or principal of any bonded debts shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 9. Section 46 of the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 46. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the agency is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters.

SEC. 10. Section 50 is added to the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961), to read:

Sec. 50. The agency, by ordinance, may fix, on or before the first day of July in any calendar year, a water standby or availability charge within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars ($10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars ($10) per year for any parcel of less than one acre. The ordinance fixing a standby charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after notice and hearing in the manner prescribed in the District Reorganization Act of 1965 (commencing with Sections 56000 et seq. of the Government Code). The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in August, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within

the agency upon which a charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the agency on each parcel of land. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax it levies, a standby charge in the amounts for the respective parcels fixed by the board. All county officers charged with the duty of collecting taxes shall collect agency standby charges with the regular tax payments to the county. Such charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property benefited thereby. Liens for such charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 11. Section 51 is added to the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats. 1961), to read:

Sec. 51. The board, by resolution, may initiate proceedings for the annexation of territory within the agency, whether contiguous or not to an improvement district, to such improvement district.

The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this article.

(b) State the reason for proposing the annexation.

(c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(d) State the terms and conditions of the annexation.

(e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be,

from time to time. All interested persons will be heard at the hearing.

If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district

The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

SEC. 12. Section 52 is added to the San Gorgonio Pass Water Agency Law (Ch. 1435, Stats 1961), to read:

Sec. 52. Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement

district formed pursuant to this law to be dissolved, it shall by resolution declare its intention to dissolve the improvement district

As used in this law, "improvement district" includes any improvement district whether originally inhabited or uninhabited.

The resolution of intention shall state:

(a) The reason why the improvement district should be dissolved.

(b) If the improvement district was formed pursuant to Section 29 of this law, or any section which provides for the issuance of bonds, that no bonds have been issued for the improvement district or are outstanding.

(c) If the improvement district was formed pursuant to Section 33 of this law, that no indebtedness or liability was incurred for the improvement district or that no such liability or indebtedness is outstanding.

(d) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(e) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(f) That at such time and place any person interested, including all persons owning property in the agency or in the improvement district will be heard.

Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance shall be final and conclusive.

When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any in-

debtedness of the agency contracted for such dissolved improvement district until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

After a bond election has been held in an improvement district formed pursuant to Section 29 of this law and less than two-thirds of the votes cast in such election were in favor of the measure, the board may within one year of the date of such election call and hold another election as provided in Section 29 of this law for the purpose of resubmitting said measure to the electors of said improvement district. If said measure is not so resubmitted said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive more than two-thirds of the votes cast in such election in favor of said measure said improvement district is dissolved following the canvass of the election returns.

SEC. 13. The amendments made to Sections 5 and 8, and the repeal of Section 6 of the San Gorgonio Pass Water Agency Law at the 1967 Regular Session of the Legislature shall not become operative until January 1, 1969.

CHAPTER 250

An act to add Section 51544.1 to the Government Code, relating to the transfer of city tax functions to counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 51544.1 is added to the Government Code, to read:

51544.1. Notwithstanding any provision of Section 51544 or any other provision of law to the contrary, a chartered city which has a new charter duly adopted by the electors of such city at an election held subsequent to the first Monday in February, and which charter provides for the transfer of city tax functions to the county in which such city is situated, may make such transfer and the board of supervisors and county officers affected may accept such transfer upon a date agreed upon by the county and city.

In making any such transfer, the city may continue, for the first year of such transfer, to collect taxes on property on the unsecured roll for that year. Such city may utilize any provisions in its new charter designed to prevent loss of revenue for the 1967–68 fiscal year by reason of any change in assessments or assessment procedures for such year, whether such functions are transferred to the county in whole or in part, provided that unsecured property shall not be taxed in any manner wherein the tax liability of the property would exceed that liability which would occur if the unsecured property had been assessed pursuant to Section 401 of the Revenue and Taxation Code and had been subject to the tax rate for the current year on secured property.

SEC. 2. Section 1 of this act shall remain in effect until two years after the 61st day after the final adjournment of the 1967 Regular Session of the Legislature, and shall have no force or effect after that date.

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

The voters of some chartered cities have adopted new charters after the first Monday in February and some of these new charters make reference to the transfer of assessing and tax collecting functions from the city to the county. Some of these new charters will also affect the assessment ratios for property in the cities and will adversely and substantially affect city revenues. Therefore, in order to protect the financial solvency and stability of these cities, it is necessary that this act go into immediate effect.

CHAPTER 251

An act to amend Section 12000 of the Health and Safety Code and Section 31600 of the Vehicle Code, relating to explosives.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 12000 of the Health and Safety Code is amended to read:

12000. For the purposes of this part only the term "explosives" shall include all materials within class A and class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such

other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, after he has considered changes in the classification of materials as class A and class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this part. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

The term "explosives" as used in this part shall not be deemed to include small arms ammunition of .75 caliber or less, class B special fireworks as contained in regulations adopted by the State Fire Marshal, nor any other class C explosives as classified by the Interstate Commerce Commission, nor ammonium nitrate or ammonium nitrate fertilizer, or oxidizing agents such as or comparable to ammonium nitrate.

SEC. 2. Section 31600 of the Vehicle Code is amended to read:

31600. (a) For the purposes of this division only the term "explosives" shall include all materials within class A and class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, after he has considered changes in the classification of materials as class A and class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this division. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

(b) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, class B special fireworks as contained in regulations adopted by the State Fire Marshal, nor any other class C explosives as classified by the Interstate Commerce Commission.

CHAPTER 252

An act to add Section 1460.1 to the Government Code, relating to official bonds of county officers.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 1460.1 is added to the Government Code, to read:

1460.1. The county recorder shall record the bond and return it to the county officer with whom it is required to be filed. Such officer shall keep the bond on file for one year following the expiration of the term of the office for which the bond was issued at which time said bond may be destroyed or otherwise disposed of.

CHAPTER 253

An act to amend Sections 11110, 12810, 13355, 13356, 13361, 22655, and 40303 of, and to repeal Section 12510 of, the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Section 11110 of the Vehicle Code is amended to read:

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or repre-

sentative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Sections 20001, 20002, 20003, 20004, 20006, 23104, 23105, or 23106 of this code or Section 192 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities.

SEC. 2. Section 12510 of the Vehicle Code is repealed.

SEC. 3. Section 13361 of the Vehicle Code is amended to read:

13361. The department may suspend the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Failure to stop in the event of an accident resulting in damage to property only, or otherwise failing to comply with the requirements of Section 20002.

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

(c) Manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

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

SEC. 4. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, any conviction under Section 14601, 20002, 23102, 23103, or 23104 of this code shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

SEC. 5. Section 13355 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while a habitual user of narcotic drugs or while under the influence of intoxicating liquor or narcotic drugs.

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

(d) Two or more offenses of violating Section 20002, 23103, or 23104 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court shall immediately report such findings to the department.

SEC. 6. Section 13356 of the Vehicle Code is amended to read:

13356. Upon the recommendation of the judge of a juvenile court the department shall also revoke or suspend the privilege of any person to operate a motor vehicle who has been found to have committed any of the following offenses:

(a) Reckless driving.

(b) Failure to stop in the event of an accident as provided for in Section 20002.

(c) Two or more offenses within a period of six months of violating the provisions of this code limiting the speed of vehicles.

(d) A violation of this code punishable as a felony or of the provisions of the Penal Code relating to the grand theft of a motor vehicle.

SEC. 7. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol, or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613 of the Government Code, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002, through 20006, inclusive, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

SEC. 8. Section 40303 of the Vehicle Code is amended to read:

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(a) Sections 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Sections 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Sections 2800 and 2803, relating to the refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 20002, relating to failure to stop after collision with an unattended vehicle.

(h) Section 23109, relating to participating in speed contests.

(i) Section 14601, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 23332, relating to persons upon vehicular crossings.

(*l*) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

CHAPTER 254

An act appropriating funds for increase in compensation for nurses and psychiatric technician classes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. There is hereby appropriated from the General Fund the sum of four million two hundred twenty-one thousand eight hundred thirty-seven dollars ($4,221,837) for salary increases for graduate, registered and public health nursing and psychiatric technician classes to be allocated as provided in this act.

SEC. 2. Of the amount appropriated by Section 1, the sum of four million eight thousand five hundred eighty-six dollars ($4,008,586) shall be used to augment Item 313(a), Budget Act of 1966 to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid graduate, registered and public health nursing and psychiatric technician classes, whose compensation, or portion thereof, is chargeable to the General Fund, an increase in compensation, including staff benefits, as established on or after November 1, 1966, by the State Personnel Board or other salary-fixing authority, exclusive of the Regents of the University of California and the Trustees of the California State Colleges, plus staff benefits.

For graduate, registered and public health nursing and psychiatric technician classes, whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such employee, in accordance with this section, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the period November 1, 1966–June 30, 1967,

shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

SEC. 3. Of the amount appropriated by Section 1, the sum of one hundred forty-three thousand three hundred dollars ($143,300) shall be used in augmentation of Item 313(b), Budget Act of 1966, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost of an increase in compensation for graduate, registered and public health nursing and psychiatric technician classes, including staff benefits, established on or after November 1, 1966.

SEC. 3.5. Of the amount appropriated by Section 1, the sum of sixty-nine thousand nine hundred fifty-one dollars ($69,951) shall be used in augmentation of Item 313(c), Budget Act of 1966, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost of an increase in compensation for graduate, registered and public health nursing and psychiatric technician classes, including staff benefits, established on or after November 1, 1966.

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

Compensation for these classes, including the University of California and the state colleges, has fallen substantially behind compensation for comparable work in private employment. Unless there is a prompt adjustment of state salaries for these employees, the state service will suffer serious and irreparable harm. It is therefore necessary that this legislation be given immediate effect.

CHAPTER 255

An act to add Article 5 (commencing with Section 23175) to Chapter 1 of Division 17 of the Education Code, relating to civil actions against the University of California.

[Approved by Governor June 1, 1967. Filed with Secretary of State June 1, 1967.]

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

SECTION 1. Article 5 (commencing with Section 23175) is added to Chapter 1 of Division 17 of the Education Code, to read:

Article 5. Suits Against the University

23175. (a) At any time after the filing of the complaint in any action against the Regents of the University of California, the regents may file and serve a demand for a written undertaking on the part of each plaintiff as security for the allowable costs which may be awarded against such plaintiff. The undertaking shall be in the amount of one hundred dollars ($100) for the plaintiff or in the case of multiple plaintiffs in the amount of two hundred dollars ($200), or such greater sum as the court shall fix upon good cause shown, with at least two sufficient sureties, to be approved by the court. Unless the plaintiff files such undertaking within 20 days after service of a demand therefor, his action shall be dismissed.

(b) If judgment is rendered for the regents in any action against it, allowable costs incurred by the regents in the action shall be awarded against the plaintiffs.

(c) This section does not apply to an action commenced in a small claims court.

CHAPTER 256

An act to add Sections 1118, 1118.1, and 1118.2 to, and to repeal Section 1118 of, the Penal Code, relating to judgments in criminal cases.

[Approved by Governor June 2, 1967. Filed with Secretary of State June 2, 1967.]

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

SECTION 1. Section 1118 of the Penal Code is repealed.

SEC. 2. Section 1118 is added to the Penal Code, to read:

1118. In a case tried by the court without a jury, a jury having been waived, the court on motion of the defendant or on its own motion shall order the entry of a judgment of acquittal of one or more of the offenses charged in the accusatory pleading after the evidence of the prosecution has been closed if the court, upon weighing the evidence then before it, finds the defendant not guilty of such offense or offenses. If such a motion for judgment of acquittal at the close of the evidence offered by the prosecution is not granted, the defendant may offer evidence without first having reserved that right.

SEC. 3. Section 1118.1 is added to the Penal Code, to read:

1118.1. In a case tried before a jury, the court on motion of the defendant or on its own motion, at the close of the evidence on either side and before the case is submitted to the jury for decision, shall order the entry of a judgment of acquittal of one or more of the offenses charged in the accusatory pleading if the evidence then before the court is insufficient to sustain a conviction of such offense or offenses on appeal. If such a motion for judgment of acquittal at the close of the

evidence offered by the prosecution is not granted, the defendant may offer evidence without first having reserved that right.

SEC. 4. Section 1118.2 is added to the Penal Code, to read:

1118.2. A judgment of acquittal entered pursuant to the provisions of Section 1118 or 1118.1 shall not be appealable and is a bar to any other prosecution for the same offense.

CHAPTER 257

An act to amend Section 2468 of the Civil Code, relating to the use of fictitious names by persons and partnerships transacting business.

[Approved by Governor June 2, 1967. Filed with Secretary of State June 2, 1967.]

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

SECTION 1. Section 2468 of the Civil Code is amended to read:

2468. The certificate filed with the clerk as provided in Section 2466 must be signed by the person therein referred to, or by the partners, as the case may be, and acknowledged before some officer, authorized to take the acknowledgment of conveyances of real property, by personally appearing before such officer, notwithstanding the provisions of Section 1195 of the Civil Code. Such certificates may be executed on behalf of any such person or partner by an agent, or at any time after the bankruptcy, incompetency, or death of such a person or partner, by the trustee in bankruptcy or the guardian, conservator, executor or administrator of such person or partner for the purpose of maintaining an action to recover any sums due the bankrupt, incompetent, or deceased person or facilitating the maintenance of an action by the partnership, of which the bankrupt, incompetent, or deceased partner was a member, to recover sums due such partnership. Where a business is hereafter commenced by a person under a fictitious name or a partnership is hereafter formed, the certificate must be filed and the publication designated in that section must be made within one month after the commencement of such business, or after the formation of the partnership, or within one month from the time designated in the agreement of its members for the commencement of the partnership. Where the business has been heretofore conducted under a fictitious name or where the partnership has been heretofore formed, the certificate must be filed and the publication made within six months after the passage of this act. No person doing business under a fictitious name, or his assignee or assignees, nor any persons doing business as partners contrary to the provisions of this article, or their assignee or assignees, shall maintain any action upon or on account of any contract or contracts

made, or transactions had, under such fictitious name, or in their partnership name, in any court of this state until the certificate has been filed and the publication has been made as herein required.

CHAPTER 258

An act to amend Sections 6506, 6517.1, 6553, and 6560.1 of, and to add Sections 6510.6 and 6559.1 to, the Financial Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1967. Filed with Secretary of State June 2, 1967.]

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

SECTION 1. Section 6506 of the Financial Code is amended to read:

6506. Shares may be issued as fully paid shares, installment shares, accumulative shares, prepaid shares, minimum term shares, or savings shares. Different rates of return may be paid on different classes of shares; provided that nothing herein shall be deemed to prevent any association from paying different rates of return on different savings shares issued without passbooks.

SEC. 2. Section 6510.6 is added to the Financial Code, to read:

6510.6. Savings shares are shares designated as such. Without regard to any other provision of law, a savings share issued without a passbook may contain a provision for a definite rate of return thereon and may be issued with a maturity date one year or less from the date of issue; provided that nothing herein shall be deemed to prohibit the renewal of any matured savings share. Without regard to any other provision of law, a savings share shall be in one of the following forms or such other form as the commissioner may approve, and need contain no other recitals, except that in the case of a savings share issued with passbook, the passbook shall contain a record of transactions relating to the account:

1. Form of savings share issued with passbook:

"This certifies that _____ holds a savings share in _____ subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association."

2. Form of savings share issued without passbook (providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings share, in the amount shown hereon, in _____, subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association, and is entitled to be paid the amount hereof plus dividends at the rate of _____ percent per

annum from the date hereof to the date of maturity which is _____."

3. Form of savings share issued without passbook (not providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings share, in the amount shown hereon, in _____, subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association."

SEC. 3. Section 6517.1 of the Financial Code is amended to read:

6517.1. Notwithstanding the provisions of Section 6517, upon the withdrawal of any sum evidenced by any share an association may, at its option, pay dividends upon sums received by the association on account of such share within six months prior to such withdrawal, if the commissioner, by regulation, so provides. The commissioner may exercise this authority only if, and to the extent, federal chartered associations have the authority to pay earnings to date of withdrawal upon moneys which have not been invested in such federal chartered associations for a period of at least six months.

SEC. 4. Section 6553 of the Financial Code is amended to read:

6553. Investment certificates may be issued as full paid investment certificates, installment investment certificates, accumulative investment certificates, minimum term investment certificates, prepaid investment certificates, or savings certificates. Different rates of return may be paid on different classes of investment certificates issued without passbooks; provided that nothing herein shall be deemed to prevent any association from paying different rates of return on different savings certificates issued without passbooks.

SEC. 5. Section 6559.1 is added to the Financial Code, to read:

6559.1. A savings certificate is an investment certificate designated as such. Without regard to any other provision of law, a savings certificate issued without a passbook may contain a provision for a definite rate of return thereon and may be issued with a maturity date one year or less from the date of issue, provided that nothing herein shall be deemed to prohibit the renewal of any matured savings certificate. Without regard to any other provision of law, a savings certificate shall be in one of the following forms or such other form as the commissioner may approve, and need contain no other recitals, except that in the case of a savings certificate issued with passbook, the passbook shall contain a record of transactions relating to the account:

1. Form of savings certificate issued with passbook:

"This certifies that _____ holds a savings certificate in _____ subject to the laws of the State of California, and

to the articles of incorporation and bylaws of the association."

2. Form of savings certificate issued without passbook (providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings certificate in the amount shown hereon in _____, subject to the laws of the State of California and to the articles of incorporation and bylaws of the association, and is entitled to be paid the amount hereof plus interest at the rate of _____ percent per annum from the date hereof to the date of maturity which is _____."

3. Form of savings certificate issued without passbook (not providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings certificate in the amount shown hereon in _____, subject to the laws of the State of California and to the articles of incorporation and bylaws of the association."

SEC. 6. Section 6560.1 of the Financial Code is amended to read:

6560.1. Notwithstanding the provisions of Section 6560, upon the withdrawal of any sum evidenced by any investment certificate an association may, at its option, pay interest upon sums received by the association on account of such certificate within six months prior to such withdrawal, if the commissioner, by regulation, so provides. The commissioner may exercise this authority only if, and to the extent, federal chartered associations have the authority to pay earnings to date of withdrawal upon moneys which have not been invested in such federal chartered associations for a period of at least six months.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Regulations pertaining to federal savings and loan associations permit such associations to pay dividends on a savings account to the date of withdrawal, notwithstanding the fact that the account was less than six months old. If domestic associations are to continue to compete with such federal associations, it is necessary that this act go into immediate effect.

CHAPTER 259

An act to amend Section 13651.4 of, and to add Section 13657 to, the Education Code, relating to the public school system.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 13651.4 of the Education Code is amended to read:

13651.4. Every person employed in the classified service of any school district shall be granted necessary leave of absence, not to exceed three days, or five days if out-of-state travel is required, on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section. Member of the immediate family, as used in this section, means the mother, mother-in-law, father, father-in-law, spouse, son, daughter, brother or sister of the employee, or any relative living in the immediate household of the employee.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 13657 is added to the Education Code, to read:

13657. Any days of absence for illness or injury earned pursuant to Section 13651.1, may be used by the employee, at his election, in cases of personal emergency, including any of the following:

(a) Death of a member of his immediate family when additional leave is required beyond that provided in Section 13651.4 and that provided, in addition thereto, as a right by the governing board.

(b) Accident, involving his person or property, or the person or property of a member of his immediate family.

(c) Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.

(d) Such other reasons which may be prescribed by the governing board.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of personal emergency for the purpose of this section. No earned leave in excess of six days may be used in any school year for the purposes enumerated in this section.

Immediate family has the same meaning as provided in Section 13651.4.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

This section shall also apply to school districts that may be exempted from the provisions of Section 13651.1. Authorized emergency leave shall be deducted from sick leave earned under the provisions of the exemption of Section 13651.1.

CHAPTER 260

An act to amend Section 13595 of the Education Code, relating to school employee merit system.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 13595 of the Education Code is amended to read:

13595. (a) "Common board" as used in this article means a board with identical members that governs more than one school district. "Common administration" as used in this section means the administration by a person employed by governing boards of more than one district or a common board to act as chief executive officer for more than one school district.

(b) The term "a district whose average daily attendance is 3,000 or greater" shall be construed to include any district which is the only district under the jurisdiction of the county superintendent of schools regardless of its average daily attendance. It shall also include districts governed by a "common board" or which use a "common administration," as defined in this section.

CHAPTER 261

An act to add Sections 13757 and 13758 to the Education Code, relating to school employee merit system.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 13757 is added to the Education Code, to read:

13757. If the governing board of a school district receives a written petition of qualified electors not less in number than 10 percent of the number voting in the last election for a member of the governing board calling for the termination of the

merit (civil service) system and the system has been in operation for not less than five years, the governing board shall order the county superintendent of schools to place the question of termination of the system on the ballot at the next regular governing board member election, or the next primary or general election in a general election year, whichever is the earlier after receipt by the county superintendent of schools.

The statement of purpose of the election shall read:

"Shall the merit (civil service) system for school employees not requiring certification qualifications, as provided for in Article 5 (commencing with Section 13701), Chapter 3, Division 10 of the Education Code of the State of California, and which has been in operation for at least five years, be terminated by the _____ School District of _____ County (or Counties, where appropriate) on _____ (date to be specified by governing board)?"

The petition calling for the election, to be valid, must contain the statement of purpose for the election as contained in this section.

SEC. 2. Section 13758 is added to the Education Code, to read:

13758. If the majority of the qualified electors vote to terminate the merit system in a school district, the personnel commission shall cease to function on the date specified in the election and the law pertaining to merit system districts shall cease to have any force or effect in that district.

Simultaneously, with the termination of the merit system, the governing board shall adopt rules and regulations relating to classified school employees as required by Section 13583 of this code.

Notwithstanding an action to terminate the merit system in a school district, the provisions of Section 13596 shall be applicable at any time after at least two years have elapsed after the system has ceased to operate.

CHAPTER 262

An act to amend Sections 18, 5904, 5905, 6461, 6521, 6524, 11765, 14588, 20608, 20609, 27556, 29444, 34564, 38903, 40532, 40818, 40874, 41102, 42851, 42852, 46886, 52061, 52062, 52363, 55603, 55788, 56277, 56278, 56476, 61384, 61413, and 64257 of, and to repeal Sections 16412, 17402, 18202, 20202, 23042, 24522, 26422 and 56416 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to evidence.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 18 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

18. In all matters which arise under this code, proof of the fact of possession by any person engaged in the sale of a commodity establishes a rebuttable presumption that the commodity is for sale. This presumption is a presumption affecting the burden of producing evidence.

SEC. 2. Section 5904 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

5904. Every plant within a citrus white fly district which is infested with citrus white fly or with the eggs, larvae, or pupae of the citrus white fly, or which there is reasonable cause to believe may be infested with citrus white fly, is a public nuisance.

SEC. 3. Section 5905 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

5905. The existence of any known host plant of citrus white fly within the boundaries of the district is reasonable cause to believe the host plant is infested with the citrus white fly.

SEC. 4. Section 6461 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

6461. Except as otherwise provided in this article, if any shipment of plants, or any other things against which a quarantine has been established, is brought into this state and it is found to be infested or infected, or there is reasonable cause to believe that it may be infested or infected, with any pest, the shipment shall be immediately destroyed by, or under the supervision of, the officer who inspects it, at the expense of the owner or bailee of the shipment.

SEC. 5. Section 6521 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

6521. Except as otherwise provided in Sections 6523 and 6524, if any shipment of any nursery stock, plant, or container of any nursery stock or plant, or appliance, or any host or other carrier of any pest which is brought into any county or locality in the state from another county or locality within the state, is found to be infected or infested with a pest, or there is reasonable cause to believe that the shipment may be so infested or infected, the entire shipment shall be refused delivery and may be immediately destroyed by, or under the supervision of the commissioner, unless the nature of the pest is such that no damage or detriment can be caused to agriculture by the return of the shipment to the point of shipment.

SEC. 6. Section 6524 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

6524. If the commissioner determines that only a portion of the shipment is infested or infected with a pest, or that there is reasonable cause to believe that only a portion of the shipment may be so infested or infected, only such portion of the shipment may be destroyed, returned to the point of origin, or treated or processed.

SEC. 7. Section 11765 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

11765. The failure to file a verified report of loss is evidence that no loss or damage occurred.

SEC. 8. Section 14588 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

14588. A certificate of the director which states the results of any analysis, purported to have been made pursuant to this chapter, is prima facie evidence of all of the following:

(a) That every sample which is mentioned in the analysis or certificate was properly analyzed.

(b) That such samples were taken pursuant to this chapter.

(c) That the substances analyzed contained the component parts which are stated in such certificate and analysis.

(d) That the samples were taken from the lots, parcels, or packages which are mentioned in the certificate.

The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 9. Section 16412 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 10. Section 17402 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 11. Section 18202 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 12. Section 20202 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 13. Section 20608 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

20608. Proof of possession or ownership of cattle with an unrecorded, forfeited, or canceled brand establishes a rebuttable presumption that the person in possession or the owner of the cattle has branded them with such brand. This presumption is a presumption affecting the burden of proof.

SEC. 14. Section 20609 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

20609. In every suit at law or in equity, if the title to any animal is involved, proof of the brand of the animal establishes a rebuttable presumption that the owner of the brand was the owner of the animal at all times during which the brand was duly recorded as provided in this code. This presumption is a presumption affecting the burden of proof.

The right of any person to use such brand may be established by a certified copy of the brand records on file in the bureau.

SEC. 15. Section 23042 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 16. Section 24522 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 17. Section 26422 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 18. Section 27556 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27556. The director, by regulation, shall prescribe methods of selecting samples of lots or containers of eggs which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers which are sampled.

Any sample which is taken pursuant to this section is prima facie evidence of the true condition of the entire lot in the examination of which the sample was taken. The presumption established by this section is a presumption affecting the burden of proof.

SEC. 19. Section 29444 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

29444. Any sample which is taken pursuant to this chapter is prima facie evidence of the true condition of the entire lot in the examination of which the sample was taken. The presumption established by this paragraph is a presumption affecting the burden of proof.

SEC. 20. Section 34564 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

34564. Proof of the use of any container, cabinet, or other dairy equipment by any person, except the person or association whose name, mark, or device is upon it, or the members of any association which registered it, without the written consent provided for in Section 34562, or of the possession by any junk dealer or dealer in secondhand articles of any such container, cabinet, or other dairy equipment, the description of the name, mark, or device of which has been so filed and published as provided in Section 34531, 34532, and 34533 establishes a rebuttable presumption of unlawful use of or traffic in such container, cabinet, or other dairy equipment. This presumption is a presumption affecting the burden of proof.

SEC 21. Section 38903 of the Agricultural Code, as proposed by Senate Bill No 1, is amended to read:

38903. Proof that any fat or oil except milk fat has been combined with any milk product and that the resulting substance, mixture, or compound has the outward appearance and semblance in taste and otherwise of a milk product and is sold for use without further processing establishes a rebuttable presumption that such substance, mixture, or compound is an imitation milk product. This presumption is a presumption affecting the burden of proof, but it does not apply in a criminal action. This section does not apply to any substance, mixture, or compound in which the presence of oil or fat except milk fat is expressly permitted and provided for in this division.

SEC. 22. Section 40532 of the Agricultural Code, as proposed by Senate Bill No 1, is amended to read:

40532. Every certificate which relates to the analysis, classification, condition, grade, or quality of any agricultural product, either raw or processed, and every duly certified copy of such certificate, is prima facie evidence of the truth of the

statements which are contained in it, if duly issued in accordance with any of the following:

(a) By the director under authority of this code.

(b) In cooperation between federal and state agencies, authorities, or organizations under authority of an act of Congress and an act of the legislature of any state.

(c) Under authority of a federal statute.

The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 23 Section 40818 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

40818. The inspection certificate which is issued pursuant to this chapter is prima facie evidence of the percentage of defects according to the definition of such defects as defined in this chapter. The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 24. Section 40874 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

40874. Delay in such inspection and acceptance for delivery for a period of six hours or more after a load of tomatoes is offered for inspection and delivery in accordance with the terms of a contract between the grower and the canner, except during 15 24-hour peak periods in any canning season, is presumed to be unwarranted and caused by willfulness or negligence on the part of the canner.

During the 15 24-hour peak periods in any tomato canning season, this presumption does not apply unless such delay covered a period of more than 12 hours. Such peak periods are the periods of maximum delivery as shown by the records of the canner and shall be designated by the canners for each cannery or other specified inspection point promptly after the close of each tomato canning season by posting a notice of the peak periods for each cannery or inspection point in a conspicuous place at such cannery or inspection point.

The presumption established by this section is a presumption affecting the burden of proof.

SEC. 25 Section 41102 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

41102 The certificates which are provided for in this chapter are prima facie evidence of the true average soluble solids test of all of the grapes in the lot or load under consideration. The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC 26. Section 42851 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

42851. Any sample which is taken pursuant to this division is prima facie evidence of the true conditions of the entire lot in the examination of which the sample was taken. The pre-

sumption established by this section is a presumption affecting the burden of proof.

SEC. 27. Section 42852 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

42852. A written notice of violation, which is issued by a duly qualified representative of the director or by any commissioner, or by any of their deputies and inspectors who holds a valid standardization certificate of qualification as an enforcing officer of this division, which states that a certain lot of produce violates any provision of this division and based upon the examination of such sample, is prima facie evidence of the true condition of the entire lot. The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 27.5. Section 42852 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

42852. A written notice of violation, which is issued by a duly qualified representative of the director or by any commissioner or any qualified representative of the commissioner, which states that a certain lot of produce violates any provision of this division and based upon the examination of such sample, is prima facie evidence of the true condition of the entire lot. The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 28. Section 46886 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46886. Any such sample which is taken as prescribed in this article is prima facie evidence of the character of the entire lot from which such sample was taken. The presumption established by this section is a presumption affecting the burden of proof.

SEC. 29. Section 52061 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52061. The director shall inspect and grade upon request and certify to any interested party the quality and condition of any field crop or other agricultural product under such regulations as he may prescribe. Certificates which are issued by authorized agents of the director are prima facie evidence of the truth of the statements which are contained in them. The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

Such inspection shall not be made or such certificates issued by any person not specifically authorized by the director in reference to any field crop product for which state standards have been established. Any person so authorized shall comply with the regulations adopted by the director relative to the certification of field crop products.

SEC. 30. Section 52062 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52062. The director may investigate and certify to shippers or other financially interested parties the grade, quality, and condition of barley. Such certificates shall be based upon the United States standards for barley and are prima facie evidence of the truth of the statements which are contained in them. The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 31. Section 52363 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

52363. (a) Any sample which is taken by an enforcement officer in accordance with the regulations which are adopted pursuant to this chapter for the taking of official samples is prima facie evidence of the true condition of the entire lot from which the sample was taken. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) A written report which is issued by the State Seed Laboratory that shows the analysis of any such sample is prima facie evidence of the true analysis of the entire lot from which the sample was taken. The presumption established by this subdivision is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 32. Section 55603 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55603. If a specific grade or quality is a condition of a packout basis contract between the producer and the processor, such grade or quality shall be determined at the completion of the processing by a state or federal agency which is duly authorized to determine such grade or quality. The certificate which is issued in connection with such inspection is prima facie evidence of the grade or condition, or both, of the finished product. The presumption established by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action.

SEC. 33 Section 55788 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55788. The hearing need not be conducted according to technical rules which relate to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded

SEC 34 Section 56277 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read·

56277. Such certificate is prima facie evidence of the truth of the statements contained therein. The presumption estab-

lished by this section is a presumption affecting the burden of proof, but it does not apply in a criminal action. The burden of proof is upon the commission merchant to prove the correctness of his accounting as to any transaction which may be questioned.

SEC. 35. Section 56278 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56278. Proof of any sale of any farm product which is made by a commission merchant for less than the current market price to any person with whom he has any financial connection, directly or indirectly as owner of its corporate stock, as copartner, or otherwise, or any sale out of which such commission merchant receives, directly or indirectly, any portion of the purchase price, except the commission which is named in the licensee's application or in a specific contract with the consignor, establishes a rebuttable presumption of fraud within the meaning of this chapter. This presumption is a presumption affecting the burden of proof.

SEC. 36. Section 56416 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 37. Section 56476 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56476. The hearing need not be conducted according to technical rules which relate to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

SEC. 38. Section 61384 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

61384. The sale by any retail store, manufacturer, distributor, including any producer-distributor or nonprofit cooperative association acting as a distributor, of milk, cream, or any dairy product at less than cost is an unfair practice.

Cost as applied to manufacturers and distributors, as used in this section, means the cost of raw product, plus all costs of manufacturing, processing, handling, sale, and delivery, including overhead costs. Cost as applied to retail stores, as used in this section, means invoice or replacement cost, whichever is lower, plus the cost of doing business of such retail store.

"Cost of raw product," in the case of market milk and market cream, whether or not such market milk or market cream is used in the processing or manufacture of any dairy product, means the applicable minimum price of the market milk or market cream, if any, payable by distributors to producers pursuant to stabilization or marketing plans in effect

pursuant to Chapter 2 (commencing with Section 61801) of this part. The definition of "cost of raw product," as applied to sales on a bid basis to public agencies or institutions, is, however, applicable only to market milk or market cream which is utilized for class 1 purposes, as such purposes are defined in Chapter 2 of this part.

Proof of cost, based on audits or surveys, made in accordance with generally accepted cost accounting procedures, establishes a rebuttable presumption of such cost at the time of the commission of the unfair practice which is described in this section. This presumption is a presumption affecting the burden of proof, but it does not apply in a criminal action. The director shall establish by regulations pursuant to Section 61341 the procedures which shall be considered as "generally accepted cost accounting procedures." Such procedures are those which are found by the director to accurately determine actual costs.

SEC. 39. Section 61413 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

61413. Proof of any sale of, or offer or agreement to sell, such market milk, market cream, or any such dairy product by a distributor at less than the prices filed with the director by such distributor pursuant to the provisions of this article establishes a rebuttable presumption of a violation of this article This presumption is a presumption affecting the burden of producing evidence.

Offers and agreements to sell, as used in this section, include offers and agreements which are conditional, or which shall become effective, upon the filing thereafter of amended prices by the distributor that makes such offer.

SEC. 40. Section 64257 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

64257. If any handler or producer-handler does not make adequate returns, when required, the director shall estimate the amount of delinquency from the records of the department, or from any other source of information which is available. In any action by the director to recover fees pursuant to this chapter, a certificate of the director which shows the amount determined by the director to be required to be paid by the person that is required to pay the fees is prima facie evidence of the delinquency of the amount which is shown. The presumption established by this section is a presumption affecting the burden of proof.

SEC. 41. Section 27.5 of this act shall become operative only if Senate Bill No. 4 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 4 takes effect; at which time Section 42852 of the Agricultural Code, as proposed by Senate Bill No. 1 and as amended by Section 27 of this act, is repealed.

CHAPTER 263

An act to amend Section 1382 of the Penal Code, relating to dismissal of prosecution.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 1382 of the Penal Code is amended to read:

1382. The court, unless good cause to the contrary is shown, must order the action to be dismissed in the following cases:

1. When a person has been held to answer for a public offense and an information is not filed against him within 15 days thereafter.

2. When a defendant is not brought to trial in a superior court within 60 days after the finding of the indictment or filing of the information or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the superior court, within 60 days after such mistrial has been declared, after entry of the order granting the new trial, or after the filing of the remittitur in the trial court; except that an action shall not be dismissed under this subdivision if it is set for trial on a date beyond the 60-day period at the request of the defendant or with his consent, express or implied, or because of his neglect or failure to appear and if the defendant is brought to trial on the date so set for trial or within 10 days thereafter.

3. Regardless of when the complaint is filed, when a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he is arraigned if he is in custody at the time of arraignment, or in all other cases, within 45 days after his arraignment, or in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the inferior court, within 30 days after such mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final; except that an action shall not be dismissed under this subdivision (1) if it is set for trial on a date beyond the prescribed period at the request of the defendant or with his consent, express or implied, and the defendant is brought to trial on the date so set for trial or within 10 days thereafter or (2) if it is not tried on the date set for trial because of the defendant's neglect or failure to appear, in which case he shall be deemed to have been arraigned within the meaning of this subdivision on the date of his subsequent arraignment on a bench warrant or his submission to the court.

If the defendant is not represented by counsel, he shall not be deemed under this section to have consented to the date for his trial unless the court has explained to him his rights under this section and the effect of his consent.

CHAPTER 264

An act to add Section 15955.2 to the Education Code, relating to school district contracts.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 15955.2 is added to the Education Code, to read:

15955.2. Continuing contracts for the lease of electronic data processing systems may be made with an acceptable lessor until the governing board of the school district determines that it is in the best interests of that school district to replace the present electronic data processing systems.

CHAPTER 265

An act to amend Section 6460 of the Streets and Highways Code, relating to special assessment bonds.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 6460 of the Streets and Highways Code is amended to read:

6460. Form of Bond. The bond shall be substantially in the following form:

STREET IMPROVEMENT BOND
Series (designating it), in the City (or County)
of (naming it)

$_____ No._____

Under and by virtue of the Improvement Act of 1911 (Part 5 of Division 7 of the Streets and Highways Code), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____ or order, the sum of _____ dollars ($_____) with interest at the rate of _____ percent per annum, all as is hereinafter specified, and at the office of the Treasurer of the _____ of _____, State of California.

This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____ issued by the street superintendent of said _____, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____, County of _____, State of California.

This bond is payable exclusively from said fund, and neither the (here insert city or county) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next September 1st following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next September 1st after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest to the next second day of _____, and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said code, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon (if not previously paid) up to the next succeeding January 2 or July 2, as the case may be, at the rate named in the bond, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said code. In case of such default there shall be immediately added to such defaulted amount, 1 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 per-

cent of such defaulted amount. The 1 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said _____ of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

Treasurer of the _____ of _____.

CHAPTER 266

An act to amend Section 12559 of the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 12559 of the Welfare and Institutions Code is amended to read:

12559. The board of supervisors shall not grant any certificate of qualification for aid under the provisions of this chapter or Chapter 5 of this part until it has been satisfied that the applicant is entitled to such aid by the evidence of a duly licensed and practicing physician skilled in the diseases of the eye or of a duly licensed and practicing physician skilled in neurology or psychiatry or of a duly licensed and practicing optometrist that the applicant is blind. The physician skilled in the diseases of the eye shall describe the condition of the applicant's eyes and testify to the degree of his blindness. Whenever a physician skilled in the diseases of the eye is unable to find sufficient pathology to account for the degree of visual impairment claimed by the applicant, and whenever such physician skilled in the diseases of the eye shall recommend a further examination by a physician skilled in neurology or psychiatry, the applicant shall have the right to be examined by a physician skilled in neurology or psychiatry, who shall determine whether the degree of visual impairment claimed by the applicant is substantiated by the results of a neurological or psychiatric examination. The duly licensed and practicing optometrist shall testify to the degree of the applicant's blindness. The cost of such examination shall be paid entirely by the county in the same manner as other expenses of the county are paid. The evidence of each person shall be in writing, signed by him, and he shall be subject to cross-examination by the board of supervisors or any other person appointed by the board of supervisors to conduct such investigation.

The department may appoint an advisory committee of six optometrists, which shall serve in a consulting capacity, and which shall make recommendations and give advice to the

department on rules and regulations governing all questions relating to the services of optometrists under this chapter and under Chapter 5 of this part. Each member of the committee shall be appointed for a term of two years The members of the committee shall receive no compensation for their services but shall be allowed their actual traveling expenses incurred in the discharge of their duties.

The department shall make rules and regulations to prescribe the qualifications, number, and geographical distribution of such physicians and optometrists as are necessary to carry out the eye examinations provided under this chapter and Chapter 5 of this part.

CHAPTER 267

An act to add Section 31104 to the Water Code, relating to county water districts.

[Approved by Governor June 6, 1967 Filed with Secretary of State June 6, 1967]

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

SECTION 1. Section 31104 is added to the Water Code, to read:

31104. A district may fix, levy and collect a sewage and waste service standby or availability charge in any of the alternate methods and in the same manner and under the same terms and conditions as are provided for a water standby or availability charge in Sections 31031, 31032 and 31032.1 to 31032.9, inclusive.

CHAPTER 268

An act to amend Section 1151 of the Probate Code, relating to microfilming the register of the public administrator.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 1151 of the Probate Code is amended to read:

1151. The public administrator shall keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every decedent whose estate he administers, the date of granting letters, the money received, the property appraised and its value, the proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of the estate after all charges and expenses have been

paid, the disposition of property on distribution, the date of his discharge, and such other matters as may be necessary to give a full and complete history of each estate administered by him. Any portion of said register more than five years old may be microfilmed, the microfilm kept in place of the original, and the original destroyed after authorization by the board of supervisors.

CHAPTER 269

An act to amend Section 423 of the Probate Code, relating to nomination of an administrator of estate.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 423 of the Probate Code is amended to read:

423. Administration may be granted to one or more competent persons, although not otherwise entitled to the same, at the written request of the person entitled or of a child, grandchild, parent, brother or sister of the decedent who would be entitled but for his nonresidence in California and who is a resident of the United States, filed in court. If the person making the request is a child, grandchild, parent, brother or sister of the decedent, the nominee shall have priority next after those in the class of the person making the request; otherwise the court, in its discretion, may appoint either such nominee or a person of a class subsequent in rank to that of the person making the request; but other persons of the class of the person making the request shall have priority over such nominee.

CHAPTER 270

An act to amend Section 12 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), relating to the San Diego County Flood Control District.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 12 of the San Diego County Flood Control District Act (Ch. 55, Stats. 1966 (1st Ex. Sess.)) is amended to read:

Sec. 12. In each of the zones the board shall appoint a commission as follows: one representative of all the soil conservation districts situated entirely or partially within the

zone; one representative of all the water agencies situated entirely or partially within the zone; three or more representatives of the unincorporated territory of the zone, the precise number to be determined as hereinafter specified, and one additional representative appointed by the board if such appointment is necessary to make the total number of representatives an uneven number.

As used in this section the term "water agencies" means any person operating a dam having an impounding capacity of 2,500 acre-feet or more, and any public agency representing the owners of, or controlling, water rights that in the determination of the board would or could be affected by zone or district projects.

The board shall appoint the representative of the soil conservation districts from a list of one or more nominees proposed by all of such districts acting in concert.

The board shall appoint the representative of the water agencies from a list of one or more nominees proposed by all of such agencies acting in concert.

Representatives of the unincorporated area shall be not less than three in number and shall be nominated and appointed by the board. The number of representatives authorized for the unincorporated territory shall be determined according to the following table, provided, however, where the application of such table results in the appointment of less than three representatives for the unincorporated territory the board shall appoint additional representatives so that the number of representatives for the unincorporated territory shall be at least three:

Zone	One representative for *	One additional representative for *
1	30, or less	each additional full 30
2	100, or less	each additional full 100
3	40, or less	each additional full 40
4	20, or less	each additional full 20
5	10, or less	each additional full 10

* The numbers in the center and right columns represent millions of dollars of assessed valuation.

Upon annexation to the district, any corporate area of any city which is within or partially within any zone shall have the right to representation on the zone commission for said zone and the number of representatives shall be determined and they shall be appointed and serve in like manner as representatives of the unincorporated territory, except that they shall be nominated by the city council.

If the position of representative of the soil conservation districts or of the water agencies is or becomes vacant for any reason, the clerk of the board shall give to each of said districts or agencies, as the case may be, 30 days notice of the time and place at which will be held a meeting for the purpose of nominating a representative of its own choosing. If the posi-

tion of representative of any city or of the unincorporated territory is or becomes vacant for any reason the board shall appoint the representative nominated by the city council or by the board of supervisors, as the case may be, only, and such position shall remain vacant unless and until such nomination and appointment is made.

In all zones representatives shall serve four-year terms, except that the initial appointment of one-half the representatives, as determined by lot, shall be for a two-year term, only, so that the terms of the representatives will be staggered. Any representative appointed by the board for the purpose of making the total number of representatives an uneven number shall be appointed only for a two-year term. Zone representatives may be reappointed by the board to serve additional terms.

Zone representatives shall serve without compensation, except that the board by resolution may provide for the reimbursement from funds of the district of actual and necessary expenses incurred by such representatives in the performance of official duties under this act.

CHAPTER 271

An act to amend Sections 12510, 12512, and 13100 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 12510 of the Business and Professions Code is amended to read:

12510. Any person, who by himself, or through or for another, does any of the following is guilty of a misdemeanor:

(a) Uses, in the buying or selling of any commodity, or retains in his possession a false weight or measure or weighing or measuring instrument.

(b) Sells any weight or measure or weighing or measuring instrument which has not been sealed within one year, except weighing or measuring instruments required to be assembled prior to use.

(c) Uses any condemned weight or measure or weighing or measuring instrument contrary to law.

(d) Uses in the buying or selling of any commodity, or for determining the charge for a service, any weight or measure or weighing or measuring instrument which is not kept at a fixed location, which does not bear a current or previous year's seal and which, upon test by the sealer is found to be incorrect, unless a written request for an inspection of the weighing or

measuring instrument has been made to the county sealer; provided, however, the use of any weight or measure or weighing or measuring instrument used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements of this chapter.

(e) Sells or uses any device or instrument to be used or calculated to falsify any weight or measure.

(f) So locates or positions a weighing or measuring device used in retail trade, except as used exclusively in preparation of packages put up in advance of sale, that its indications cannot be accurately read by the purchaser under ordinary circumstances.

(g) Uses, in the buying or selling of any commodity, a weighing or measuring device designed to automatically compute price unless the computed price is a true mathematical computation of the amount times the price per unit.

Possession of a false weight or measure or weighing or measuring instruments or records thereof is prima facie evidence of intention to violate the law.

SEC. 2. Section 12512 of the Business and Professions Code is amended to read:

12512. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by him, the purchaser shall in no case buy the commodity according to any quantity which is less than the true quantity. Violation of this section is a misdemeanor.

SEC. 3. Section 13100 of the Business and Professions Code is amended to read:

13100. It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, any textile yard goods put up or packaged in advance of sale in a bolt or roll, or any other textile product put up or packaged in advance of sale in any other unit, for either wholesale or retail sale, unless such bolt or roll, or such other unit, be definitely, plainly, and conspicuously marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, subject, however, to the following limitations and requirements:

(a) Any unit of twine or cordage may be marked to show its net measure in terms of feet. Ready-wound bobbins that are not sold separately shall not be required to be individually marked, but the package containing such bobbins shall be marked to show the number of bobbins contained therein and the net weight or measure of the thread on each bobbin. Any unit of sewing, basting, mending, darning, crocheting, tatting, hand-knitting, or embroidery thread or yarn, except nylon hand-knitting yarn, that is not composed in whole or in part of wool, the net weight of which is less than two ounces avoirdupois, shall be marked to show its net measure in terms of yards as unwound from the ball or from the spool or other

holder. Any retail unit of a textile product, sold only for household use, consisting of a package containing two or more similar individual units that are not sold separately, shall be marked to show the number of individual units in the package and the net weight or net measure of the product in each individual unit, but this proviso shall not apply where the individual units are separately marked. Any unit of yarn, composed in whole or in part of wool, sold to consumers for handiwork, shall be marked to show the net weight of such yarn, except that any such unit of tapestry, mending, or embroidery yarn, the net measure of which does not exceed 50 yards, may be marked to show its linear measure only.

(b) The marking required by this section shall in all cases be in combination with the name and place of business of the manufacturer, packer, or distributor of the product, or a trademark, symbol, brand, or other mark that positively identifies such manufacturer, packer, or distributor.

(c) Regulations for the enforcement of the provisions of this section shall be issued by the director.

(d) The provisions of this section shall not apply to the following textile products when sold at wholesale in bulk by net weight: cordage, agricultural bag sewing threads, twines, yarns that are to be processed, and yarns that are to be industrially converted into end use products.

CHAPTER 272

An act to amend Sections 12023 and 12025.5 of the Business and Professions Code, relating to commodities.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 12023 of the Business and Professions Code is amended to read:

12023. Except as provided elsewhere in this code any person who by himself or his employee or agent, or as the employee or agent of another, sells any commodity according to gross weight or measure is guilty of a misdemeanor.

SEC. 2. Section 12025.5 of the Business and Professions Code is amended to read:

12025.5. Whenever any commodity or any container is ordered off sale under the provisions of Section 12211 or Section 12606.1 of this division, the sealer shall cause the commodity or container affected by such off-sale order to be identified by a tag or other suitable device with the words "off sale." It shall be unlawful to remove or obliterate any such tag or device placed upon such commodity or container or in any way dispose of or commingle such commodity or container or pre-

pare, pack, place, deliver for shipment, deliver for sale, sell, or cause to be loaded, shipped, or transported, any such commodity or container before it has been released by the sealer or as otherwise provided in this section.

By order of the justice, municipal, or superior court of the city or county within which the commodity or container is ordered off sale, the commodity or container so marked shall be condemned and destroyed or released upon such conditions as the court may impose to insure against their use in violation of this division. The contents of any condemned container shall be returned to the owner thereof if he furnishes proper facilities for such return.

CHAPTER 273

An act to amend Section 19406 of the Government Code, relating to military reserve service.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 19406 of the Government Code is amended to read:

19406. Any permanent state civil service employee in good standing or one who has completed six months of the probationary period for the class who is ordered into training for not to exceed 18 months under the Reserve Forces Act of 1955 and any subsequent amendments shall have the right of reinstatement upon his return without unreasonable delay following such training. Upon such reinstatement he shall be granted only the rights and privileges granted employees reinstated under the provisions of Government Code Section 19390.

CHAPTER 274

An act to add Section 12603.5 to the Health and Safety Code, relating to fireworks.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 12603.5 is added to the Health and Safety Code, to read:

12603.5. The governing body may delegate the power to grant or deny the application to the officer to whom the application was made. The governing body shall also provide for a hearing by the governing body by which an applicant may appeal a denial of his application. The governing body shall, after such a hearing, reverse, modify, or sustain the denial.

CHAPTER 275

An act to amend Section 53601 of the Government Code, relating to investments by local public agencies.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 53601 of the Government Code is amended to read:

53601. The legislative body of a local agency having money in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the local agency may invest such portion of the money as it deems wise or expedient in:

(a) Bonds issued by it including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by it or by a department, board, agency or authority thereof.

(b) United States Treasury notes, bonds, bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those which are authorized under Section 1360 of the Financial Code.

(c) Registered state warrants or treasury notes or bonds of this state including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority thereof.

(d) Bonds, notes, warrants or other evidences of indebtedness of any local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the local agency, or by a department, board, agency or authority thereof.

CHAPTER 276

An act to add Section 197.5 to the Civil Code, relating to visitation rights of grandparents.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 197.5 is added to the Civil Code, to read:

197.5. If either the father or mother of an unmarried minor child is deceased, the parents of such deceased person may be

granted reasonable visitation rights to the minor child during its minority by the superior court upon a finding that such visitation rights would be in the best interests of the minor child.

CHAPTER 277

An act to amend Section 1944 of the Labor Code, relating to librarians and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment, as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the state, of:

(1) Any person who has declared his intention to become a citizen.

(2) Any native-born woman of the United States who has married a noncitizen.

(3) Any person present in the United States on a valid temporary visa issued by an American consular officer except where federal law prohibits gainful employment of that person in the United States.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to any professional librarian, or to student assistants, of any college or university supported in whole or in part by the state.

(c) To any specialist or expert temporarily employed by any department of the state or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the state, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

(k) To student assistants and interns in Department of Social Welfare training programs in that department or in a county welfare department.

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

There is a need for qualified professional librarians in the State of California. Unless this statute goes into immediate effect many libraries will be forced to lose the services of many such professional librarians with a resulting adverse impact on the quality of services offered by public libraries throughout the state.

CHAPTER 278

An act to amend Sections 8151 and 8780 of, and to add Section 8150.5 to, the Fish and Game Code, relating to the taking of sardines, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1967. Filed with Secretary of State June 6, 1967.]

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

SECTION 1. Section 8150.5 is added to the Fish and Game Code, to read:

8150.5. Sardines may not be taken or possessed on a boat at any time for any purpose except loads or lots of fish may contain 15 percent or less by weight of sardines taken incidentally to other fishing operations and which are mixed with the other fish in the load or lot.

Sardines so incidentally taken may be possessed and used for bait.

This section does not prohibit the possession and use of sardines imported into this state under a bill of lading identifying the country of origin.

This section shall remain in effect only until the 61st day after adjournment of the 1969 Regular Session. Sections 8150, 8151, 8152, 8154, 8155, 8156, 8157, and 8158 shall be inoperative until the 61st day after adjournment of the 1969 Regular Session except that Sections 8152 to 8156, inclusive, shall govern the possession and use of sardines taken pursuant to Section 8150.5 incidental to the taking of other fish.

SEC. 2. Section 8151 of the Fish and Game Code is amended to read:

8151. Sardines for use in a reduction plant, or by a packer, may be taken only in accordance with this article, and at the following times in the following places:

(a) In Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and March 1st, inclusive.

(b) In District 19A between October 1st and March 1st.

(c) Elsewhere in the state, except in District 20 where they may not be so taken, between August 1st and March 1st.

SEC. 3. Section 8780 of the Fish and Game Code is amended to read:

8780. As used in this chapter, the term "bait net" means a lampara or round haul type net the mesh of which is constructed of twine not exceeding standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 19A, 19B, 20A, 21, 118 and 118.5.

In District 19B bait nets may be used only to take sardines, anchovies, queenfish, white croakers, and smelt for bait only. Such nets may not be used within 750 feet of Seal Beach Pier, Belmont Pier, or Rainbow Pier.

In District 19A bait nets may be used to take sardines, smelt, anchovies, queenfish and white croaker except that sardines taken for canning purposes may be taken only during the season specified in Section 8151. No other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section prohibits the use of bait nets in Districts 19A and 19B for taking fish for use as fishfood in state fish hatcheries.

Notwithstanding the other provisions of this section, bait nets shall not be used to take sardines until the 61st day after adjournment of the 1969 Regular Session.

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

Provisions relative to the season during which sardines may be taken for use in reduction plants or by packers will, under present law, remain in effect only until October 1, 1967. These provisions are vital to the best interest of the state. In order to insure that the public will derive the maximum benefit from its interest in the state's resources of sardines this act must take immediate effect, to insure that there is no lapse between the termination of present law and the effective date of this act.

CHAPTER 279

An act to add Section 14613.1 to the Government Code, relating to California state police.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 14613.1 is added to the Government Code, to read:

14613.1. Notwithstanding Section 18932 of this code, the maximum age limit for any entrance examination for the position of state policeman of the California State Police shall be 40 years.

CHAPTER 280

An act to repeal Article 1 (commencing with Section 11610), Chapter 7, Division 10 of the Health and Safety Code, relating to the forfeiture of vehicles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Article 1 (commencing with Section 11610), Chapter 7, Division 10 of the Health and Safety Code, is repealed.

SEC. 2. Notwithstanding the repeal of Article 1 (commencing with Section 11610), Chapter 7, Division 10 of the Health and Safety Code which is effectuated by this act, the provisions of that article, as they exist on the effective date of this act, shall continue to be operative and effective with regard to any vehicle which is used to unlawfully transport or facilitate the unlawful transportation of any narcotic, or in which any narcotic is unlawfully kept, deposited, or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof or which is used to facilitate the unlawful possession by an occupant thereof, prior to the effective date of this act, until such vehicle is forfeited to the state, released to the person entitled thereto, purchased, sold, or otherwise disposed of pursuant to such provisions.

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

The Commission on California State Government Organization and Economy, in a report dated December 12, 1966, stated that the people of this state will save at least six hundred thousand dollars ($600,000) each year if the motor vehicle forfeiture provisions of the Health and Safety Code are abolished. The report further stated that such provisions have had no deterrent effect. In order to immediately effectuate the annual savings to the state of such a great sum of money, and in order to enable numerous personnel of the Bureau of Narcotic Enforcement to redirect their efforts toward the enforcement of laws which have real influence as deterrents to illegal narcotic activities, it is necessary that this act go into immediate effect.

CHAPTER 281

An act to amend Section 47692 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to grape maturity standards, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 47692 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

47692. The following varieties of grapes shall be considered mature if they test not less than that percent of soluble solids which is specified below:

Percent of soluble solids	Variety	
18	All white varieties of Muscat type	
	Malaga grown north and west of San Gorgonio Pass	
17½	Thompson Seedless grown north and west of San Gorgonio Pass	
16	Beauty Seedless grown south and east of San Gorgonio Pass	
	Cardinal grown north and west of San Gorgonio Pass	
	Robin grown north and west of San Gorgonio Pass	
	Burger	Fresno Beauty
	Emperor	Servian Blue
	Gros Colman	Pierce
	Bleu Grau	Concord
	Drodelabi	Dattier de Beyrouth
	Red Malaga	Pierce Isabella
	Khalili	Isabella Regia
	Persian 23	California Concord
	Dizmar	Perlette
	Ribier	Queen
	Delight	Blackrose
15	Cardinal grown south and east of San Gorgonio Pass	
	Robin grown south and east of San Gorgonio Pass	
	Ladyfinger	Olivette Blanche
	Rish Baba	Exotic
	Khandahar	

It is hereby declared that the differences in climatic condition that exist north and west of San Gorgonio Pass cause Malaga, Thompson Seedless, Beauty Seedless, Robin, and Cardinal varieties of grapes which are grown there to have, at maturity, a higher percentage of soluble solids than mature grapes of these varieties which are grown south and east of San Gorgonio Pass.

This section shall apply to Robin variety of grapes only when shipped in containers specifically marked with a statement that the grapes are of that variety only.

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

In order for the protection provided by this act to be effective for the 1967 grape harvest, it must have immediate effect.

CHAPTER 282

An act to add Section 21162 to the Government Code, relating to retired employees.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 21162 is added to the Government Code, to read:

21162. A person retired under this part may be appointed by the appointing power of a state agency and be paid a salary either during an emergency to prevent the stoppage of public business or because the retired employee has skills needed in performing specialized work of limited duration. Such appointments shall not exceed 30 working days in any calendar year and the rate of pay shall not exceed that paid by the state agency to other employees performing comparable duties. Such appointment shall be without reinstatement from retirement or loss or interruption of benefits under this part and no additional rights or benefits under this system shall be extended with respect to such appointment. The exemption to Section 21150 contained in this section shall not apply to the return to service situations falling within the scope of Government Code Section 21153 through 21160.

CHAPTER 283

An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the state.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the rules and regulations of the State Water Rights Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed

subsequent thereto Until the 61st day after adjournment of the 1971 Regular Session, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 (commencing at Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

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

The authority of the Department of Water Resources to file applications for the appropriation of water needed for the development and completion of various plans for the development, utilization, or conservation of the water resources of this state and in so doing to be exempt from the diligence provisions generally applicable to appropriations of water, is vital to the preservation of the public peace, health, and safety. This act must go into immediate effect in order to insure the continuance of this provision after October 1, 1967, at which date it will otherwise terminate.

CHAPTER 284

An act to amend the heading of Article 3 (commencing with Section 175) of Chapter 2, Division 1 of, Sections 175, 177, 179, 181, 182, 183, 186, 187, 229, 1003.5, 1051.5, 1060, 1241.6, 1243, 1485, 10500, 10504, 10504.1, 10504.5, 12232, 12233, 13000, 13000.2, 13001, 13003, 13005, of, the heading of Chapter 3 (commencing with Section 13010) of Division 7 of, the heading of Article 2 (commencing with Section 13020) of Chapter 3 of Division 7 of, Sections 13022.2, 13022.3, 13025.5, 13050, and 20627 of, to amend and renumber Sections 13020.1 and 13020.2 of, to add Sections 25, 174, 179.6, 179.7, 1258, 6056, Article 1 (commencing with Section 13015) to Chapter 3 of Division 7 of, and Section 13025.7 to, and to repeal Article 1 (commencing with Section 13010) of Chapter 3 of Division 7 and Sections 13020, 13021, and 13026 of, the Water Code, to amend Section 10500 of the Water Code, as amended by Assembly Bill No. 1222 of the 1967 Regular Session, and to amend Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the Water Pollution Control Law of 1965 (Chapter 1351 of the Statutes of 1965), relating to water resources.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 25 is added to the Water Code, to read:

25. "Board," unless otherwise specified, means the State Water Resources Control Board.

SEC. 1.5. The heading of Article 3 (commencing with Section 175) of Chapter 2, Division 1, of the Water Code is amended to read:

Article 3. State Water Resources Control Board

SEC. 2. Section 174 is added to the Water Code immediately preceding Section 175, to read:

174. The Legislature hereby finds and declares that in order to provide for the orderly and efficient administration of the water resources of the state it is necessary to establish a control board which shall exercise the adjudicatory and regulatory functions of the state in the field of water resources.

It is also the intention of the Legislature to combine the water rights and the water pollution and water quality functions of state government to provide for consideration of water pollution and water quality, and availability of unappropriated water whenever applications for appropriation of water are granted or waste discharge requirements or water quality objectives are established.

SEC. 2.4. Section 175 of the Water Code is amended to read:

175. There is in the Resources Agency the State Water Resources Control Board consisting of five members appointed by the Governor. One of the members appointed shall be an attorney admitted to practice law in this state who is qualified in the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is qualified in the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is experienced in sanitary engineering and who is qualified in the field of water quality, one shall be qualified in the field of water quality, and one member shall not be required to have specialized experience.

Each member shall represent the state at large and not any particular portion thereof. The appointments so made by the Governor shall be subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

SEC. 3. Section 177 of the Water Code is amended to read:

177. The members of the State Water Rights Board in office on the operative date of the 1967 act amending this section shall continue as members of the State Water Resources Control Board, and their terms shall expire as follows: one member on January 15, 1969, one member on January 15, 1970, and one member on January 15, 1971. The terms of the two additional members of the board provided for by the 1967 act

amending Section 175 first appointed by the Governor shall expire as follows: one member on January 15, 1972, and one member on January 15, 1969. Thereafter all members of the board shall be appointed for terms of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

SEC. 4. Section 179 of the Water Code is amended to read:

179. The board succeeds to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction vested in the Department and Director of Public Works, the Division of Water Resources of the Department of Public Works, the State Engineer, the State Water Quality Control Board, or any officer or employee thereof, under Division 2 (commencing with Section 1000), except Part 4 (commencing with Section 4000) and Part 6 (commencing with Section 5900) thereof; and Division 7 (commencing with Section 13000) of this code, or any other law under which permits or licenses to appropriate water are issued, denied, or revoked or under which the functions of water pollution and quality control are exercised.

SEC. 4.3. Section 179.6 is added to the Water Code, to read:

179.6. The board, or representatives authorized by the board to do so, may call, conduct or attend conferences or hearings, official or unofficial, within or without this state, or otherwise participate in such conferences or hearings with interested persons, agencies or officers, of this or any other state, or with the Congress of the United States, congressional committees, or officers of the federal government, concerning any matter within the scope of the power and duties of the board.

SEC. 4.4. Section 179.7 is added to the Water Code, to read:

179.7. As to any matter involving the United States, its departments or agencies, which is within the scope of the power and duties of the board, the board may represent the interest of the state or any county, city, state agency or public district upon their request, and to that end may correspond, confer and cooperate with the United States, its departments or agencies, and where necessary the board members, or authorized representatives, may travel either within or without the state.

SEC. 5. Section 181 of the Water Code is amended to read:

181. The board shall maintain its headquarters at Sacramento and may establish branch offices in such parts of the state as the board deems necessary. The board shall hold meetings at such times and at such places as shall be determined by it. The Governor shall designate the time and place for the first meeting of the board. All meetings of the board shall be open and public. Three members of the board shall constitute a quorum for the purpose of transacting any business of the board.

SEC. 5.1. Section 182 of the Water Code is amended to read:

182. The Governor shall designate the chairman of the board from the membership of the board. The person so designated shall hold the office of chairman at the pleasure of the Governor. The board shall elect a vice chairman.

SEC. 5.2. Section 183 of the Water Code is amended to read:

183. The board may hold any hearings and conduct any investigations in any part of the state necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the state by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Any hearing or investigation by the board, except pursuant to Division 7 of this code, may be conducted by any member upon authorization of the board, and he shall have the powers granted to the board by this section, but any final action of the board shall be taken by a majority of the members of the board at a meeting duly called and held.

All hearings held by the board or by any member thereof shall be open and public.

SEC. 6. Section 186 of the Water Code is amended to read:

186. The board shall have such powers, and may employ such legal counsel and other personnel and assistance, as may be necessary or convenient for the exercise of its duties under Division 2 (commencing with Section 1000), except Part 4 (commencing with Section 4000) and Part 6 (commencing with Section 5900) thereof, Part 2 (commencing with Section 10500) of Division 6, and Division 7 (commencing with Section 13000) of this code.

For the purpose of administration, the board shall organize itself, with the approval of the Governor, in the manner it deems necessary properly to segregate and conduct the work of the board. The work of the board shall be divided into at least two divisions, known as the Division of Water Rights and the Division of Water Quality Control. The board shall appoint a chief of each division, who shall supervise the work thereof and act as technical adviser to the board on functions under his jurisdiction.

The Attorney General shall represent the board and the state in litigation concerning affairs of the board unless another state agency, represented by the Attorney General, is a party to the action. In such case the legal counsel of the board shall represent the board. Sections 11041, 11042, and 11043 of the Government Code are not applicable to the State Water Resources Control Board. The legal counsel of the board shall advise and furnish legal services except representation in litigation, to the regional boards upon their request.

SEC. 6.1. Section 187 of the Water Code is amended to read:

187. The board, regional water quality control boards, the Department of Water Resources, and other state agencies shall, to the fullest extent possible, exchange records, reports, material, and any other information relating to water, water rights, water pollution or quality, or any areas of mutual concern, to the end that unnecessary duplication of effort may be avoided.

SEC. 6.2. Section 229 of the Water Code is amended to read:

229. The department, either independently or in cooperation with any person or any county, state, federal or other agency, to the extent that funds are allocated therefor, shall investigate conditions of the quality of all waters within the state, including saline waters, coastal and inland, as related to all sources of pollution of whatever nature and shall report thereon to the Legislature, to the board, and to the appropriate regional water quality control board annually, and may recommend any steps which might be taken to improve or protect the quality of such waters. The department shall coordinate its investigations fully with the board.

SEC. 7. Section 1003.5 of the Water Code is amended to read:

1003.5. As used in this division, "board" means the State Water Resources Control Board.

SEC. 7.4. Section 1051.5 of the Water Code is amended to read:

1051.5. In furtherance of its powers and duties under Parts 2 (commencing with Section 1200) and 3 (commencing with Section 2000) of this division, the board may supervise trial distribution of water in accordance with agreements and court orders therefor.

SEC. 7.5. Section 1060 of the Water Code is amended to read:

1060. (a) All fees collected and deposited in the State Treasury by the State Water Resources Control Board, except funds collected under Part 3 (commencing with Section 2000) of this division, funds received for trial distribution expenses in connection with the administration of Section 1051.5, and deposits and payments made pursuant to Section 5007, shall be credited to the appropriation for the support of the board which is current at the time of the deposit of such fees in the State Treasury.

(b) Money deposited with or paid to the board pursuant to Section 1051.5 or 5007 and deposited by the board in the State Treasury is available for expenditure by the board in accordance with those sections without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code, and any unused balance shall be refunded by the board to the person entitled thereto

SEC. 7.6. Section 1241.6 of the Water Code is amended to read:

1241.6. When water appropriated for irrigation purposes is not used by reason of compliance with crop control or soil conservation contracts with the United States, and in other cases of hardship as the board may by rule prescribe, the three-year forfeiture period applicable to water appropriated pursuant to the Water Commission Act or this code, and the forfeiture period applicable to water appropriated prior to December 19, 1914, shall be extended by an additional period of not more than 10 years or the duration of any crop control or soil conservation contracts with the United States if less than 10 years.

SEC. 7.7. Section 1243 of the Water Code is amended to read:

1243. The use of water for recreation and preservation and enhancement of fish and wildlife resources is a beneficial use of water. In determining the amount of water available for appropriation for other beneficial uses, the board shall take into account, whenever it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources.

This section shall not be construed to affect riparian rights.

SEC. 7.8. Section 1258 is added to the Water Code, to read:

1258. In acting upon applications to appropriate water, the board shall consider water quality objectives which have been established pursuant to law, and may subject such appropriations to such terms and conditions as it finds are necessary to carry out such objectives.

SEC. 8. Section 1485 of the Water Code is amended to read:

1485. Any municipality, governmental agency, or political subdivision operating waste disposal plants producing disposal water meeting the requirements of the appropriate regional board, and disposing of said water in the San Joaquin River may file an application for a permit to appropriate an equal amount of water, less diminution by seepage, evaporation, transpiration or other natural causes between the point of discharge and the point of recovery, downstream from said disposal plant and out of the San Joaquin River or the Sacramento-San Joaquin Delta. A permit to appropriate such amount of water may be granted by the board upon such terms and conditions as in the board's judgment are necessary for the protection of the rights of others. Water so appropriated may be sold or utilized for any beneficial purpose. The right to the use of water granted by this section shall not include water flowing in underground streams.

The Legislature finds and declares that the problems incident to the full utilization of the waters of the San Joaquin River and the Sacramento-San Joaquin Delta into which it flows, are unique and that a general law cannot be made applicable thereto.

SEC. 136. Section 6056 is added to the Water Code, to read:

6056. The department shall retain a board of three consultants who shall make an independent report to the director upon the issuance, modification, or renewal of any certificate of approval for any dam owned by the department.

SEC. 136.05. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the state.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 (commencing with Section 1200) of Division 2 of this code and the rules and regulations of the State Water Resources Control Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1967, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 (commencing with Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

SEC. 136.1. Section 10500 of the Water Code, as amended by Assembly Bill No. 1222 of the 1967 Regular Session, is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the state.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 (commencing with Section 1200) of Division 2 of this code and the rules and regulations of the State Water Resources Control Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until the 61st day after adjournment of the 1971 Regular Session, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 (commencing at Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

SEC. 136.2. Section 10504 of the Water Code is amended to read:

10504. All applications made and filed pursuant to Section 10500 shall be transferred to the State Water Resources Control Board and held by the board for the purposes of this part. The board may release from priority or assign any portion of any application filed under this part when the release

or assignment is for the purpose of development not in conflict with such general or coordinated plan or with water quality objectives established pursuant to law. The assignee of any such application whether heretofore or hereafter assigned, is subject to all the requirements of diligence as provided in Part 2 (commencing with Section 1200) of Division 2 of this code. "Assignee" as used herein includes, but is not limited to, state agencies, commissions and departments, and the United States of America or any of its departments or agencies.

SEC. 136.3. Section 10504.1 of the Water Code is amended to read:

10504.1. Before any application made and filed pursuant to Section 10500 is assigned or released from priority, the State Water Resources Control Board shall hold a public hearing. Written notice of the time and place of the hearing shall be mailed, at least 45 days prior to the date set for the hearing, to the board of supervisors of each county in the area in which the water originates and in the area or areas in which the water is to be used. Any interested persons may appear at the hearing and present their views and objections as to the proposed action.

SEC. 136.4. Section 10504.5 of the Water Code is amended to read:

10504.5. In order to insure that projects will be constructed in accordance with a general or coordinated plan for the development of water:

(a) The recipient of a release from priority or assignment under this part shall, before making any changes determined by the State Water Resources Control Board to be substantial in the project in furtherance of which the release or assignment was made, submit such changes to the State Water Resources Control Board for its approval. The board shall approve any such change only if it determines that such change will not conflict with the general or coordinated plan or with water quality objectives established pursuant to law. All permits and licenses issued pursuant to applications so released or assigned shall contain terms conditioning such permits and licenses upon compliance with this subdivision.

(b) The holder of applications that have been assigned, or in favor of which a release from priority has been made, shall submit any proposed amendments to such applications to the State Water Resources Control Board. The board shall approve such amendments only if it determines that the amendments will not conflict with the general or coordinated plan or with water quality objectives established pursuant to law. The board shall notify the holder of the application of its approval or disapproval.

SEC. 136.5. Section 12232 of the Water Code is amended to read:

12232. The State Water Resources Control Board, the State Department of Water Resources, the California Water

Commission, and any other agency of the state having jurisdiction, shall do nothing, in connection with their responsibilities, to cause further significant degradation of the quality of water in that portion of the San Joaquin River between the points specified in Section 12230.

SEC. 136.6. Section 12233 of the Water Code is amended to read:

12233. Nothing in this part shall be construed as affecting the quality of water diverted into the Sacramento-San Joaquin Delta from the Sacramento River, nor as affecting any vested right to the use of water, regardless of origin, or any water project for which an application to appropriate water was filed with the State Water Resources Control Board prior to June 17, 1961.

SEC. 136.7. Section 13000 of the Water Code is amended to read:

13000. The Legislature finds and declares that it is necessary to the health, safety and welfare of the people of this state to provide means for coordinating the actions of the various state agencies and political subdivisions of the state in the control of water pollution and the maintenance of water quality.

The Legislature further declares that it is necessary to provide means for the regional control of water pollution since problems of water pollution in this state are primarily regional and dependent upon factors of precipitation, topography, population, and recreational, agricultural and industrial development which vary greatly from region to region.

The Legislature further declares that, because of the widespread demand and need for the full utilization of the water resources of the state for beneficial uses, control of water quality is a matter of statewide interest and concern. The Legislature further declares that it is necessary to provide for the coordinated statewide control of water quality and water rights and to provide for regional control of water quality where water quality is primarily a matter of regional concern.

SEC. 136.8. Section 13000 2 of the Water Code is amended to read:

13000.2. The Legislature finds and declares that, because of the widespread demand and need for the full utilization of the water resources of the state for beneficial uses, it is the policy of the state that the granting of permits and licenses for unappropriated water and the disposal of wastes into the waters of the state shall be so regulated as to achieve highest water quality consistent with maximum benefit to the people of the state and shall be controlled so as to promote the peace, health, safety and welfare of the people of the state.

SEC. 137. Section 13001 of the Water Code is amended to read:

13001 No provision of this division or any ruling of the State Water Resources Control Board or a regional water quality control board is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste or any other activity which might result in the pollution of water.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

SEC. 138. Section 13003 of the Water Code is amended to read:

13003. It is the intent of the Legislature that the State Water Resources Control Board and each regional water quality control board shall be the principal state agencies with primary responsibility for the coordination and control of water pollution and water quality control.

SEC. 139. Section 13005 of the Water Code is amended to read:

13005. As used in this division: "State board" means the State Water Resources Control Board.

"Regional board" means any regional water quality control board created pursuant to this division.

"Person" as used in this division also includes any city, county, district, the state or any department or agency thereof.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the state" means any waters, surface or underground, including saline waters, within the boundaries of the state as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the state are affected.

"Pollution" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which does not create an actual hazard to the public health

but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the state devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer as to all matters except the prosecution of crimes.

"Water quality control" means the control of any factor which adversely and unreasonably impairs the quality of the waters of the state for beneficial use.

"Water quality control policy" means water quality objectives for affected waters of the state where water quality control measures are necessary or may be needed in the future to assure suitable water quality for beneficial use.

SEC. 140. The heading of Chapter 3 (commencing with Section 13010) of Division 7 of the Water Code is amended to read:

CHAPTER 3. STATE WATER QUALITY CONTROL

SEC. 141. Article 1 (commencing with Section 13010) of Chapter 3 of Division 7 of the Water Code is repealed.

SEC. 142. Article 1 (commencing with Section 13015) is added to Chapter 3 of Division 7 of the Water Code, to read:

Article 1. Water Quality Advisory Committee

13015. There is in the State Water Resources Control Board a Water Quality Advisory Committee consisting of nine members appointed by the Governor and the chairman of each of the nine regional water quality control boards or his designee. Of the nine members selected by the Governor at least one shall be selected from qualified persons engaged in each of the following fields:

(a) Production and distribution of municipal water supplies.

(b) Irrigation water supply.

(c) Industrial water supply

(d) Production of industrial waste

(e) Public sewage disposal

(f) City government.

(g) County government

(h) Recreation and wildlife. The person engaged in this field shall be a person from a responsible organization associated with recreation or wildlife, not employed by any governmental agency.

(i) One member not specifically associated with any of the foregoing interests representing the public at large.

Insofar as practical, the Governor shall appoint members in such manner as to afford representation on the committee of all parts of the state.

Each member of the former State Water Quality Control Board shall serve as an original member of the advisory committee. Each of the original members shall serve for the term for which he was appointed to the state board. Thereafter, all members appointed to the advisory committee shall serve for a term of four years.

13016. The Water Quality Advisory Committee shall meet at least once each quarter. The advisory committee may meet jointly with the state board. All meetings of the committee shall be open and public.

13017. The committee shall annually elect one of its members chairman. Ten of the members of the committee shall constitute a quorum for the purpose of transacting any business of the committee.

13018. The members of the committee directly appointed by the Governor to the committee shall serve without compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

13019. The state board shall consult with and seek the advice of the committee with regard to its responsibilities relating to water quality and water pollution control and prior to adopting water pollution or water quality control policy pursuant to this division. The committee members shall advise the board on such matters. The advisory committee may express its advice by resolution when appropriate.

SEC. 143. The heading of Article 2 (commencing with Section 13020) of Chapter 3 of Division 7 of the Water Code is amended to read:

Article 2. General Powers and Duties of the State Board

SEC. 144. Section 13020 of the Water Code is repealed.

SEC. 144.5. Section 13020.1 of the Water Code is amended and renumbered to read:

188.5. The board shall publish biennial progress reports relating to the activities of the board and regional water quality control boards.

SEC. 145. Section 13020.2 of the Water Code is amended and renumbered to read:

13020. The state board shall allocate to the regional boards from funds appropriated to the state board such part thereof as may be necessary for the administrative expenses of such boards. The regional boards shall submit annual budgets to the state board. Subject to the provisions of Chapter 3 (commencing with Section 13290) of Part 3, Division 3, Title 2 of the Government Code and any other laws giving the Department of Finance fiscal and budgetary control over state de-

partments generally, the state board shall prepare an annual budget concerning its activities and the activities of the regional boards.

SEC. 146. Section 13021 of the Water Code is repealed.

SEC. 146.1. Section 13022.2 of the Water Code is amended to read:

13022 2. In formulating a statewide policy pursuant to Sections 13022 and 13022.1 the state board shall take cognizance of the California Water Plan or any other general or coordinated plan of the state looking toward the development, utilization, or conservation of the water resources of the state, including such amendments, supplements, or additions thereto as may be made from time to time.

SEC. 146.2. Section 13022.3 of the Water Code is amended to read:

13022.3. During the process of formulating water pollution or water quality control policy which may affect a regional board or boards, the state board shall consult with and carefully evaluate the recommendations of the affected regional board or boards and shall seek the advice of the Water Quality Advisory Committee.

SEC. 146.3. Section 13025.5 of the Water Code is amended to read:

13025 5. In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements. The power conferred upon the state board herein does not limit the powers conferred in Section 13025.

SEC. 146.4. Section 13025.7 is added to the Water Code, to read:

13025.7. The state board shall have the power to require any state or local agency to inspect and report on any technical factors involved in water pollution or water quality.

SEC. 146.5. Section 13026 of the Water Code is repealed.

SEC. 147. Section 13050 of the Water Code is amended to read:

13050. Each regional board shall:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint as its confidential employee, exempt from civil service, under paragraph (5) of subdivision (a) of Section 4 of Article XXIV of the Constitution, and fix the salary of, an executive officer who shall meet technical qualifications as defined by the State Water Resources Control Board. The executive officer shall serve at the pleasure of the regional board.

Notwithstanding the amendment of this subdivision at the 1963 Regular Session, any person incumbent in the position of executive officer on the effective date of such amendment shall continue to serve at the pleasure of his appointing board.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

SEC. 148. Section 20627 of the Water Code is amended to read:

20627. Pending the completion of the preliminary surveys and field investigations, the State Water Resources Control Board may withhold from appropriation any unappropriated water likely to be needed by the district.

SEC. 155. Section 3 of the Water Pollution Control Law of 1965 (Chapter 1351, Statutes of 1965) is amended to read:

Sec. 3. To protect the quality of the San Francisco Bay-delta area waters for the present and future beneficial uses thereof, the State Water Resources Control Board, in cooperation with the San Francisco Bay, Central Coastal, North Coastal, and Central Valley Regional Water Quality Control Boards, and the Departments of Public Health, Fish and Game, and Water Resources, is authorized and directed to make a comprehensive study of the effects of waste and drainage water discharges into the waters of the San Francisco Bay-delta area and to develop the basic features of a comprehensive plan for the control of water pollution, including a system for the collection, reclamation, treatment, and disposal of waste and drainage water discharges in and to the waters of the San Francisco Bay-delta area in the most effective and economic manner. In development of such comprehensive plan the board shall study any adjacent coastal waters which might be affected by any plans under investigation as well as those drainage areas which, although physically outside the San Francisco Bay-delta area, are found to be so near proposed facilities as to logically warrant inclusion in the comprehensive system. The board shall also study any discharges of drainage and waste waters originating outside the San Francisco Bay-delta area which may adversely affect the quality of the waters of the area and shall provide for the mitigation of such adverse effects insofar as possible.

In conducting the investigation and study, the State Water Resources Control Board shall consider, among other matters, and without limitation as to the generality thereof, the physical and economic effects of existing and proposed water development projects of federal, state and local agencies, and of authorized and prospective drainage projects of whatever nature upon the waters of the San Francisco Bay-delta area, the feasibility of reclaiming drainage waters from such projects, the future population growth and economic development in the area and in areas tributary thereto, the effects of existing and proposed projects for the filling and reclamation of waterfront lands upon the waste assimilative capacity of the waters of the San Francisco Bay-delta area, the possibilities of reclamation and reuse of waste waters and drainage water from such projects, and the feasibility of flow augmentation through managed releases from upstream reservoirs as an aid to quality maintenance.

The intention of the Legislature is that the State Water Resources Control Board shall conduct the study so as to determine the need for and the feasibility of a comprehensive multiple-purpose waste collection and disposal system serving the entire San Francisco Bay-delta area, as well as other measures for maintenance of the quality of the waters of such area at proper levels for the beneficial uses to be made thereof, including, but not necessarily limited to, municipal, industrial and agricultural water supplies, fish and wildlife, recreation and navigation. It is the further intention of the Legislature that the comprehensive plan for control of water pollution shall be consistent with any master land use and development plans prepared for the San Francisco Bay-delta area by the proposed San Francisco Bay Conservation and Development Commission.

SEC. 156. Section 4 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 4. The State Water Resources Control Board may contract with such state, federal or local public agencies or private agencies or entities, as it deems necessary for the rendition and affording of such management and technical services, facilities, studies, and reports as will best assist it to carry out the purposes of this act.

SEC. 157. Section 5 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 5. The State Water Resources Control Board, in conducting the San Francisco Bay-delta area study, is directed to call on the advice, counsel, and guidance, and participation of appropriate local, state, and federal agencies. The board shall, to the fullest practicable extent, cooperate and coordinate its work with all agencies undertaking planning and technical investigations pertinent to this study. The State Water Resources Control Board is directed to coordinate its study and, in order to avoid duplication of work, shall make maximum use of data and information available from state agencies, federal agencies, including but not limited to the U.S. Public Health Service and the U S. Corps of Engineers, the planning programs of the Association of Bay Area Governments, the cities and counties of the San Francisco Bay-delta area, and other public and private agencies within the San Francisco Bay-delta area and the Central Valley and the studies by the proposed San Francisco Bay Conservation and Development Commission.

The board is further directed to encourage agencies of local government to undertake studies of local waste disposal problems which can be integrated into the master plan. For the purpose of assisting the board in the establishment and execution of the San Francisco Bay-delta area study provided for in Section 3, there is hereby established a steering committee which is composed of the following members or their designated alternates:

(a) The Chairman of the State Water Resources Control Board, who shall serve as chairman.

(b) The Chairman of the California Water Commission.

(c) The Chairman of the San Francisco Bay Conservation and Development Commission.

(d) A member of the State Reclamation Board designated by the board.

(e) The Chairman of the San Francisco Bay Regional Water Quality Control Board.

(f) The Chairman of the Central Coastal Regional Water Quality Control Board.

(g) The Chairman of the North Coastal Regional Water Quality Control Board.

(h) The Chairman of the Central Valley Regional Water Quality Control Board.

(i) The Chairman of the Association of Bay Area Governments.

(j) The Director of Water Resources.

(k) The Director of Public Health.

(l) The Director of Fish and Game.

(m) The Director of Parks and Recreation.

(n) The Administrator of the Resources Agency.

(o) The Administrator of the Health and Welfare Agency.

The Chairman of the Senate Committee on Water Resources and the Chairman of the Assembly Committee on Water shall meet with the committee and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

For the purposes of this act the Members of the Legislature shall be considered a joint committee of the two houses of the Legislature and constitute an investigating committee on the subject of this act; and, as such, shall have the powers and duties imposed on such a committee by the Joint Rules of the Senate and Assembly and, in accordance with those rules, shall be allowed, out of the Contingent Funds of the Senate and the Assembly, their expenses incurred for mileage and other purposes in the exercise or performance of such powers or duties.

To assist the State Water Resources Control Board in coordinating its study program with the activities of other agencies, there is hereby established a technical coordinating committee which is composed of the following members or their designated alternates:

(a) The Chief of the Division of Water Quality Control of the State Water Resources Control Board who shall serve as chairman.

(b) The executive officers of the San Francisco Bay, Central Coastal, North Coastal, and Central Valley Regional Water Quality Control Boards.

(c) The Executive Director of the San Francisco Bay Conservation and Development Commission.

(d) The Executive Director of the Association of Bay Area Governments.

(e) One representative each from the Departments of Water Resources, Public Health, Fish and Game, Conservation, and Parks and Recreation.

(f) The Director of the Water Resources Center of the University of California.

(g) The Chief Engineer of the State Reclamation Board.

(h) One representative of municipalities, one representative of county government, one representative of water or sanitation districts, and one representative of private industry from within the San Francisco Bay-delta area, appointed by the Governor.

(i) The United States Department of Health, Education, and Welfare, the United States Soil Conservation Service, the United States Corps of Engineers, the United States Fish and Wildlife Service, the United States Bureau of Reclamation, and the United States Geological Survey shall each be invited to appoint a representative to attend and participate in meetings of the technical coordinating committee. Such federal representatives shall have all the privileges of membership and shall be considered members of the committee.

SEC. 158. Section 6 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 6. The Departments of Water Resources, Public Health, Fish and Game, and Conservation shall provide, under service agreement, such staff assistance as the State Water Resources Control Board may require to properly administer the San Francisco Bay-delta area study.

SEC. 159. Section 7 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 7. The State Water Resources Control Board shall appoint consultants in the fields of water quality, pollution control, waste disposal and water supply, and regional planning. The consultants shall advise and recommend to the board concerning the following matters:

(a) The identification of waste disposal studies now underway and the review of data being collected that relates to water.

(b) Preparation of a detailed plan for conduct of the study.

(c) The selection and contacting of those agencies, public and private, which are to participate in the study.

(d) The direction, management and supervision of conduct of the study and preparation of the reports on the study by the participating agencies.

(e) The submission of the required reports to the board.

SEC. 160. Section 8 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 8. On or before the fifth legislative day of 1966 Regular (Budget) Session, the State Water Resources Control Board shall submit to the Legislature a preliminary report setting forth the detailed scope of the San Francisco Bay-delta area study, including the alternatives to be investigated,

the work program to accomplish the study, and the estimated cost thereof.

SEC. 161. Section 9 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 9. On or before the fifth legislative day of the 1967 Regular Session, the State Water Resources Control Board shall submit to the Legislature a progress report indicating the status of the investigation to date.

SEC. 162. Section 10 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 10. The State Water Resources Control Board shall submit a report on the San Francisco Bay-delta area study to the Legislature on or before the fifth legislative day of 1969 Regular (Budget) Session. The report shall include but is not necessarily limited to, the following:

(a) Recommendations for regional waste collection, treatment and disposal system and other means of maintaining proper quality levels for the water concerned, which will provide guidelines for the systematic development of a comprehensive pollution control program.

(b) Overall cost estimates for the construction and operation of the recommended plan.

(c) Recommendations for the form of governmental entity or authority which would be best able to further develop and implement a comprehensive water pollution control plan and program.

(d) Recommendations as to the equitable apportionment of cost of development, construction and operation among the various beneficiaries of the plan.

(e) Recommendations as to the schedule for staged development of the various phases of the comprehensive plan.

(f) Delineation of the major subject areas, with estimates of cost, for additional studies which are considered essential to the further development of a regional, comprehensive water pollution control plan in the San Francisco Bay-delta area.

SEC. 163. Section 11 of the Water Pollution Control Law of 1965 is amended to read:

Sec. 11. Before completion of the reports required by Sections 8 and 9 of this act, the State Water Resources Control Board and the California Water Commission shall jointly hold at least three public hearings in both the areas of the receiving waters and the sources of drainage discharge. In formulating its final recommendations for these reports, the State Water Resources Control Board shall give full consideration to the views of the California Water Commission and the recommendations of said commission shall be transmitted to the Legislature as a part of said reports.

SEC. 163.5. It is the intent and purpose of the Legislature by this act to further the concept of the original Dickey Water Pollution Act for regional water pollution control which has proven, over the years, to be the best means of in-

volving all levels of government in accomplishing cooperative and effective control of water pollution and water quality.

SEC. 164. Section 136.1 of this act shall become operative only if Assembly Bill No. 1222 is enacted into law by the Legislature at its 1967 Regular Session, and in such case Section 10500 of the Water Code as amended by Section 136.05 of this act is repealed. This act shall become operative on the first day of the month following the effective date of the act.

CHAPTER 285

An act to amend Section 1605 of, and to add Section 1605.5 to, the Revenue and Taxation Code, relating to property tax assessments, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 1605 of the Revenue and Taxation Code is amended to read:

1605. After giving notice as prescribed by its rules, the county board shall equalize the assessment of property on the local roll by determining the full cash value of an individual assessment and by reducing or increasing an individual assessment as provided in this section.

For the purpose of the equalization proceedings, it is conclusively presumed that the average ratio of assessed value to full cash value in the county is not more than 115 percent of the latest preliminary or final ratio determined by the board pursuant to Article 1 (commencing with Section 1815) of Chapter 2 of this part.

The applicant for a reduction in an assessment on the local roll shall establish the full cash value of the property by independent evidence. The records of the assessor may be used as part of such evidence.

The county board shall make a determination of the full cash value of each parcel for which an application for equalization is made. After determining the full cash value of a parcel of property, the county board shall establish the assessed value of the property at the lower of:

(a) An amount equal to the property's full cash value, as determined by the county board, multiplied by the ratio established under Section 401.

(b) An amount equal to the property's full cash value, as determined by the county board, multiplied by 115 percent of the board's preliminary or final ratio for the county.

(c) An amount equal to the property's full cash value, as determined by the county board, multiplied by the ratio of

assessed to full cash value of all property in the county, established without reference to the board's ratio for the county.

SEC. 2. Section 1605.5 is added to the Revenue and Taxation Code, to read:

1605.5. The county board shall make a record of the proceedings and, upon request, shall furnish the party with a transcript thereof at his expense. Written findings of fact and conclusions of law of the county board need not be made unless requested in writing by a party prior to the hearing. A reasonable fee may be imposed by the county to cover the expense of preparing findings and conclusions.

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

There is an uncertainty in the law insofar as the equalization of property is concerned where the assessor's announced ratio of assessed to full cash value is greater than such ratio as established by the State Board of Equalization when the ratios deviate by more than 15 percent. In order that this uncertainty be removed for the equalization of property for the 1967–68 fiscal year it is necessary that this act go into immediate effect.

CHAPTER 286

An act to amend Sections 12008, 12201, 12203, 12205 and 12206 of, to add Section 12201.2 to, and to repeal Sections 12005, 12201.2, and 12306 of, the Business and Professions Code, relating to weights and measures.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 12005 of the Business and Professions Code is repealed.

SEC. 2. Section 12008 of the Business and Professions Code is amended to read:

12008. "Sealer," when used without qualification, includes the State Sealer, county sealers and their deputies and inspectors.

SEC. 3. Section 12201 of the Business and Professions Code is amended to read:

12201. If from any cause a vacancy occurs in the office of county sealer, the director upon learning of such vacancy shall immediately transmit to the board of supervisors or other appointing power a list of persons certified by him to be eligible for the position. If the appointing power fails to appoint a county sealer within 60 days after the receipt of such list, the director shall appoint a county sealer from said list.

A person holding the position of Deputy State Sealer at the time of the 1967 amendment of this section shall be appointed the county sealer of weights and measures for, and an employee of, the county to which he is assigned. The director shall issue to him a certificate of eligibility which is valid only for the county he is serving on the effective date of this amendment. He shall become subject to all of the provisions of this code.

SEC. 4. Section 12201.2 of the Business and Professions Code is repealed.

SEC. 5. Section 12201.2 is added to the Business and Professions Code, to read:

12201.2. If the position of sealer cannot be filled by the board of supervisors or other appointing power or by the director as provided in Section 12201, then it shall be the duty of the director to perform the duties of sealer in the same manner, to the same extent, and with the same authority as if he had been the duly appointed sealer therein. The board of supervisors of such county shall reimburse the department for all expenses incurred by the director in fulfilling his responsibilities under the provisions of this section.

SEC. 6. Section 12203 of the Business and Professions Code is amended to read:

12203. Except as provided in this section, no person shall hereafter be appointed to the office of county sealer, deputy county sealer or inspector unless he has a certificate of eligibility from the director. If there is no person available for the position of county sealer who holds a certificate of eligibility, the appointing power may make a temporary appointment of a person recommended in writing by the director. If the appointing power does not make a temporary appointment and no person can be appointed from the eligible list by the director, then the director may make a temporary appointment of a person competent to carry on the duties of the office. Any such temporary appointment shall be for a period not exceeding six months or until the next certification examination is held. If the position of deputy county sealer or inspector cannot be filled from the lists, a temporary appointment may be made, upon the written recommendation of the director for a period not exceeding six months.

SEC. 7. Section 12205 of the Business and Professions Code is amended to read:

12205. For the purpose of advising himself on the best and most efficacious methods of performing his duties and conducting his office, every county sealer serving in a county shall attend the annual meeting of the voluntary association of the sealers of the state and such other meetings as the department or the board of supervisors requires

He shall be allowed all actual and necessary traveling expenses incurred while on any service that requires him to go outside the county. Such expenses shall be a charge against the county in which he is employed.

SEC. 8. Section 12206 of the Business and Professions Code is amended to read:

12206. The jurisdiction of a county sealer appointed by a county or the director extends over the entire territorial limits of the county.

SEC. 9. Section 12306 of the Business and Professions Code is repealed.

CHAPTER 287

An act to add Section 51335.5 to the Water Code, to add Section 7⅚ to the Knight's Landing Ridge Drainage District Act (Chapter 99, Statutes of 1913), and to add Section 7⅞ to the Sacramento River West Side Levee District Act (Chapter 361, Statutes of 1915), relating to district assessments.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 51335.5 is added to the Water Code, to read:

51335.5. In the event the assessment for any parcel of land separately assessed, based upon the rate fixed pursuant to Section 51335, is less than two dollars ($2), a minimum assessment may be set by the board which shall not exceed two dollars ($2) for each separately assessed parcel of land.

SEC. 2. Section 7⅚ is added to the Knights Landing Ridge Drainage District Act (Chapter 99, Statutes of 1913), to read:

Sec. 7⅚. In the event the assessment for any parcel of land separately assessed, based upon the rate fixed pursuant to Section 7¾, is less than two dollars ($2), a minimum assessment may be set by the board of drainage commissioners which shall not exceed two dollars ($2) for each separately assessed parcel of land.

SEC. 3. Section 7⅞ is added to the Sacramento River West Side Levee District Act (Chapter 361, Statutes of 1915), to read:

Sec. 7⅞. In the event the assessment for any parcel of land separately assessed, based upon the rate fixed pursuant to Section 7½, is less than two dollars ($2), a minimum assessment may be set by the board of levee commissioners which shall not exceed two dollars ($2) for each separately assessed parcel of land.

CHAPTER 288

An act to amend Sections 25528 and 25538 of the Government Code, relating to sale of county property.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 25528 of the Government Code is amended to read:

25528. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the chairman of the board in three public places in the county, not less than 15 days before the date of the meeting, and by publishing the notice in the county pursuant to Section 6063. In addition, the board may purchase advertising space and may advertise the proposed sale or lease of the property in such newspapers, magazines, and other periodicals as, in their judgment, will best publicize the sale or lease to those persons most likely to bid for, purchase or lease the property.

SEC. 2. Section 25538 of the Government Code is amended to read:

25538. In counties having a population of 1,000,000 or more the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25520 through 25535 of this article. Such ordinance may designate a county officer or department head to sell any real property of an estimated value of twenty-five thousand dollars ($25,000) or less belonging to such county. Any alternative procedure so prescribed shall require that the board of supervisors adopt and cause to be published pursuant to Section 6061.3, a resolution of its intention that such property be sold. Said resolution shall describe the property to be sold in such a manner so as to identify it; specify the minimum price and the terms upon which it will be sold; the date on which it will be sold, which shall be not less than seven days following the completion of publication; fix the place at which sealed proposals to purchase will be received; and fix the time and place where such proposals will be opened and declared and oral bids received. In addition, the board may purchase advertising space and may advertise the proposed sale or lease of the property in such newspapers, magazines, and other periodicals as, in their judgment, will best publicize the sale or lease to those persons most likely to bid for, purchase or lease the property. At the time and place fixed for the opening of bids the county officer or department head may accept the highest bid, written or oral, or, if he deems such action to be for the best public interest he may reject any and all bids, either written or oral, and withdraw the property from sale; provided, however, that no oral bid shall be accepted unless it is made by responsible

person and exceeds by at least 5 percent the highest written proposal made by a responsible person.

Such alternative procedure may provide that in the event no written or oral proposal is made which is equal to or greater than the minimum price fixed in said resolution, then for a period of one year following the date of said resolution, or until the board of supervisors revokes such authority, the county officer or department head shall have the authority to negotiate a sale, subject to final acceptance by said board of supervisors, of said real property to any person for not less than the minimum price fixed by said resolution; and such alternative procedure may also provide that until such final acceptance occurs the county officer or department head may lease said real property by direct negotiation on behalf of the county on a month-to-month tenancy, but in no event for more than 12 months, without first obtaining the approval of the board of supervisors.

CHAPTER 289

An act to amend Sections 24502, 24503, 24504, 24505, 24506, 24532, 24534, 24536, 24538, 24539, 24541, 24542, 24543, 24546, 24552, 24553, 24555, 24556, 24559, 24560, 24561, 24562, 24564, and 24565, and to add Sections 24503.1 and 24503.2 of the Education Code, and declaring the validity of certain acts, relating to the State College Revenue Bond Act of 1947.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 24502 of the Education Code is amended to read:

24502. The following terms wherever used or referred to in this article, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the Trustees of the California State Colleges.

(b) "State college" means a state college maintained under the authority of this code.

(c) The term "project" means any one or more dormitories or other housing facilities, boarding facilities, student union or activity facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more state colleges, or a combination of such facilities, which may include facilities already completed and

facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds or notes.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation, other than revenue bond anticipation notes, issued by the board with the approval of the State Board of Control, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article, in order to obtain funds with which to carry out the purposes of this article, irrespective of the form of such obligations.

(e) The terms "notes" and "revenue bond anticipation notes" means the written evidence of any obligation issued by the board, pursuant to Section 24503 1, in anticipation of the sale of revenue bonds, for the purpose of obtaining funds to carry out the purposes of this article.

(f) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the State Treasury created by this article for the security of any notes or bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(g) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer

(h) The term "indenture" means an agreement entered into by the board pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument.

(i) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this state or any public corporation, political subdivision, city, county, district or any agency thereof or of this state.

(j) (a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

SEC. 2. Section 24503 of the Education Code is amended to read:

24503. The board, for the purposes of this article (commencing with Section 24501), has power and is hereby au-

thorized, in addition to and amplification of all other powers conferred upon said board by the Constitution of the State of California or by any statute of the State of California:

(a) To acquire subject to the Property Acquisition Law, Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code, by grant, purchase, gift, devise, lease, or by the exercise of the right of eminent domain, and to hold and use any real or personal property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this article (commencing with Section 24501).

(b) To construct, operate and control any project.

(c) To fix rates, rents or other charges for the use of any project acquired, constructed, equipped, furnished, operated or maintained by the board, or for services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the board with respect to the fixing of such rates, rents or charges.

(d) To enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any such contract or agreement with the holders of any bonds of the board.

(e) At any time and from time to time, with the approval of the State Board of Control, to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project, or of acquiring, constructing, improving, equipping or furnishing any project, or of refinancing any project, including payment of principal and interest on revenue bond anticipation notes, or for any combination of such purposes, which bonds may be secured as hereinafter provided.

(f) At any time and from time to time, with the approval of the State Board of Control, to issue revenue bond anticipation notes pursuant to Section 24503.1.

(g) To exercise, subject to the Property Acquisition Law, Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code, the right of eminent domain for the condemnation of private property or any right or interest therein.

(h) To adopt such rules and regulations as may be necessary to enable the board to exercise the powers and to perform the duties conferred or imposed upon the board by this article (commencing with Section 24501).

(i) Nothing contained in this section or elsewhere in this article shall be construed directly or by implication to be in anywise in derogation of or in limitation of powers conferred upon or existing in the board by virtue of provisions of the Constitution or statutes of this state.

SEC. 3. Section 24503.1 is added to the Education Code, to read:

24503.1. The board, with the approval of the State Board of Control, may issue revenue bond anticipation notes, in anticipation of the sale of revenue bonds. Before issuing any such notes, the board shall, by resolution approved by the State Board of Control, authorize their issuance, declare the purpose for which the proceeds of the notes shall be expended and specify the maximum amount of notes to be issued for such purpose.

Revenue bond anticipation notes shall bear interest at such rate or rates as the board may determine, not exceeding six (6) percent per annum, payable annually or semiannually, and shall mature on such date or dates as the board may determine and set forth in the resolution authorizing their issuance, but not more than three years from their date.

The proceeds from the sale of notes shall be used only for the purposes for which the proceeds of the sale of bonds may be used in anticipation whereof the notes are issued.

All notes issued, including renewal notes, and the interest thereon shall be payable from the proceeds of the sale of the bonds, the revenues of the project, any appropriations made for that purpose or all such sources, and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation thereof, the board, with the approval of the State Board of Control, may issue renewal notes in order to pay the notes then maturing. No renewal notes shall be issued after the sale of the bonds in anticipation of which the original note was issued.

Revenue bond anticipation notes may be secured by a pledge of, and lien upon, the proceeds of the sale of bonds, the revenues of the project and any other legally available funds.

A resolution authorizing the issuance of revenue bond anticipation notes may include such provisions as the board deems necessary or advisable for the security of the notes issued thereunder, and may include any and all provisions authorized to be included in indentures by this article (commencing with Section 24501).

SEC. 4. Section 24503.2 is added to the Education Code, to read:

24503.2. Notes authorized to be issued under this article (commencing with Section 24501) shall be sold by the State Treasurer, for cash, in such manner as the said Treasurer shall be directed by a resolution requesting such sale adopted by the board and approved by the State Board of Control.

SEC. 5. Section 24504 of the Education Code is amended to read:

24504. The validity of the authorization and issuance of any revenue bonds or revenue bond anticipation notes by the board, with the approval of the State Board of Control, is not dependent on nor affected in any way by:

(a) Proceedings taken by the board for the acquisition, construction or completion of any project or any part thereof.

(b) Any contracts made by the board in connection with the acquisition, construction or completion of any project.

(c) The failure to complete any project for which bonds or notes are authorized to be issued.

SEC. 6. Section 24505 of the Education Code is amended to read:

24505. The board, with the approval of the State Board of Control, shall issue revenue bonds and revenue bond anticipation notes in its name and as its obligation, but no bond or note issued or sold pursuant to this article (commencing with Section 24501) shall be or become a lien, charge or liability against the State of California or against the board or against the property or funds of either, except, in the case of revenue bonds, to the extent of the pledge of revenues or part of revenues of the project, as may be provided by the indenture pursuant to which revenue bonds are issued, and, in the case of notes, to the extent of the pledge of revenues of the project and proceeds of the sale of bonds, as may be provided in the resolution authorizing the issuance of the notes. Every such bond and note issued by the board shall contain a recital on the face thereof, stating that neither the payment of the principal nor any part thereof, nor any interest thereon, constitutes a debt, liability or obligation of the State of California.

SEC. 7. Section 24506 of the Education Code is amended to read:

24506. The board, with the approval of the State Board of Control, shall determine the time, form and manner of the issuance of revenue bonds and revenue bond anticipation notes.

SEC. 8. Section 24532 of the Education Code is amended to read:

24532. The board, with the approval of the State Board of Control, may provide for the execution and authentication of bonds and notes by the manual, lithographed or printed facsimile signature of officers of the board and, in the case of bonds, by additional authentication by the State Treasurer as trustee. If any of the officers whose signatures or countersignatures appear upon the notes, bonds or coupons cease to be officers before the delivery of the notes, bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the notes, bonds or coupons.

SEC. 9. Section 24534 of the Education Code is amended to read:

24534. Immediately after the adoption of a resolution by the board and its approval by the State Board of Control, directing the preparation of any bonds or notes authorized under this article (commencing with Section 24501), the State Treasurer shall prepare the requisite number of suitable bonds or notes of the denominations, and in accordance with the specifications contained in such resolution.

SEC. 10. Section 24536 of the Education Code is amended to read:

24536. Bonds and notes may be sold at either public or private sale. The board, with the approval of the State Board of Control, may fix terms and conditions for the sale or other disposition of any authorized issue of bonds or notes. The State Treasurer, when authorized by resolution of the board approved by the State Board of Control, may sell bonds and notes at less than their par or face value, but no bond or note may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values.

SEC. 11. Section 24538 of the Education Code is amended to read:

24538. All costs and expenses incident to the issuance and sale of notes may be paid out of the proceeds of the sale of the notes All costs and expenses incident to the issuance and sales of bonds and all costs and expenses incident to the redemption of revenue bond anticipation notes retired with proceeds from the sale of the bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

SEC. 12. Section 24539 of the Education Code is amended to read:

24539. The board, with the approval of the State Board of Control, may provide that notes or bonds and the interest thereon shall be secured by all or by part of revenues of a project upon the basis of which the notes or bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such project as may be provided for in such notes or in any indenture.

SEC. 13. Section 24541 of the Education Code is amended to read:

24541. The board, with the approval of the State Board of Control, may provide for the replacement of lost, destroyed or mutilated notes, bonds, and coupons.

SEC. 14. Section 24542 of the Education Code is amended to read:

24542. Bonds and notes issued pursuant to the provisions of this article (commencing with Section 24501) and the interest or income therefrom are exempt from all taxation in this state other than gift, inheritance and estate taxes.

SEC. 15. Section 24543 of the Education Code is amended to read:

24543. Notwithstanding any other provision of law, all notes and bonds hereafter sold and delivered pursuant to the provisions of this article (commencing with Section 24501)

are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, and the state school funds, and may also be used as security for the deposit of public moneys in banks in this state. Such bonds are also legal investments for any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited.

SEC. 16. Section 24546 of the Education Code is amended to read:

24546. All bonds and notes issued under the provisions of this article (commencing with Section 24501) are negotiable instruments, except when registered in the name of a registered owner.

SEC. 17. Section 24552 of the Education Code is amended to read:

24552. The board may use for the payment of the costs of acquisition, construction or completion of any project any funds made available to the board by the State of California or any other funds provided by the board from any source, to be expended for the accomplishing of the purposes set forth in this article (commencing with Section 24501), together with the proceeds of revenue bonds and revenue bond anticipation notes issued and sold by the board.

SEC. 18. Section 24553 of the Education Code is amended to read:

24553. The board may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and notes and the interest thereon.

SEC. 19. Section 24555 of the Education Code is amended to read:

24555. When authorized by resolution of the board, as provided in this article (commencing with Section 24501), the State Treasurer shall prepare and procure the printing or engrossing of notes, bonds, coupons, indentures or other instruments and contracts or agreements of every kind required or convenient for or pertaining to the issuance or sale of notes or bonds.

SEC. 20. Section 24556 of the Education Code is amended to read:

24556. The board shall fix rents, charges and fees for all projects acquired, constructed or completed under the terms of this article (commencing with Section 24501) for the use thereof by any persons utilizing the facilities thereof, subject to such contractual obligations as may be entered into by the board and the holders of notes and bonds issued under this article (commencing with Section 24501). The board is authorized to change rents, charges and fees from time to time, as conditions warrant. To the extent and in the manner provided in the indenture, all rents, charges and fees shall at all

times be fixed to yield annual revenue equal to annual operating and maintenance expenses, including repairs and insurance costs and all redemption payments and interest charges and reserve fund requirements on revenue bonds at any time issued and outstanding hereunder, as the same become due.

SEC. 21. Section 24559 of the Education Code is amended to read:

24559. The holder of any bond or note issued pursuant to this article (commencing with Section 24501) may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the board or upon any official or employee or assumed by any thereof, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rents, rates, charges, fees and all other revenues derived from the operation and use of any project or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds and notes under this article (commencing with Section 24501). The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds and notes issued pursuant to this article (commencing with Section 24501).

SEC. 22. Section 24560 of the Education Code is amended to read:

24560. The proceeds from the sale of all bonds and notes authorized under the provisions of this article (commencing with Section 24501), except those proceeds used to redeem outstanding notes, shall be deposited forthwith by the State Treasurer, on order of the State Controller, in the State Treasury to the credit of a fund to be designated as the State College Dormitory Construction Fund, which fund is hereby created. The money in such construction fund shall be expended, pursuant to claims filed by the board with the State Controller, for the purposes authorized by this article (commencing with Section 24501), or as provided in the indenture or notes, and for such other purposes, subject to the restrictions provided by law, by the notes, or by the indenture, as may be authorized by resolution of the board approved by the State Board of Control. Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition, construction, furnishing and equipping of any project authorized by this article (commencing with Section 24501) shall be paid from the said construction fund as herein provided upon claim filed by the board and after audit by the State Controller in the manner provided by law and upon warrants drawn by the Controller.

SEC. 23. Section 24561 of the Education Code is amended to read:

24561. To the extent and in the manner provided in the indenture or in a resolution authorizing the issuance of notes,

all revenues received from the operation of any project acquired or constructed by the board under the provisions of this article (commencing with Section 24501) shall be transmitted by the board at least once in every calendar month, to the State Treasurer. On order of the State Controller, the said Treasurer shall deposit such revenues in the State Treasury to the credit of the State College Dormitory Revenue Fund, which fund is hereby created. Moneys in the State College Dormitory Revenue Fund shall be used to pay the costs of operation and maintenance of the projects authorized by this article, including refunds authorized by Section 24556.5, to provide the amounts required for interest and redemption of notes and bonds as provided in this article, and for any other purposes authorized by resolution of the board approved by the State Board of Control, subject to any restrictions provided by law, a resolution authorizing the issuance of notes, or the indenture.

SEC. 24. Section 24562 of the Education Code is amended to read:

24562. For the payment of the principal and interest of the notes and bonds authorized to be issued under this article (commencing with Section 24501), an interest and redemption fund in the State Treasury is hereby created, to be designated the State College Dormitory Interest and Redemption Fund. From the money deposited in the State College Dormitory Construction Fund, the State Treasurer, on order of the State Controller, shall transfer to the State College Dormitory Interest and Redemption Fund such sums as may be required to pay the interest as it becomes due on all notes and bonds sold and outstanding for the construction or acquisition of a particular project authorized under this article (commencing with Section 24501) during the period of actual construction or acquisition thereof and during such period thereafter as may be provided in the indenture or authorized by resolution of the board approved by the State Board of Control. The State Treasurer, on order of the State Controller, shall thereafter transfer from the State College Dormitory Revenue Fund to the State College Dormitory Interest and Redemption Fund such sums as may be required to pay the interest on said notes and bonds and redeem the principal thereof as such interest payments and note and bond redemptions fall due for all notes and bonds issued under the provisions of this article (commencing with Section 24501).

SEC. 25. Section 24564 of the Education Code is amended to read:

24564. Moneys in the State College Dormitory Construction Fund may be invested by the board, with the approval of the State Board of Control, subject only to such limitations as may be provided in any resolution authorizing the issuance of revenue bond anticipation notes or in any indenture providing for the issuance of revenue bonds. All securities or other investments made under the provisions of this article

(commencing with Section 24501) shall be held by the State Treasurer as custodian thereof. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and, on order of the State Controller, shall be deposited in the State Treasury to the credit of the fund from which such interest or other earnings are derived.

SEC. 26. Section 24565 of the Education Code is amended to read:

24565. After all of the notes and revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the State College Dormitory Construction Fund shall, subject to the limitations and restrictions in any resolution authorizing the issuance of the notes or in any indenture providing for the issuance of the revenue bonds, remain available for the acquisition of sites for, and for the construction, equipping and furnishing of, buildings for state colleges.

SEC. 27. The validity of short-term revenue bonds denominated revenue bond anticipation notes and revenue notes previously issued by the board is in no way affected by the amendments to The State College Revenue Bond Act of 1947 made by this act and such bonds are hereby declared to satisfy the legislative intent expressed by said act prior to its amendment in 1967.

CHAPTER 290

An act to authorize and validate actions taken by reclamation districts in compliance with provisions of Article 4 (commencing with Section 51360), Chapter 2, Part 7, of Division 15 of the Water Code, relating to reclamation district elections and taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Any district which in 1966 furnished a request to the board of supervisors for the levy of a special tax pursuant to Article 4 (commencing with 51360) of Chapter 2, Part 7, Division 15 of the Water Code, as required by Section 51360 of the Water Code as it existed prior to the amendment thereof at the 1966 First Extraordinary Session of the Legislature, shall be deemed to have elected, in compliance with Section 51360 as amended in 1966, to proceed under said Article 4, regardless of whether it has adopted a resolution to that effect, as required by Section 51360 as amended in 1966. No further election pursuant to the provisions of Section 51360 as amended in 1966 shall be required unless and until the district board, by resolution, terminates its election to proceed

thereunder; and, notwithstanding any provision in Section 51360 to the contrary, the basis of voting in the district in 1967 and subsequent years, until such termination of election, shall be on taxable land and improvements, as provided in Sections 50016 and 50704.

Such a district shall file notice of its intent to continue to proceed under said Article 4 with the auditor, assessor, tax collector, and treasurer of each county within which the district is located, and with the State Board of Equalization, at the time that it furnishes its estimate of funds needed to the board of supervisors pursuant to Section 51360.5 of the Water Code; and, unless it already has done so, shall file with the county assessor and the State Board of Equalization a map or plat indicating the boundaries of the district as required by Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

SEC. 2. Any elections held by reclamation districts or taxes levied on behalf of any reclamation district in 1967 prior to the effective date of this act, which would have been valid if this act had been in effect, are hereby confirmed, validated, and declared legally effective.

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

The date for furnishing estimates to the county board of supervisors by reclamation districts utilizing the county tax rolls will occur prior to the date that a statute normally would take effect. Therefore, in order that the curative provisions of Section 1 of this act may become effective in time to permit certain reclamation districts to continue to utilize the county tax rolls for their operation and maintenance assessments, it is necessary that this act take effect immediately.

CHAPTER 291

An act to repeal Section 138.5 of the Civil Code, relating to child visitation rights of grandparents.

[Approved by Governor June 7, 1967. Filed with Secretary of State June 7, 1967.]

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

SECTION 1. Section 138.5 of the Civil Code is repealed.

CHAPTER 292

An act to amend Sections 538, 539, and 540 of the Code of Civil Procedure, relating to attachment.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; or, if an attachment is then sought for only part thereof, such partial amount; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum claimed, exclusive of interest and attorney's fees, is less than one hundred twenty-five dollars ($125).

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of Section 690.11 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessaries of life, the affidavit must contain a statement to that effect, and must specify the character or nature of the items constituting the alleged necessaries.

SEC. 2. Section 539 of the Code of Civil Procedure is amended to read:

539. Before issuing the writ, the plaintiff must file with the clerk or judge a written undertaking with two or more sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, and that if the attachment is discharged on the ground that the plaintiff was not entitled thereto under Section 537, the plaintiff will pay all damages which the defendant may have sustained by reason of the attachment, not exceeding the sum specified in the undertaking. The sum specified in the undertaking shall be one-half ($\frac{1}{2}$) of the principal amount of the total indebtedness or damages claimed, or a partial amount thereof, as may be set forth in plaintiff's affidavit pursuant to Section 538, excluding attorneys' fees, but not less than fifty dollars ($50). Nothing herein shall be con-

strued to preclude the acceptance of an undertaking in which a larger sum is specified, if such undertaking be offered. The court on ex parte application of the plaintiff, may by written order, direct the issuance of the writ on the filing of an undertaking in a lesser sum, but not less than fifty dollars ($50).

At any time after the issuing of the attachment, but not later than five days after actual notice of the levy thereof, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objection to them. When excepted to, the plaintiff's sureties, within five days from service of written notice of exception, upon notice to the defendant of not less than two nor more than five days, must justify before the judge or clerk of the court in which the action is pending, in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the writ of attachment must be vacated.

The court, at any time after issuance of the writ, on motion of the defendant, after notice to the plaintiff, may order the amount of the undertaking increased, but in no event to an amount exceeding the amount for which the writ has been issued.

SEC. 3. Section 540 of the Code of Civil Procedure is amended to read:

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from execution, specifically excluding one-half of the earnings of such defendant received for his personal services rendered at any time within 30 days next preceding the levy of attachment, or so much of the property of such defendant as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the amount stated in plaintiff's affidavit filed pursuant to Section 538, not exceeding the amount of the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge of the court issuing the writ, or if said writ of attachment is issued to another county then by a judge of a court, having jurisdiction in cases involving the amount specified in the writ, in the county where the levy shall have been, or is about to be, made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable or

marshal such undertaking which must first be approved by the judge as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money, shall not subject such defendant to, or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant; provided, however, that such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title to the attached property and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking simultaneously or from time to time within 60 days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of any county or counties, whether or not any writ previously issued has been returned.

CHAPTER 293

An act to amend Section 10800 of the Fish and Game Code, relating to fish refuges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 10800 of the Fish and Game Code is amended to read:

10800. The waters of Soda Springs Lake, commonly known as Kern Lake, of the Kern River constitute a fish refuge.

This section shall remain in effect until the 61st day after adjournment of the 1987 Regular Session and thereafter shall be of no force or effect.

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

The statute establishing Soda Springs Lake, commonly known as Kern Lake, of the Kern River as a fish refuge remains in effect only until September 19, 1967. This fish refuge

is vitally necessary to insure that the people of the State of California will derive the maximum benefit from the fish resources of the state. This act must go into immediate effect to insure that such statute shall remain in effect.

CHAPTER 294

An act to amend Section 18931 of the Financial Code, relating to premium finance agreements.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 18931 of the Financial Code is amended to read:

18931. A premium finance agency may, in a premium finance agreement, contract for, charge, receive, and collect a finance charge which shall not exceed in the aggregate:

(a) One and three-quarters percent ($1\frac{3}{4}\%$) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of, seven hundred dollars ($700).

(b) Five-sixths of one percent ($\frac{5}{6}$ of 1%) per month on any remainder of such unpaid principal balance in excess of seven hundred dollars ($700).

CHAPTER 295

An act to amend Section 1335 of the Penal Code, relating to examination of witnesses.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 1335 of the Penal Code is amended to read:

1335. When a defendant has been charged with a public offense triable in any court, he in all cases, and the people in cases other than those for which the punishment may be death, may, if the defendant has been fully informed of his right to counsel as provided by law, have witnesses examined conditionally in his or their behalf, as prescribed in this chapter.

CHAPTER 296

An act to amend Section 5236 of the Streets and Highways Code, relating to orders for changes in work.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 5236 of the Streets and Highways Code is amended to read:

5236. After construction has begun, the legislative body, or the superintendent of streets if authorized by the legislative body, may order changes in the work without the necessity of a hearing. The order shall be in writing, and the amount of any change ordered shall not exceed one thousand dollars ($1,000) when the total amount of the contract does not exceed one hundred thousand dollars ($100,000), nor 1 percent of the amount of any original contract which exceeds one hundred thousand dollars ($100,000). No change shall exceed four thousand five hundred dollars ($4,500). The limitations on the cost of changes permitted by this section shall not apply where the change is requested in writing by the owner of property subject to assessment for the improvement under construction and the nature of the change requested is such that the cost thereof will be assessed exclusively against the property of the person requesting the change.

CHAPTER 297

An act to amend Sections 3568, 3569, and 3570 of the Elections Code, relating to ballot pamphlets.

[Approved by Governor June 13, 1967 Filed with Secretary of State June 13, 1967]

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

SECTION 1. Section 3568 of the Elections Code is amended to read:

3568. The ballot pamphlets shall contain:

(a) A complete copy of all measures submitted to the voters by:

(1) The Legislature.

(2) Initiative or referendum petition.

(b) A copy of the specific constitutional or statutory provision, if any, proposed to be affected.

(c) A copy of the arguments provided for by law.

(d) A copy of the analyses provided for in this chapter.

(e) The Legislative Counsel's Digest of all statutes which become effective upon approval by the voters of a proposed

constitutional amendment, and in addition, a notification to voters that the complete text of each bill is on record in the office of the Secretary of State in Sacramento and is also contained in the published statutes.

SEC. 2. Section 3569 of the Elections Code is amended to read:

3569. The ballot pamphlets shall be printed in two parts, separately paged and may be separately bound. The first part, which shall consist of the analyses of, and arguments for and against the measures in the same order in which they are to appear upon the ballot, shall be printed in not less than eight-point type, indicated in boldface with respect to the analyses of the measures, shall be preceded by the numbers and ballot titles provided for in this chapter, and shall in each case be preceded by a reference, printed in blackface type, to the page on which begins the text of the measure as printed in the second part of the pamphlet.

The Legislative Counsel's Digests of all statutes which are to become operative upon approval of a constitutional amendment submitted by the Legislature shall also be a part of the first part of the ballot pamphlet. They shall be printed in the same manner as the analyses and arguments concerning measures on the ballot.

SEC. 3. Section 3570 of the Elections Code is amended to read:

3570. The second part of the pamphlet shall be designated as the appendix, shall begin with page numbered one, shall be printed in eight-point type, and shall contain, in the same order and with the same numbers and ballot titles as provided in this chapter, the text, existing provisions of law affected, and all other matter connected with the proposed measures, except the arguments to be printed in the first part of the pamphlet. The provisions of the proposed measures differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

CHAPTER 298

An act to amend Section 990 of the Government Code, relating to insuring public employees.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 990 of the Government Code is amended to read:

990. Except for a liability which may be insured against pursuant to Division 4 (commencing with Section 3201) of the Labor Code, a local public entity may:

(a) Insure itself against all or any part of any liability for any injury.

(b) Insure any employee of the local public entity against all or any part of his liability for injury resulting from an act or omission in the scope of his employment.

(c) Insure, contract or provide against the expense of defending a claim against the local public entity or its employee, whether or not liability exists on such claim, including a claim for damages under Section 3294 of the Civil Code or otherwise for the sake of example or by way of punishment, where such liability arose from an act or omission in the scope of his employment, and an insurance contract for such purpose is valid and binding notwithstanding Section 1668 of the Civil Code, Section 533 of the Insurance Code, or any other provision of law.

Nothing in this section shall be construed to authorize a local public entity to pay for, or to insure, contract, or provide for payment for, such part of a claim or judgment against an employee of the local entity as is for punitive or exemplary damages.

CHAPTER 299

An act to amend Section 19572 of the Education Code, relating to public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 19572 of the Education Code is amended to read:

19572. Notwithstanding any provision of this chapter (Sections 19551 to 19689, inclusive) to the contrary, no school district shall be required, except as provided in this section, to contribute toward the cost of a project for which an application for an apportionment is filed, any of the following funds of the district:

(a) Amounts in the general fund of the district which are apportionments from the State School Fund.

(b) Amounts in the general fund of the district which are the proceeds of a tax levy and have not been earmarked by the governing board of the district or the electors of the district for any purposes for which school district bonds may be issued and sold.

In considering an application for an apportionment the board may review the purposes for which the district has expended or encumbered proceeds from the sale of district bonds authorized to be issued at an election held on or after

September 3, 1952. Upon a finding by the board that any such proceeds have been expended or encumbered for purposes outside the scope and intent of this chapter (Sections 19551 to 19689, inclusive), the board may require the district to contribute toward the project for which an apportionment is sought from any funds of the district, except those referred to in subdivision (a) above, an amount equal to the amount of district bonds proceeds expended or encumbered for purposes outside the scope and intent of this chapter (Sections 19551 to 19689, inclusive). Proceeds from the sale of district bonds which have been encumbered or expended for the purchase of schoolbuses authorized by Section 21701 shall be deemed encumbered or expended for purposes outside the scope and intent of this chapter.

If a district is required pursuant to this section to make a contribution toward the project for which an apportionment is sought as a result of the purchase prior to January 1, 1967, of schoolbuses authorized by Section 21701 out of proceeds from the sale of district bonds, the district at the time that the board determines that the contribution is required may agree to pay the required contribution by payment into the State School Building Aid Fund by 10 or less annual installments payable without interest over a period not exceeding 10 years after the date of the final apportionment. The first installment shall be due and payable one year after the date of the final apportionment The installment payments shall be made by the governing board of the district from moneys in the general fund of the district if money is available therefor. If the governing board of the district determines that money is not available in the general fund of the district for such purposes, the maximum rate of school district tax for any school year is hereby increased for any school year by such amount not to exceed the amount of the proposed payment into the State School Building Aid Fund as shown by the budget for such school year as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

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

The State Allocation Board is requiring school districts which have applied for apportionments of state funds under the State School Building Aid Law of 1952 to contribute toward the projects for which the apportionments are sought an amount equal to the amount that the school districts expended for schoolbuses out of school district bond proceeds. Such school districts are unable at the present time to make such contributions without impairing their essential educa-

tional programs. This act will permit such school districts to make the required contributions over a period of time without interest, and provide a source of funds therefor. Thus, it is imperative that this act go into immediate effect so that the essential educational programs of the districts may continue unimpaired.

CHAPTER 300

An act to amend Section 17021 of the Elections Code, relating to the conduct of elections.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 17021 of the Elections Code is amended to read:

17021. Neither the county clerk, any member of a precinct board, nor any other person shall count any votes, either for a ballot proposition or candidate, until all polling places in California have closed on the day of election. The provisions of this paragraph shall apply regardless of whether the counting is done by manual tabulation or by a vote tabulating device.

In any county in which a voting machine is used, there shall be no reading or observation of a count made automatically by any such machines before all polling places in California have closed on the day of election.

A violation of the provisions of this section is a misdemeanor and is punishable by a fine of no more than five hundred dollars ($500).

CHAPTER 301

An act to amend Section 12881.2 of, and to amend and renumber Section 12885.3 of the Water Code as proposed by Assembly Bill No. 110 of the 1967 Regular Session, and to add Sections 12882.3, 12885.2, 12885.3, and 12885.4 to the Water Code, relating to water resources.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 12881.2 of the Water Code, as proposed to be added by Assembly Bill No. 110, is amended to read:

12881.2. As used in this chapter:

(a) "Project" means any dam, reservoir, or other construction or improvement by a public agency for the diversion, storage, or distribution of water primarily for domestic,

municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes.

(b) "Public agency" means any city, county, district or other political subdivision of the state.

(c) "Feasibility report" means such report on the feasibility of a public agency's proposed project as the department may require the public agency to file with the department in support of an application by the public agency under this chapter for a loan for the construction of the proposed project.

SEC. 2. Section 12882.3 is added to the Water Code, to read:

12882.3. An application for a reservoir site loan pursuant to Section 12885.2 shall include:

(a) Evidence that the proposed site is zoned as a reservoir site.

(b) Geologic data as to the suitability of the site for reservoir construction.

SEC. 3. Section 12885.3 of the Water Code, as proposed to be added by Assembly Bill No. 110, is amended and renumbered to read:

12885.5. In furtherance of the policy set forth in Section 12881.4, no funds shall be loaned for either irrigation distribution system projects or municipal distribution system projects, except in cases which, in the judgment of the department and the commission, involve extreme hardship which jeopardizes the public health, safety or welfare. Distribution facilities which are a necessary and integral part of an overall water development project may be covered by a state loan.

SEC. 4. Section 12885.2 is added to the Water Code, to read:

12885.2. The department is authorized to make state loans to public agencies for the acquisition of interests in lands that are necessary for the construction, operation, or maintenance of proposed projects that would meet water needs of the public agencies. Such loans may be made separate and apart from loans that may be made under this chapter for the construction of proposed projects by public agencies.

The making of each loan pursuant to this section shall be subject to the following conditions:

(a) The loan may be made for all or any part of the cost of acquiring interests in lands for a proposed project but in no event shall any such loan be in an amount which is greater than the portion of such cost which the department finds to be beyond the reasonable ability of the public agency to finance from other sources.

(b) The loan shall not exceed four hundred thousand dollars ($400,000) for any one project. A loan in excess of that amount for any one project may be made by the department only upon specific approval of the Legislature, by act enacted after the receipt of copies of the project report filed pursuant to Section 12882.4 and upon such additional terms and conditions as the Legislature may prescribe.

(c) Each loan is subject to the provisions of Article 9 (commencing with Section 12889) of this chapter.

SEC. 5. Section 12885.3 is added to the Water Code, to read:

12885.3. Each loan that is made pursuant to Section 12885.2 shall be repayable with interest upon the same terms as are applicable to construction loans that are made pursuant to this chapter, as set forth in Sections 12885.1 and 12885.8, except that each contract which the department enters into for a loan under this article shall provide for the sale of the interests in lands that are acquired with the loan if, in the department's determination, the construction of the proposed project has not commenced within a period of five years from the date of the first disbursement of loan funds under the contract or within any extension of said period that the department may allow shall provide that, under that eventuality, such interests in lands shall be offered for sale within six months from the termination of such five-year period or of any extension thereof, and shall provide that the proceeds of the sale shall be applied toward the repayment of the principal amount of the loan and toward the payment of the accrued interest thereon. Any remaining proceeds, after deducting administrative costs of the public agency in the purchase and sale of the interests in lands shall be repaid to the state.

SEC. 6. Section 12885.4 is added to the Water Code, to read:

12885.4. Notwithstanding any provision of law to the contrary, any land acquired with a loan made pursuant to this chapter, which land is located outside the boundaries of the public agency acquiring the land and which was subject to taxation at the time of acquisition thereof, shall remain subject to taxation.

CHAPTER 302

An act to amend Sections 1 and 2 of Chapter 24 of the Statutes of 1966, First Extraordinary Session, relating to school bond indebtedness, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 1 of Chapter 24 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Section 1. Notwithstanding Section 21702 of the Education Code, for purposes of Chapter 7 (commencing with Section 21701) of Division 16 of the Education Code, the total amount of bonds issued shall not exceed 5 percent of the taxable property of the district as shown by the last equalized

assessment of the county or counties in which the district is located without modification pursuant to Section 21702 of the Education Code.

This section shall apply only to a district if it meets all of the following conditions:

(1) The district is located in a county or counties for which the factor computed pursuant to Section 17261 of the Education Code for the 1965–1966, 1966–1967, or 1967–1968 fiscal year was .93 or less.

(2) The district is not participating in the state school building aid program for the fiscal years 1965–1966, and 1966–1967.

(3) The governing board of the district by resolution specifies that this act shall be applicable to the district.

SEC. 2. Section 2 of Chapter 24 of the Statutes of 1966 First Extraordinary Session, is amended to read:

Sec. 2. This act shall be operative until July 1, 1968, after which it shall have no force or effect.

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

There are several school districts which are in immediate need of capital outlay funds, but need additional time in which to issue bonds under the present provisions of law, which is effective only until July 1, 1967. This act will extend the duration of the present provisions of law until July 1, 1968. In order that there be no lapse in the effect of the present law, it is necessary that this act go into immediate effect.

CHAPTER 303

An act to amend and renumber Section 1081 of, and to add Section 1081 to, the Education Code, relating to school excursions and field trips.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 1081 of the Education Code is amended and renumbered to read:

1081.5. The governing board of any school district may:

(a) Conduct excursions and field trips for pupils enrolled in the secondary schools to provide language, history, geography, natural sciences, and other studies, relative to the culture and natural resources of a foreign country, in the foreign country; for that purpose engage such instructors, supervisors, and other personnel as desire to contribute their services over

and above the normal period for which they are employed by the district, and provide other necessary equipment and supplies.

(b) Transport by use of district equipment or arrange transportation by the use of other equipment of pupils, instructors, supervisors or other personnel to and from places in the foreign country where such excursions and field trips are being conducted; provided, that when district equipment is used, the governing board shall secure liability insurance from a carrier licensed to transact insurance business in such foreign country.

(c) Establish a fee which pupils shall be required to pay as a condition to participation in such excursions and field trips to cover travel expenses including meals, lodging and transportation.

The attendance or participation of a pupil in an excursion or field trip authorized by this section shall not be considered attendance for purposes of crediting attendance for apportionments from the State School Fund in any fiscal year; nor shall any allowance for the transportation of pupils be made out of the State School Fund to any district as a result of expenses incurred in providing transportation for, or in transporting, pupils pursuant to this section.

SEC. 2. Section 1081 is added to the Education Code, to read:

1081. As used in this article "foreign country" means "Mexico" or "Canada," and does not include any other foreign country.

CHAPTER 304

An act to amend Sections 5025.11 and 5025.12 of the Public Resources Code, relating to the Donner Party Trail.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 5025.11 of the Public Resources Code is amended to read:

5025.11. The department shall, with the advice of the Historical Landmarks Advisory Committee, certify the route followed by Colonel John Charles Fremont and party from the Nevada state line through Mono, Inyo, Alpine, Amador, and El Dorado Counties to Sutter's Fort in Sacramento County in the winter of 1843, and the Donner Party Trail, from the Nevada state line to the junction of Verdi Canyon to Alder Creek Camp of the Donner Party, thence to the Donner Monument at Donner Memorial State Park.

SEC. 2. Section 5025.12 of the Public Resources Code is amended to read:

5025.12. The department is authorized to place suitable markers along these certified routes at intervals and at each intersection with a state highway or county road.

CHAPTER 305

An act to amend Section 4831 of the Revenue and Taxation Code, relating to assessment rolls.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 4831 of the Revenue and Taxation Code is amended to read:

4831. When it can be ascertained from the roll or any papers in the assessor's office what was intended, or what should have been assessed, defects in description or form or clerical errors of the assessor on the roll or other errors of the assessor not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the assessor may be corrected under this article at any time after the roll is delivered to the auditor by the clerk of the county board and prior to the expiration of three years after the making of the assessment which is being corrected.

In the event the correction has the effect of increasing the amount of taxes due on real property for the year or years in which such correction is made, such increased amount of taxes shall not create, impose or constitute a lien or charge on such real property if (a) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon, or (b) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon. In such case, the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth in the name of the person who was the assessee in the year in which such correction was made and the amount or amounts of any such correction. From the date of the recording of such certificate, a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded for the amount of such taxes, which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time, release all or any portion of real

property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

CHAPTER 306

An act to amend Sections 32512, 32792, 32793, 36304, 37975, 38361, 38391, 38421, 38454, 38766, 38784, 38795, and 38985 of, to add Sections 37192, 38368, 38396, and 38429 to, and to repeal Sections 35194, 36305, 38983, and 38984 of, the Agricultural Code as proposed by Senate Bill No. 1, relating to milk product standards.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 32512 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

32512. "Milk product" includes milk, cream, sour cream, half-and-half, ice cream, ice milk, butter, cheese, milk fat or butterfat, skim milk or nonfat milk, evaporated milk, evaporated cream, sterilized flavored drink, sterilized flavored milk, sterilized cream, sterilized milk, nonfat dry milk, dried milk, milk drink mix, milk drink, buttermilk, cultured buttermilk, modified milk, concentrated milk, concentrated skim milk, sour cream dressing, yogurt, whipped cream or cream topping, eggnog, ice cream mix, ice milk mix, dietetic or low fat yogurt, low fat milk, evaporated or condensed skim milk, sweetened condensed milk, renovated butter, whipped cream mix or cream topping mix, fruit yogurt, sterilized flavored cream, dried whey, sherbet, yogurt sherbet, flavored milk and flavored dairy drink, quiescently frozen confections, and any other product which is prepared or manufactured from milk or cream for which a standard of composition is established by or pursuant to this division.

SEC. 2. Section 32792 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

32792. The director shall do all of the following:

(a) Collect, compile, and publish statistics relative to the dairy industry, oleomargarine, and imitation milk products.

(b) Disseminate the statistics and other information useful to the general good and development of the dairy industry of the state.

SEC. 3. Section 32793 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

32793. The director shall provide blanks for reporting statistics on milk and milk products and on imitation milk and imitation milk products. He shall, on or before the first of each month, cause to be mailed to each person that is engaged in operating any milk products plant, any imitation milk products plant, and to each market milk distributor such number of the blanks as may be necessary. Each person that is engaged in operating any milk products plant, any imitation milk products plant, or that is a market milk distributor shall, within 30 days after the blank is mailed to him, transmit to the director a full and accurate report of the amount of milk and milk products and imitation milk and imitation milk products which he produced, purchased, manufactured or distributed during the preceding month.

SEC. 4. Section 36304 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

36304. The provisions of Sections 36301, 36302, and 36303 do not apply to milk or cream which is sold by a producer to a milk products plant.

SEC. 5. Section 37975 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

37975. Any cheese which is cut and wrapped or packaged into individual consumer packages shall be labeled to indicate all of the following:

(a) That it is pasteurized or made from pasteurized products or that it has been cured for at least 60 days.

(b) The variety.

(c) The name and address of the manufacturer or distributor.

All cheese which is sold in such individual consumer packages, except those cheeses defined in Sections 37643, 37673, 37675, 37701, 37723, and 37725, shall be labeled with the words "part skim" or "skim," as the case may be, if the cheese is made from part skim milk or from skim milk.

SEC. 6. Section 38361 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38361. Dried milk is the product which results from the removal of water from milk. It shall be made from pasteurized milk and shall otherwise conform to the definition, standards, and requirements which are prescribed in this article.

SEC. 7. Section 38391 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38391. Extra grade edible dry whey is the product which results by spray drying sweet, fresh cheese whey which has been pasteurized, either before or during the process of manufacture at a temperature of 145 degrees Fahrenheit for 30 minutes or its equivalent in bacterial destruction, and to which no alkali or other chemical has been added.

SEC. 8. Section 38421 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38421. Nonfat dry milk is the product which results from the removal of fat and water from milk. It shall contain the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which it is made. It shall be made from pasteurized skim milk and shall otherwise conform to the standards and requirements which are prescribed in this article.

SEC. 9. Section 38454 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38454. Milk drink mix shall be pasteurized and shall contain not more than 75,000 bacteria per gram.

SEC. 10. Section 38766 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38766. Whipped cream or cream topping shall be labeled with the term "whipped cream" or "cream topping" and with the name and address of the manufacturer or distributor and shall be labeled with the word "pasteurized".

SEC. 11. Section 38784 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38784. Whipped cream mix or cream topping mix shall be labeled with the name of the product and the name and address of the manufacturer or distributor and shall be labeled with the word "pasteurized".

SEC. 12. Section 38795 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38795. Eggnog shall be labeled with its name and with the name and address of the manufacturer or distributor and shall be labeled with the word "pasteurized".

SEC. 13. Section 38985 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

38985. Except as otherwise provided in Section 38986, each container, within the outer package, which contains any imitation milk, imitation cream, or imitation milk product shall be labeled with the words "imitation milk," "imitation cream," or "imitation milk product," as the case may require, and with the name and address of the manufacturer or distributor and names of the various ingredients and the percentages of fat and milk fat, if any, contained therein, which are printed in blackface plain roman capital letters of a size not less than 12-point. Such words shall appear upon the main or principal label of the containers.

SEC. 14. Section 37192 is added to the Agricultural Code as proposed by Senate Bill No. 1, to read:

37192. Butter which is sold to the retail trade shall be labeled with the words "pasteurized" or "raw," as the case may be.

SEC. 15. Section 38368 is added to the Agricultural Code as proposed by Senate Bill No. 1, to read:

38368. Each container of dried milk shall be labeled with the word "pasteurized" when filled.

SEC. 16. Section 38396 is added to the Agricultural Code as proposed by Senate Bill No. 1, to read:

38396. Each container of extra grade edible dry whey shall be labeled with the full name of the product and with the word "pasteurized" when filled.

SEC. 17. Section 38429 is added to the Agricultural Code as proposed by Senate Bill No. 1, to read:

38429. Each container of nonfat dry milk shall be labeled with the word "pasteurized" when filled.

SEC. 18. Section 35194 of the Agricultural Code as proposed by Senate Bill No. 1 is repealed.

SEC. 19. Section 36305 of the Agricultural Code as proposed by Senate Bill No. 1 is repealed.

SEC. 20. Section 38983 of the Agricultural Code as proposed by Senate Bill No. 1 is repealed.

SEC. 21. Section 38984 of the Agricultural Code as proposed by Senate Bill No. 1 is repealed.

CHAPTER 307

An act to add Section 5784 to the Agricultural Code, as proposed by Senate Bill No. 1, relating to host-free areas.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 5784 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

5784. The regulations adopted by the director upon the establishment of a cotton host-free period or district for a particular pest shall, insofar as practical, be uniform and shall be uniformly enforced in all cotton host-free periods or districts established for that pest. Any exemptions or variances thereafter shall be extended to all other districts or periods unless the director finds that it will be detrimental to the eradication or effective control of the particular pest to do so.

CHAPTER 308

An act to amend Section 5552 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to cotton plants.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 5552 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

5552. Any cotton plant which is uncultivated or that is left from a previous season is presumed to harbor pests and as such is a public nuisance. This presumption is a presumption affecting the burden of producing evidence. If any such cotton plant is not destroyed in the manner established by regulation of the director, by March 1st of any year or by such earlier date as shall be proclaimed by the director as the beginning of a host-free period pursuant to Section 5781 of this code, it is subject anytime thereafter to all remedies which are or may be given for the prevention or abatement of nuisances.

CHAPTER 309

An act to amend Section 72300 of the Government Code, relating to sessions of municipal courts.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 72300 of the Government Code is amended to read:

72300. (a) In a district or city and county in which the municipal court is composed of three or more judges, one department of the court may remain open and in session for the transaction of any business which may come before the department in the exercise of the criminal jurisdiction of the court or a judge of the court, at such hours of the day or night, or both, as the judges of the court prescribe.

(b) In class A, class B, and class C counties, as defined in this section, one department of the municipal court in each municipal court district composed of four or more judges shall remain open and in session at least one night a week during such hours as the judges of the court shall prescribe for the purpose of conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. The clerk of the court, or at least one deputy clerk, shall be in attendance to accept bail for traffic offenses in a department that is open at

night. The judges of the court may appoint a commissioner for the purposes of conducting arraignment proceedings, the taking of pleas, and the setting of cases for trial and the commissioner shall have the same powers as the judge in conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court shall be open for the transaction of judicial business on a holiday, other than a special holiday, does not apply to such municipal courts while exercising their jurisdiction pursuant to this section.

(c) As used in this section:

(1) "Class A" county means any county with a population of 2,000,000 or more, as determined by the Department of Finance as of July 1964.

(2) "Class B" county means any county with a population of 1,000,000 or more, as determined by the Department of Finance as of July 1964, which adjoins a class A county.

(3) "Class C" county means any county with a population of 1,000,000 or more, as determined by the Department of Finance as of July 1964, which adjoins a class B county.

CHAPTER 310

An act to amend Sections 4181, 4183, 4185, and 4750 of, to add Section 3011 to, and to repeal Section 4184 of, the Fish and Game Code, relating to beartraps.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 3011 is added to the Fish and Game Code, to read:

3011. No person, including employees of the state, federal or county government, shall take bear with iron or steel-jawed or any type of metal-jawed traps, and no provision of this code or any other law shall be construed to authorize, or to permit the authorizing of, the use of iron or steel-jawed or any type of metal-jawed traps to take bear.

SEC. 1.5. Section 4181 of the Fish and Game Code is amended to read:

4181. Any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, or wild boar, may apply to the department for a permit to kill such mammals. The department, upon satisfactory evidence of such damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of such mammals under regulations promulgated by the commission.

Mammals so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the department. No iron or steel-jawed or any type of metal-jawed trap shall be used to take any bear pursuant to this section. It shall be unlawful for any person to violate the terms of any permit issued under the provisions of this section.

SEC. 2. Section 4183 of the Fish and Game Code is amended to read:

4183. Nothing in this code prohibits an owner of livestock from protecting such livestock from depredations of bears, nor prohibits federal, state, or county trappers from killing or trapping bears when such bears are killing or molesting livestock, but no iron or steel-jawed or any type of metal-jawed trap shall be used to take any such bear, and no person, including employees of the state, federal or county government shall take bear with iron or steel-jawed or any type of metal-jawed traps.

SEC. 2.5. Section 4184 of the Fish and Game Code is repealed.

SEC. 3. Section 4185 of the Fish and Game Code is amended to read:

4185. In any district or part of a district within San Bernardino and Riverside Counties, bears may be taken at any time with traps within a good and substantial fence, as such fence is described in Section 401 of the Agricultural Code, surrounding beehives, if no part of such fence is at a distance greater than 50 yards from a beehive, and if a conspicuous sign is posted and maintained at each entrance to the enclosed premises to give warning of the presence of the traps. No iron or steel-jawed or any type of metal-jawed trap shall be used to take bear under this section.

SEC. 4. Section 4750 of the Fish and Game Code is amended to read:

4750. It is unlawful to take any bear with firearm, trap, or bow and arrow without first procuring a license tag authorizing the taking of such bear in accordance with the provisions of this chapter, but no iron or steel-jawed or any type of metal-jawed trap shall be used to take any bear.

CHAPTER 311

An act to amend Section 10133 of the Insurance Code, relating to health insurance.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 10133 of the Insurance Code is amended to read:

10133. Upon written consent of the insured first obtained with respect to a particular claim any disability insurer shall pay group insurance benefits contingent upon, or for expenses incurred on account of, hospitalization or medical or surgical aid to the person or persons furnishing such hospitalization or medical or surgical aid, but the amount of any such payment shall not exceed the amount of benefit provided by the policy with respect to the service or billing of the provider of aid, and the amount of such payments pursuant to one or more assignments shall not exceed the amount of expenses incurred on account of such hospitalization or medical or surgical aid. Payments so made shall discharge the insurer's obligation with respect to the amount so paid.

Nothing in this section shall be construed to authorize an insurer to furnish services of hospitals, or physicians and surgeons or in any manner to direct, participate in or control the selection of the hospital or physician and surgeon from whom the insured secures services.

CHAPTER 312

An act to add Section 33.1 to the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), relating to Monterey County Flood Control and Water Conservation District.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 33.1 is added to the Monterey County Flood Control and Water Conservation District Act (Ch. 699, Stats. 1947), to read:

Sec. 33.1. Any territory in the district contiguous to a zone and lying within the watershed within which the zone is situated may be annexed to such zone pursuant to this section. Territory which is in or annexed to one zone and which is contiguous to another zone may be annexed to such other zone pursuant to this section.

Notwithstanding any other provisions of this act, the following shall apply with respect to the annexation of new territory to any zone:

(a) A petition for annexation by election signed by 25 percent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county shall be presented to the board. The petition shall designate specifically the boundaries of the territory proposed to be annexed and its assessed valuation as shown by the last equalized assessment roll and shall ask that the territory be annexed to the zone. The petition shall be accompanied by a

bond in the sum of not less than one hundred dollars ($100), to be approved by the board and filed with the clerk of the board as security for the payment by the petitioners of the reasonable cost of the election on annexation, in the event that at the election less than a majority of the votes cast are in favor of annexation. The petition shall be verified by the affidavit of one of the petitioners. The petition shall be published by the petitioners for at least two weeks preceding its hearing in a newspaper of general circulation published in the zone, if there is one, or, if not, in a newspaper of general circulation published in the district, together with a notice stating the number of signers of the petition, the time when the petition will be presented to the board and that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. At the time specified for the hearing, the board shall hear the petition and may adjourn the hearing from time to time. Upon final hearing of the petition, the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held in such territory for the purpose of determining whether or not the territory shall be annexed to the zone. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the zone and shall set forth the measure to be submitted to the voters of such territory and shall designate the precincts, polling places and election officers for such election and state the times between which the polls shall be open. The order shall be published pursuant to Government Code Section 6066. This order shall be entered in the minutes and is conclusive evidence of a due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signing and presentation of the petition, qualified to sign. The election shall be held and conducted as provided in Chapter 1 (commencing with Section 22000), Part 1, Division 12 of the Elections Code and sample ballots and polling place cards shall be mailed as provided in Elections Code Section 10012. If a majority of the votes in the territory proposed to be annexed at an election called therein by the board for that purpose are in favor of the annexation, the clerk of the board shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition and the petition shall be filed. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law and of the facts stated in the entry. The board at its next regular meeting after the entry shall, by an order, alter the boundaries of the zone and annex to it the territory described in the petition. The order of the board is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is part of the zone. If, at the election, less than a majority of the votes

in a territory proposed to be annexed are in favor of the annexation of the territory to the zone, the signers of the petition shall, within 10 days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election and, if not paid within 10 days, the board may sue on the bond to recover the cost of the election. If the result of the election is against annexation, the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceeding shall be taken in relation thereto until the expiration of six months from the presentation of the petition, except to collect the costs of the election.

(b) A petition for annexation without election signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of real property in the territory as shown by the last equalized county assessment roll, shall be presented to the board. The petition shall designate specifically the boundaries of the territory and the assessed valuation of real property therein as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll. The petition shall ask that the territory be annexed to the zone. The petition shall be verified by the affidavit of one of the petitioners. It shall be published by petitioners at least two weeks preceding the hearing in a newspaper of general circulation published in the zone, if there is one, or, if not, in a newspaper of general circulation published in the district. With the petition there shall be published a notice stating the number of signers of the petition, the time when the petition will be presented to the board and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. A printed copy of the petition and notice as so published shall be mailed pursuant to Government Code Sections 53520 to 53523, inclusive. At the time designated the board shall hear the petition and any person interested, and may adjourn the hearing from time to time. Upon the hearing of the petition, the board shall determine whether or not it is for the best interests of the zone and the territory that the territory be annexed to the zone and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition by decreasing the area of such territory provided that the decreased area remains contiguous to the zone. If the board upon final hearing determines that it is for the best interests of the zone and of the territory proposed to be annexed that the territory be annexed, it shall make an order describing the boundaries of the territory proposed to be annexed and shall alter the boundaries of the zone and annex to it the territory described in the petition and the territory is then a part of the zone.

(c) No petition for annexation by either of the abovementioned methods shall be accepted by the board if a zone

annexation petition involving any of the same territory is pending before it for annexation to the same zone.

(d) Whenever any new territory is annexed to a zone it thereupon becomes subject to all the liabilities and entitled to all the benefits of the zone; provided that as a condition of annexation the board may, by ordinance adopted at the hearing provided for in subdivision (a) or (b) of this section, determine that each parcel of land to be annexed should pay its proportionate share of all costs previously paid for by other properties within such zone and shall in such ordinance fix the amount to be paid by each parcel. The board may provide that payment of all such amounts shall be either: (1) in lump sums; or (2) in semiannual installments over a period not to exceed 10 years beginning on July 1 following the next succeeding March 1, and, in such event, the board shall provide in such ordinance that the total of each such sum to be paid by each parcel shall constitute a lien on such parcel as of noon on the next succeeding March 1, the same as the lien for general district and zone taxes; that such semiannual installments shall be paid and collected (without interest thereon) at the same time and in the same manner and by the same persons as, and together with and not separately from, general district and zone taxes and shall be delinquent at the same time and thereafter subject to the same delinquency penalties; and that all laws applicable to the levy, collection and enforcement of general district and zone taxes, including, but not limited to, those pertaining to delinquency, correction, cancellation, refund and redemption shall be applicable to such installments.

CHAPTER 313

An act to amend Sections 30683 and 30684 of the Streets and Highways Code, relating to the San Pedro-Terminal Island Bridge, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1967. Filed with Secretary of State June 13, 1967.]

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

SECTION 1. Section 30683 of the Streets and Highways Code is amended to read:

30683. The amounts transferred pursuant to Section 30682 shall be repaid to the respective funds from which transferred, but no repayment thereof shall be required until all obligations issued by the authority for the construction of the toll bridge and all bonds issued for refunding of said bonds and for additions, betterments, and extensions to said toll bridge, including new and additional approaches thereto, have been

fully redeemed and paid, and then only out of the tolls and revenue received from the operation of the toll bridge.

SEC. 2. Section 30684 of said code is amended to read:

30684. After all bonds issued for the construction of the toll bridge and all bonds issued for refunding of said bonds and for additions, betterments, and extensions to said toll bridge, including new and additional approaches thereto, have been fully redeemed and paid, the authority shall continue to collect tolls and other revenues for the use of the toll bridge for the purpose of repaying the respective funds from which money has been transferred pursuant to Section 30682. The amount so repaid to any such fund shall be returned to the particular portion of such fund from which transferred and from it be apportioned or allocated and expended as if the transfer had not been made. Upon repayment of all such funds the bridge shall thereafter be maintained and operated free of tolls or the rate of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper operation, maintenance and insurance of the toll bridge under economical management.

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

There is presently no direct limited-access approach from the Harbor Freeway to the Vincent Thomas Bridge. A critical problem of traffic congestion exists in this area, making such an approach necessary to provide proper, safe, and adequate traffic flow. This act is necessary in order to provide a means of financing immediate construction of such an approach to the Vincent Thomas Bridge by the issuance and sale of refunding and improvement revenue bonds by the California Toll Bridge Authority.

CHAPTER 314

An act to repeal Section 5628.1 of, and to add Section 5628.1 to, the Streets and Highways Code, relating to improvement acts.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 5628.1 of the Streets and Highway Code is repealed.

SEC. 2. Section 5628.1 is added to the Streets and Highway Code, to read:

5628.1. The legislative body shall have the power, in its discretion, to determine that the payment of such assessments

of one hundred dollars ($100) or more may be made in annual installments in any event not to exceed five, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed 6 percent per annum. Such interest shall begin to run on the 31st day after the confirmation of the assessments by the legislative body. All such determinations shall be expressed by resolution of the legislative body at any time prior to the confirmation of the assessments.

CHAPTER 315

An act to amend Section 827 of the Welfare and Institutions Code, relating to juvenile court records.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 827 of the Welfare and Institutions Code is amended to read:

827. A petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in any such case may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, and the attorneys for such parties, and such other persons as may be designated by the judge of the juvenile court.

CHAPTER 316

An act to amend Sections 5256, 5265, 5360.3, 5838, 5843, and 10427.5 of, and to add Sections 10209 and 10503.1 to, the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 5256 of the Streets and Highways Code is amended to read:

5256. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders and matters required under the proceedings prescribed in this division, and of such other notices as may be deemed requisite by the legislative body, together

with all other incidental expenses incurred up to the time of entering into the contract, including the estimated cost of any acquisition which the legislative body may determine to be payable at said time, but limited to the amount specified in the notice inviting bids pursuant to Section 5241 of this code. All other acquisition costs shall be payable at the time of the delivery to the contractor, or his agent, or assigns, of the warrant, assessment and diagram as provided in Section 5375. The legislative body may waive the payment in advance of all or any part of the incidental expenses and acquisition costs by resolution adopted not later than the time of ordering the work. The waiver must appear in the notice inviting bids.

SEC. 2. Section 5265 of the Streets and Highways Code is amended to read:

5265. An action to determine the validity of proceedings relating to the work and the validity of any contract entered or to be entered into pursuant thereto may be brought by the legislative body or by the contractor pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. For such purpose proceedings shall be deemed to be in existence upon the award of the contract. An action may be commenced and concluded by the legislative body before the publication of the notice inviting bids, and for such purpose the proceedings shall be deemed to be in existence upon the adoption of the resolution ordering the work.

SEC. 3. Section 5360.3 of the Streets and Highways Code is amended to read:

5360.3. In assessing the land within the district in proportion to the estimated benefits, an adjustment may be made because of the contribution made to the improvement by an owner, either past or present, who has donated land, or any interest in land, which otherwise would have had to be acquired by eminent domain or purchase, or who has done work at his expense which can be used as part of the improvement.

SEC. 4. Section 5838 of the Streets and Highways Code is amended to read:

5838. The board of supervisors shall cause notice of the time, place and purpose of the hearing to be given by mail to each owner whose name and address appears on the last equalized assessment roll and who owns real property within the boundaries of the territory sought to be annexed. The person directed by the board of supervisors to mail the notices shall file, upon the completion of the mailing, an affidavit setting forth the time and manner of the compliance with this section.

In addition, the board of supervisors shall cause notices of the hearing to be posted in three conspicuous places within the territory proposed to be annexed

The notices shall be headed "Notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of

the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notice shall be posted not less than 10 days prior to the date set for the hearing.

In proceedings for annexation to sewer, lighting, or drainage maintenance districts, the board of supervisors shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation that the board deems most likely to give notice of hearing to the inhabitants. Said notice shall state the time and place of the hearing and shall contain a description of the territory proposed to be annexed or in lieu of such description the boundaries of the territory proposed to be annexed may be shown by means of a diagram. Such publication together with the posting of notices of hearing may be deemed adequate notice and no mailed notice need be required.

SEC. 5. Section 5843 of the Streets and Highways Code is amended to read:

5843. Notice of the hearing on the resolution shall be given to the persons within the existing maintenance district in the manner prescribed by Section 5838. Mailed notice shall be required with respect to additional improvements for a lighting maintenance district where the annual cost to such district of such additional improvements is more than two thousand five hundred dollars ($2,500). At the hearing the board of supervisors shall hear and pass upon any and all protests to the maintaining and operating of such additional improvements by the existing maintenance district and its decision shall be final and conclusive. At the conclusion of the hearing the board of supervisors may by order, entered upon its minutes, make the expenses of maintaining and operating such additional improvements a charge upon the existing maintenance district.

SEC. 6. Section 10209 is added to the Streets and Highways Code, to read:

10209. The proposed assessment of land within the district may contain an adjustment because of the contribution made to the proposed improvement by an owner, either past or present, who has donated land or any interest in land, which otherwise would have to be acquired by eminent domain or purchase, or who has done work at his expense which can be used as part of the proposed improvement.

SEC. 7. Section 10427.5 of the Streets and Highways Code is amended to read:

10427.5. If any work to be performed under this division is deleted from a specific lot fronting on the improvement, the

surplus in the improvement fund resulting from the deletion of such work may be returned to the owner of that lot, in the manner provided in Section 10427.1.

SEC. 8. Section 10503.1 is added to the Streets and Highways Code, to read:

10503.1. The provisions of the Improvement Act of 1911 relating to liquidated damages are incorporated in this division.

CHAPTER 317

An act to amend Sections 21007, 21008, 21243.5, and 21601 of, and to add Article 1 (commencing with Section 21201) and Article 1.5 (commencing with Section 21215) to Chapter 2 of Part 1 of Division 9 of and to repeal Article 1 (commencing with Section 21201) of Chapter 2 of Part 1 of Division 9 of the Public Utilities Code, and amend Section 11559.5 of the Government Code, relating to the State Aeronautics Board and the Division of Aeronautics.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 21007 of the Public Utilities Code is amended to read:

21007. "Division" means the Division of Aeronautics.

Whenever the term "California Aeronautics Commission" is used in any other law it means the Division of Aeronautics.

SEC. 2. Section 21008 of the Public Utilities Code is amended to read:

21008. "Director" means the Director of Aeronautics.

SEC. 3. Section 21243.5 of the Public Utilities Code is amended to read:

21243.5. The division may make and amend general or special rules, regulations, and procedures, and establish minimum standards, with respect to parachute jumps, in order to promote safety in aeronautics. All rules and regulations of the division pertaining to parachute jumps, promulgated prior to the effective date of this section and in effect on such date, are hereby confirmed, validated, and declared legally effective.

SEC. 4. Section 21601 of the Public Utilities Code is amended to read:

21601. The division may make available its engineering and other technical services, with or without charge, to any political subdivision or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities, subject to rules promulgated by the division.

SEC. 5. Article 1 (commencing with Section 21201) of Chapter 2 of Part 1 of Division 9 of the Public Utilities Code is repealed.

SEC. 6. Article 1 (commencing with Section 21201) is added to Chapter 2 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 1. Division of Aeronautics

21201. There is in the Transportation Agency a Division of Aeronautics.

21202. The division shall be headed by a chief, designated as the State Director of Aeronautics. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director shall be set according to law.

21203. The Director of Aeronautics shall devote his entire time to the functions of his office and shall not be actively engaged in any business, profession, vocation, or employment. He shall receive an annual salary and shall be reimbursed for all traveling and other expenses necessarily incurred by him in the discharge of his functions.

21204. The division shall adopt a seal, and make rules and regulations for its administration not inconsistent with this part.

21205. The board shall, at least 30 days before each regular session of the Legislature, make a report to the Governor and to the Legislature covering the work and investigations of the division and the board during the previous fiscal year, making such recommendations as are considered desirable for changes in the laws affecting the division and the board. The report shall also contain a summary of the proceedings of the division and the board during the preceding fiscal year, any other information the division or board deems necessary, and any additional information requested by the Governor or by the Legislature.

21206. The board shall prepare a statement of all estimated Airport Assistance Revolving Fund revenues and revenues available for local subventions from any other sources for the next succeeding fiscal year, together with a statement of proposed expenditures to be made to local agencies and the University of California during the next succeeding fiscal year, or obligations to be incurred in connection therewith.

The said statement shall be included in the printed fiscal year budget submitted to the Legislature. Insofar as the matters to which it pertains, it shall constitute as submitted the budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code, and, as to such matters, shall be administered by the Department of Finance as the fiscal year budget of the Division of Aeronautics under the pro-

visions of this section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

Any changes or modifications in the budget described in this section shall be by vote of the board, approved by the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the board for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by the board to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering said budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year.

21207. Wherever the division or board is authorized to make rules, regulations, orders, procedures, or establish minimum standards under this part, such authority shall be exercised in accordance with the Administrative Procedure Act except as modified by this part.

21209. All records of the division shall be open to inspection by the public during regular office hours.

SEC. 7. Article 1.5 (commencing with Section 21215) is added to Chapter 2 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 1.5. State Aeronautics Board

21215. There is in the Transportation Agency the State Aeronautics Board, consisting of seven members appointed by the Governor by and with the consent of the Senate.

21216. Each member of the board shall be a citizen and bona fide resident of the state. In selecting these appointees, the Governor shall provide as nearly equal representation as possible from all portions of the state. The Governor shall appoint such persons as are interested in the field of aviation and shall further appoint persons who are, or have been, engaged in different occupations. At least four members shall have five or more years of practical experience in aeronautics.

21217. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

Members of the board in office at the time the amendments to this section enacted by the Legislature at its 1967 Regular Session take effect shall continue in office as members of the board until January 1st of that year on which the term of the particular member of the board has heretofore been determined.

Vacancies shall be filled by appointment for the unexpired term.

21218. The Governor may remove any member of the board for inefficiency, neglect of duty, or malfeasance in office, after notice and a reasonable opportunity to be heard.

21219. The chairman of the board shall be selected by a majority vote of the members thereof and shall serve for one year on a calendar year basis, provided that the first chairman selected after the effective date of this section shall serve until January 1, 1969, and provided further that no member shall serve as chairman for more than two successive years.

21220. The board shall fix the date and place for its regular meetings. Special and executive meetings may be called as provided by the rules and regulations of the board. All meetings of the board shall be open to the public. Regular meetings shall be held at the board's established offices. Whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, the board may hold meetings, hearings, or proceedings at any other place it may designate.

21221. Four members of the board constitute a quorum, and no action shall be taken by less than a majority of the board.

21222. Each member of the board shall take the oath of office prescribed for other state officers. Each member of the board shall receive his actual and necessary traveling expenses and twenty-five dollars ($25) a day for attending meetings of the board or while acting under its orders.

21223. The director shall not be a member of the board but shall serve as administrative officer thereof and may act for the chairman of the board in administrative matters. He shall prepare or cause to be prepared the agenda for all meetings of the board and may, as necessary, call meetings of the board.

21224. The board shall advise the division and the director in the performance of their duties and shall formulate general policies relating to this part.

SEC. 8. Section 11559.5 of the Government Code is amended to read:

11559.5. An annual salary of fifteen thousand five hundred dollars ($15,500) shall be paid to each of the following:

(a) State Librarian.

(b) Chief of the Division of Industrial Welfare.

(c) Chief of the Division of Building and Housing Standards.

(d) Chief of the Division of Housing and Community Development.

CHAPTER 318

An act to amend Section 2754 of, to amend and renumber Sections 2755, 2757, 2758, 2760, 2761, 2762, 2763, 2764, and 2765 of, to add Sections 2745, 2755, 2757, 2758, 2759, 2766, and 2767 to, and to repeal Sections 2756 and 2759 of, the Public Utilities Code, relating to air passenger carriers.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 2745 is added to the Public Utilities Code, to read:

2745. As used in this chapter, "person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or similar representative thereof.

SEC. 2. Section 2754 of the Public Utilities Code is amended to read:

2754. Each application for a certificate of public convenience and necessity made under the provisions of this part shall be accompanied by a fee of one hundred fifty dollars ($150).

The commission shall, with or without hearing, issue a temporary or permanent certificate, except that a certificate may not be issued without a hearing over the formal objection of a person or party possessing standing to object. The commission may deny the application for a temporary or permanent certificate in whole or in part, with or without hearing, except that such denial may not be ordered without a hearing over the formal objection of the applicant. The commission may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Minimum schedules may be received and revised by the commission at intervals of not less than one year.

SEC. 3. Section 2755 of the Public Utilities Code is amended and renumbered to read:

2756. A fee of one hundred fifty dollars ($150) shall be paid to the commission for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber any certificate.

SEC. 4. Section 2755 is added to the Public Utilities Code, to read:

2755 The rights conferred by a certificate issued pursuant to Section 2754 or 2757 may not be revoked or suspended absent a finding by the commission, after notice and hearing, that the holder has abandoned such rights, or is no longer fit, willing, or able to perform all or part of the certificated services, or to conform to the law and to the rules and regulations of the commission.

SEC. 5. Section 2757 is added to the Public Utilities Code, to read:

2757. It is unlawful, unless authorized by order of the commission as provided in this section:

(a) For two or more passenger air carriers, or for any passenger air carrier and any other common carrier, to consolidate or merge their properties, or any part thereof, into one person for the ownership, management, or operation of the properties theretofore in separate ownerships.

(b) For any passenger air carrier, or any person controlling a passenger air carrier or any other common carrier, to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any passenger air carrier.

(c) For any passenger air carrier, or any person controlling a passenger air carrier or any other common carrier, to acquire control of any passenger air carrier in any manner whatsoever.

SEC. 6. Section 2758 is added to the Public Utilities Code, to read:

2758. Any person seeking authorization for a consolidation, merger, purchase, lease, operating contract, or acquisition of control, specified in Section 2757, shall file an application, and thereupon the commission shall notify all persons known to have a substantial interest in the proceeding of the time and place of a public hearing. The commission shall by order authorize such consolidation, merger, purchase, lease, operating control, or acquisition of control, upon such terms and conditions as it shall find to be just and reasonable, after hearing, if the consolidation, merger, purchase, lease, operating contract or acquisition of control, is in the public interest. The commission shall not authorize, however, any consolidation, merger, purchase, lease, operating contract, or acquisition of control which would result in creating a monopoly or monopolies and thereby restrain competition, or jeopardize another passenger air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control. In any case in which the commission determines that the transaction which is the subject of the application does not affect the control of a passenger air carrier, does not result in creating a monopoly or monopolies, and does not tend to restrain competition, and determines that no person disclosing a substantial interest is currently requesting a hearing, the commission, after notice of its intention to dispose of such application without a hearing, may determine that the public interest does not require a hearing and may by order authorize or not authorize such transaction.

SEC. 7. Section 2759 is added to the Public Utilities Code, to read:

2759. It is unlawful, unless such relationship has been authorized by order of the commission:

(a) For any passenger air carrier to have and retain an officer or director who is an officer, director, or member, or who

as a stockholder holds a controlling interest, in any other common carrier.

(b) For any passenger air carrier, knowingly and willingly, to have and retain an officer or director who has a representative or nominee who represents such officer, director, or member as an officer, director, or member, or as a stockholder holding a controlling interest, in any other common carrier.

(c) For any person who is an officer or director of a passenger air carrier to hold the position of officer, director, or member, or to have a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any common carrier.

SEC. 8. Section 2756 of the Public Utilities Code is repealed.

SEC. 9. Section 2757 of the Public Utilities Code is amended and renumbered to read:

2761. Without the express authorization of the commission, after a hearing, no certificate of public convenience and necessity issued to one passenger air carrier under the provisions of this chapter shall be combined, united, or consolidated with another such certificate issued to or possessed by another such carrier, so as to permit through service between any point or points served by one carrier on the one hand, and any point or points served by another such carrier, on the other hand.

SEC. 10. Section 2758 of the Public Utilities Code is amended and renumbered to read:

2762. Unless prohibited by the terms and conditions of any certificate that may be involved, any one passenger air carrier may establish through routes and joint rates, charges, and classifications between any and all points served by it under any and all certificates or operative rights issued to or possessed by it.

SEC. 11. Section 2759 of the Public Utilities Code is repealed.

SEC. 12. Section 2760 of the Public Utilities Code is amended and renumbered to read:

2763. When the commission, upon complaint or its own motion, has reason to believe that any aircraft is being operated without a certificate of public convenience and necessity, as required by this chapter, or that this chapter is being violated, or that a passenger air carrier is engaging in any other illegal activity, the commission shall investigate such activity and may, after a hearing, make its order requiring the owner or operator of the aircraft to cease and desist from any such unlawful activity. The commission shall enforce compliance with such order under the powers vested in the commission by law, including, but not limited to, the provisions of Chapter 2 (commencing with Section 301) of Part 1 of Division 1 of this code.

SEC. 13. Section 2761 of the Public Utilities Code is amended and renumbered to read:

2764. The commission shall require all passenger air carriers to procure and maintain a minimum amount of insurance in such amounts as the commission may determine.

The commission may, upon its own motion, or upon application of any interested party, and after hearing, require any passenger air carrier to procure and maintain additional insurance in such amounts and upon such terms as the commission may determine.

Notwithstanding the provisions of Section 2755 of this chapter, the commission may at any time suspend the certificate of any passenger air carrier for failure to comply with the insurance regulations established pursuant to this section.

SEC. 14. Section 2762 of the Public Utilities Code is amended and renumbered to read:

2765. The commission shall have the power to suspend and enforce the suspension of certificates of public convenience and necessity, issued by the commission, upon a finding by any agency of the federal government that an air passenger carrier is operating in violation of any federal safety law or regulation.

SEC. 15. Section 2763 of the Public Utilities Code is amended and renumbered to read:

2769.5. No passenger air carrier shall discontinue operations between any two or more terminals without authority of the commission, unless such operations are unprofitable. Unprofitable operations may be discontinued upon 30 days' notice to the commission, and to such other persons as the commission may require, unless within such 30-day period the commission, after hearing, makes a finding that such operation is not unprofitable and orders its continuance.

SEC. 16. Section 2766 is added to the Public Utilities Code, to read:

2766. Upon application for suspension or deletion of any certificated point, the commission may authorize, upon 30 days' notice, a special temporary suspension. Such suspension shall only remain effective, however, pending hearing and decision on the application if an interested person or party so requests. The special temporary suspension may be ordered for a maximum 90-day period, and may be renewed by the commission for an additional 90-day period, if such additional time is required to complete the proceedings before the commission, except that a stay of the commission's decision, on its own motion or by the Supreme Court, will serve to continue the special temporary suspension until 10 days after termination or a review proceeding.

SEC. 17. Section 2764 of the Public Utilities Code is amended and renumbered to read:

2768. Nothing contained in this chapter shall be construed as giving the commission authority to require the establishment of service from or to terminal or to intermediate points not

specified in the passenger air carrier's certificate of public convenience and necessity unless the carrier makes application to establish such additional service.

SEC. 18. Section 2767 is added to the Public Utilities Code, to read:

2767. Upon application by a passenger air carrier or other interested party, the commission may, following a determination of necessity, exempt the passenger air carrier from the certificate provisions of Sections 2752 and 2754 upon a finding that such provisions impose an undue burden upon the carrier, a community, or area because of the immediate need for service due to conditions of national emergency, natural disaster or cessation of existing service by another carrier, except a cessation of existing service caused by a labor dispute, and that enforcement of such provisions would be contrary to the public interest. Exemptions issued pursuant to this section may be issued for a maximum of 90 days and may be renewed for the same or a lesser period.

SEC. 19. Section 2765 of the Public Utilities Code is amended and renumbered to read:

2769. Nothing contained in this chapter is to be construed as affecting in any way the constitutional regulatory authority of the commission over the intrastate rates and charges of air carriers.

CHAPTER 319

An act to add Section 987 to the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 987 is added to the Revenue and Taxation Code, to read:

987. As used in this section, "certificated aircraft" means aircraft operated by an air carrier or foreign air carrier engaged in air transportation, as defined in subdivisions (3), (5), (10), and (19) of Section 101 of Title I of the "Federal Aviation Act of 1958" (P.L. 85-726; 72 Stat. 731), while there is in force a certificate or permit issued by the Civil Aeronautics Board of the United States, or its successor, authorizing such air carrier to engage in such transportation. Certificated aircraft shall be deemed to be situated in this state only to the extent that such aircraft are normally physically present within the state, whether in flight or on the ground. To determine this, a representative period shall be selected, and the proportionate amount of the time that such aircraft have spent within the state during such period as

compared to the total time in such representative period shall be computed. For purposes of Section 404 of this Code, such aircraft shall be deemed to be situated only in those taxing agencies in which the aircraft normally make physical contact with sufficient regularity to entitle such agencies to tax the aircraft under the laws and Constitution of the United States. Flight time within the state shall be allocated as follows:

(a) If the aircraft takes off in one taxing agency which is entitled to tax (within the meaning of the preceding sentence) and lands in another agency which is entitled to tax, the flight time between such taxing agencies shall be allocated one-half to each such agency.

(b) If the aircraft arrives from out of state or leaves the state, the flight time to the state boundary shall be allocated to the taxing agency entitled to tax in which the aircraft first lands or last takes off, as the case may be.

Nothing herein shall be construed, however, to enlarge the right of any taxing agency to tax such aircraft in a manner not permitted by the laws or Constitution of the United States.

This section shall be effective until July 1, 1968.

CHAPTER 320

An act to amend Section 1203.03 of the Penal Code, relating to diagnostic reports.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 1203.03 of the Penal Code is amended to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case. Such diagnosis and recommendation shall be embodied in a written report and copies of the report shall be served only upon the defendant or his counsel, the probation officer, and

the prosecuting attorney by the court receiving such report. After delivery of the copies of the report, the information contained therein shall not be disclosed to anyone else without the consent of the defendant. After disposition of the case, all copies of the report, except the one delivered to the defendant or his counsel, shall be filed in a sealed file and shall be available thereafter only to the defendant or his counsel, the prosecuting attorney, the court, the probation officer, or the Department of Corrections.

(c) The Department of Corrections shall accept such person if it has adequate staff and facilities to provide such services. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court of the place to which said person is to be transported and at the time at which he can be received.

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(f) Time spent by a defendant in confinement in a diagnostic facility of the Department of Corrections pursuant to this section shall be credited on the term of imprisonment in state prison, if any, to which defendant is sentenced in the case.

(g) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in the facility a petition for extension of the period of confinement, to which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

CHAPTER 321

An act to add Section 6018.6 to the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 6018.6 is added to the Revenue and Taxation Code, to read:

6018.6. An operator of a one-cent ($0.01) vending machine is a consumer of such vending machine and the merchandise placed therein, if such operator is bound by a contract with an organization exempted from the Bank and Corporation Tax Law by Article 1 (commencing with Section 23701) of Chapter 4 of Part 11 of Division 2 of the Revenue and Taxation Code, or a nonprofit association as defined in Section 21000 of the Corporations Code, to contribute to it a portion of the receipts of such one-cent ($0.01) vending machine, or if such machine is located on a military reservation and a portion of the receipts go to the base exchange.

CHAPTER 322

An act to amend Section 4640.5 of the Health and Safety Code, relating to the Atherton Channel Drainage District.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 4640.5 of the Health and Safety Code is amended to read:

4640.5. Notwithstanding the twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation tax limit provided in Section 4640, until the end of the 1971–72 fiscal year the tax limit in the Atherton Channel Drainage District for purposes of Section 4614.14 and 4640 is fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

SEC. 2. This act is necessary to provide financing for flood control works of the Atherton Channel Drainage District with respect to which a general law cannot be made applicable. The facts requiring the adoption of this special act are:

The lands in the Atherton Channel Drainage District are subject to serious damage by floods involving works of the County of San Mateo, a state highway and residential homes. Modification and improvement of the county property and the state highway are to be constructed and if the district can jointly act with them in its flood protection improvements it will be most advantageous to the property in the district and the method of financing such work authorized by this act is the only feasible method available to the district within the time available.

CHAPTER 323

An act to add Chapter 7 (commencing with Section 13700) to Division 7 of, and to repeal Chapter 7 (commencing with Section 7076) of Division 4 of, the Water Code, relating to water wells.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Chapter 7 (commencing with Section 7076) of Division 4 of the Water Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 13700) is added to Division 7 of the Water Code, to read:

CHAPTER 7. WATER WELLS

Article 1. Declaration of Policy

13700. The Legislature finds that the greater portion of the water used in this state is obtained from underground sources and that such waters are subject to impairment in quality and purity, causing detriment to the health, safety and welfare of the people of the state. The Legislature therefore declares that the people of the state have a primary interest in the location, construction, maintenance, abandonment and destruction of water wells, which activities directly affect the quality and purity of underground waters.

Article 1.5. Definitions

13710. "Well" or "water well" as used in this chapter, means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the

purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.

Article 2. Reports

13750. Every person who hereafter intends to dig, bore, or drill a water well, or who intends to deepen or reperforate any such well, or to abandon or destroy a water well, shall file with the department a notice of intent to engage in such construction, alteration, destruction, or abandonment prior to commencing such construction, alteration, destruction, or abandonment; provided, that when such construction, alteration, destruction, or abandonment must be accomplished immediately in order to prevent damage to persons or property due to the loss of an existing water supply, such notice shall be filed with the department as soon as possible thereafter, but in any event not more than five days after commencement of such construction, alteration, destruction, or abandonment or repair.

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of the well site sufficiently exact to permit location and identification of the well; (b) proposed date of construction of well; (c) the use for which the water well is intended; (d) the work to be done and a description of type of construction; and (e) in event of late filing, the reasons therefor.

13751. Every person who hereafter digs, bores or drills a water well, or abandons or destroys a water well, or who deepens or reperforates any such well, shall file with the department a report of completion of such well within 30 days after its construction or alteration has been completed.

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of the well site sufficiently exact to permit location and identification of the well; (b) detailed log of the well; (c) description of type of construction; (d) details of perforation; and (e) methods used for sealing off surface or contaminated waters.

13752. Reports made pursuant to Section 13751 shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, that any report shall be made available to any person who obtains a written authorization from the owner of the water well.

13753. Every person who hereafter converts, for use as a water well, any oil or gas well originally constructed under the jurisdiction of the Department of Conservation pursuant to the provisions of Article 4 (commencing with Section 3200), Chapter 1, Division 3 of the Public Resources Code, shall comply with all provisions of this chapter.

13754. Failure to comply with any provision of this article, or willful and deliberate falsification of any report required by this article, is a misdemeanor.

Before commencing prosecution against any person, other than for willful and deliberate falsification of any report required by this article, the person shall be given reasonable opportunity to comply with the provisions of this article.

13755. Nothing in this chapter shall affect the powers and duties of the State Department of Public Health with respect to water and water systems pursuant to Chapter 7 (commencing with Section 4010) of Division 5 of the Health and Safety Code. Every person shall comply with this chapter and any regulation adopted pursuant thereto, in addition to standards adopted by any city or county.

Article 3. Quality Control

13800. The department, after such studies and investigations pursuant to Section 231 as it finds necessary, on determining that water well construction, maintenance, abandonment, and destruction standards are needed in an area to protect the quality of water used or which may be used for any beneficial use, shall so report to the appropriate regional water quality control board and to the State Department of Public Health. The report shall contain such recommended standards for water well construction, maintenance, abandonment, and destruction as, in the department's opinion, are necessary to protect the quality of any affected water.

13801. The regional board shall hold a public hearing on the need to establish such standards for the area involved and to determine the objectives to be attained by such standards.

13802. If the regional board finds that standards of water well construction, maintenance, abandonment, and destruction are needed in any area to protect the quality of water used, or which may be used, for any beneficial use, it shall determine the area to be involved and so report to each affected county and city in the area, including in such report the objectives determined by the board as proper and necessary objectives for such standards. The report shall also contain any standards which have been recommended by the department.

13803. Each such affected county and city shall, within 120 days of receipt of the report, adopt an ordinance establishing standards of water well construction, maintenance, abandonment, and destruction for the area designated by the regional board. Prior to adoption of such ordinance each affected county and city shall consult with all interested parties, including licensed well drillers. A copy of such ordinance shall be sent to the regional board on its adoption and the regional board shall transmit such ordinance to the department for its review and comments.

13804. Such county and city standards shall take effect 60 days from the date of their adoption by the county or city unless the regional board, on its own motion, or on the request of any affected person, holds a public hearing on the matter and determines that the county or city standards are not sufficiently restrictive to protect the quality of the affected waters. If the board makes such a determination it shall so report to the affected county or city and also recommend the standards, or modification of the county or city standards, which it determines are necessary.

13805. If a county or city fails to adopt an ordinance establishing water well construction, maintenance, abandonment, and destruction standards within 120 days of receipt of the regional board's report of its determination that such standards are necessary pursuant to Section 13802, or fails within 90 days to adopt or modify such standards in the manner determined as necessary by the regional board pursuant to Section 13804, the regional board may adopt standards for water well construction, maintenance, abandonment, and destruction for the area. Such regional board standards shall be enforced in the same manner and shall have the same force and effect as if adopted as a county or city ordinance.

13806. Any action, report, determination, or standard taken or adopted by a regional board pursuant to this article may be reviewed by the state board on its own motion, and shall be reviewed by the state board on the request of any affected person, county, or city, in the same manner as other action or inaction of the regional board is reviewed pursuant to Section 13025. The state board has the same powers as to the review of action or inaction of a regional board under this article as it has as to other action or inaction of a regional board under Section 13025, including being vested with all the powers granted a regional board to initially determine the need in an area for water well construction, maintenance, abandonment, or destruction standards if it finds that appropriate action has not been taken by a regional board.

CHAPTER 324

An act to add Section 24154 to the Government Code, relating to master bonds.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 24154 is added to the Government Code, to read:

24154. Supplementary to the bonds required by this chapter, the board of supervisors may include the county officers listed in this chapter as covered employees in any master bond used in their county in accordance with Section 1481 of this code.

CHAPTER 325

An act to amend Section 3095 of the Labor Code, relating to apprenticeships.

[Approved by Governor June 14, 1967. Filed with Secretary of State June 14, 1967.]

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

SECTION 1. Section 3095 of the Labor Code is amended to read:

3095. Every person who willfully discriminates in any recruitment or apprenticeship program on the basis of race, sex, creed, color, or national origin is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than six months, or both.

CHAPTER 326

An act to add Section 25106 to the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law.

[Approved by Governor June 15, 1967. Filed with Secretary of State June 15, 1967.]

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

SECTION 1. Section 25106 is added to the Revenue and Taxation Code, to read:

25106. In any case in which the tax of a corporation is or has been determined under this chapter with reference to the income and apportionment factors of another corporation with which it is doing or has done a unitary business, all dividends paid by one to another of such corporations shall, to the extent such dividends are paid out of such income of such unitary business, be eliminated from the income of the recipient and shall not be taken into account under Section 24344 or in any other manner in determining the tax of any such corporation.

In view of pending litigation concerning the proper treatment of intercompany dividends, it is not intended by enactment of this section that any inference be drawn from it in such litigation.

CHAPTER 327

An act to add Chapter 11 (commencing with Section 25950) to Division 20 of the Health and Safety Code, to amend Section 2377 of the Business and Professions Code, and to amend Sections 274, 275, and 276 of the Penal Code, relating to abortion.

[Approved by Governor June 15, 1967. Filed with Secretary of State June 15, 1967.]

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

SECTION 1. Chapter 11 (commencing with Section 25950) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 11. ABORTION

25950. This chapter shall be known and may be cited as the Therapeutic Abortion Act.

25951. A holder of the physician's and surgeon's certificate, as defined in the Business and Professions Code, is authorized to perform an abortion or aid or assist or attempt an abortion, only if each of the following requirements is met:

(a) The abortion takes place in a hospital which is accredited by the Joint Commission on Accreditation of Hospitals.

(b) The abortion is approved in advance by a committee of the medical staff of the hospital, which committee is established and maintained in accordance with standards promulgated by the Joint Commission on Accreditation of Hospitals. In any case in which the committee of the medical staff consists of no more than three licensed physicians and surgeons, the unanimous consent of all committee members shall be required in order to approve the abortion.

(c) The Committee of the Medical Staff finds that one or more of the following conditions exist:

(1) There is substantial risk that continuance of the pregnancy would gravely impair the physical or mental health of the mother;

(2) The pregnancy resulted from rape or incest.

25952. The Committee of the Medical Staff shall not approve the performance of an abortion on the ground that the pregnancy resulted from rape or incest except in accordance with the following procedure:

(a) Upon receipt of an application for an abortion on the grounds that the pregnancy resulted from rape or incest, the committee shall immediately notify the district attorney of the county in which the alleged rape or incest occurred of the application, and transmit to the district attorney the affidavit of the applicant attesting to the facts establishing the alleged rape or incest. If the district attorney informs the committee that there is probable cause to believe that the pregnancy resulted from a violation of Section 261 or Section 285

of the Penal Code, the committee may approve the abortion. If, within five days after the committee has notified the district attorney of the application, the committee does not receive a reply from the district attorney, it may approve the abortion. If the district attorney informs the committee that there is no probable cause to believe the alleged violation did occur, the committee shall not approve the abortion, except as provided in subdivision (b) of this section;

(b) If the district attorney informs the committee that there is no probable cause to believe the alleged violation did occur, the person who applied for the abortion may petition the superior court of the county in which the alleged rape or incest occurred, to determine whether the pregnancy resulted from a violation of Section 261 or Section 285 of the Penal Code. Hearing on the petition shall be set for a date no later than one week after the date of filing of the petition

The district attorney shall file an affidavit with the court stating the reasons for his conclusion that the alleged violation did not occur, and this affidavit shall be received in evidence. The district attorney may appear at the hearing to offer further evidence or to examine witnesses.

If the court finds that it has been proved, by a preponderance of the evidence, that the pregnancy did result from a violation of Section 261 or Section 285 of the Penal Code, it shall issue an order so declaring, and the committee may approve the abortion. Any hearing granted under this section may, at the court's discretion, be held in camera. The testimony, findings, conclusions or determinations of the court in a proceeding under this section shall be inadmissible as evidence in any other action or proceeding, although nothing herein shall be construed to prevent the appearance of any witness who testified at a proceeding under this section, or to prevent the introduction of any evidence that may have been introduced at a proceeding under this section, in any other action or proceeding.

(c) Notwithstanding any other provision of this section, an abortion shall be approved on the ground of a violation of subdivision 1 of Section 261 of the Penal Code only when the woman at the time of the alleged violation, was below the age of 15 years.

(d) Notwithstanding any other provision of this section, the testimony of any witness in a proceeding under this section shall be admissible as evidence in any prosecution of that witness for perjury.

25953. The committee of the medical staff referred to in Section 25951 must, in all instances, consist of not less than two licensed physicians and surgeons, and if the proposed termination of pregnancy will occur after the 13th week of pregnancy, the committee must consist of at least three such licensed physicians and surgeons In no event shall the termination be approved after the 20th week of pregnancy.

25954. The term "mental health" as used in Section 25951 means mental illness to the extent that the woman is dangerous to herself or to the person or property of others or is in need of supervision or restraint.

SEC. 2. Section 2377 of the Business and Professions Code is amended to read:

2377. The procuring or aiding or abetting or attempting or agreeing or offering to procure an abortion constitutes unprofessional conduct within the meaning of this chapter, unless such an act be done in compliance with the provisions of the Therapeutic Abortion Act, Chapter 11 (commencing with Section 25950) of Division 20 of the Health and Safety Code.

SEC. 3. Section 274 of the Penal Code is amended to read:

274. Every person who provides, supplies, or administers to any woman, or procures any woman to take any medicine, drug, or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, except as provided in the Therapeutic Abortion Act, Chapter 11 (commencing with Section 25950) of Division 20 of the Health and Safety Code, is punishable by imprisonment in the state prison not less than two nor more than five years.

SEC. 4. Section 275 of the Penal Code is amended to read:

275. Every woman who solicits of any person any medicine, drug, or substance whatever, and takes the same, or who submits to any operation, or to the use of any means whatever, with intent thereby to procure a miscarriage, except as provided in the Therapeutic Abortion Act, Chapter 11 (commencing with Section 25950) of Division 20 of the Health and Safety Code, is punishable by imprisonment in the state prison not less than one nor more than five years.

SEC. 5. Section 276 of the Penal Code is amended to read:

276. Every person who solicits any woman to submit to any operation, or to the use of any means whatever, to procure a miscarriage, except as provided in the Therapeutic Abortion Act, Chapter 11 (commencing with Section 25950) of Division 20 of the Health and Safety Code, is punishable by imprisonment in the county jail not longer than one year or in the state prison not longer than five years, or by fine of not more than five thousand dollars ($5,000). Such offense must be proved by the testimony of two witnesses, or of one witness and corroborating circumstances.

CHAPTER 328

An act to amend Sections 3110, 3111, 3114, and 3116 of the Streets and Highways Code, relating to assessment districts.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 3110 of the Streets and Highways Code is amended to read:

3110. The proposed boundaries of the assessment district to be assessed in proceedings shall be described by resolution or ordinance adopted by the legislative body prior to the hearing on the formation or extent of such district. The description of the proposed boundaries shall be by reference to a map of the assessment district which shall indicate by a boundary line the extent of the territory included in the proposed assessment district and such map shall govern for all details as to the extent of such district. Such map shall also contain the name of the city and a distinctive designation, in words or by number, of the district shown thereon.

The map shall be legibly drawn, printed or reproduced by a process that provides a permanent record. Each sheet of paper or other material used for such map shall be eighteen (18) by twenty-six (26) inches in size, shall have clearly shown therein the particular number of the sheet, the total number of sheets comprising the map, and its relation to each adjoining sheet, and shall have encompassing its border a line that leaves a blank margin one inch in width.

The map shall be labeled substantially as follows: Proposed Boundaries of (here insert name or number of district) Assessment District, (here insert name of city and county thereafter), State of California.

If the map consists of more than one page, the same entitlement shall be on each page.

The map shall also have thereon legends reading substantially as follows:

(1) Filed in the office of the (Clerk of the legislative body) this _____ day of _____ 19___.

_____
(Clerk of the legislative body)

(2) I hereby certify that the within map showing proposed boundaries of (here insert name or number of district) Assessment District, (here insert name of city, and, if not a county, insert name of county thereafter), State of California, together with the lots, pieces or parcels of land proposed to be assessed therein, was approved by the city council (or other appropriate legislative body) of the (here insert city) at a regular meeting thereof, held on the _____ day of _____, 19___, by its Resolution No. ____.

(3) Filed this _____ day of _____, 19___, at the hour of _____ o'clock ___m. in Book _____ of Maps of Assessment Districts in the office of the county recorder in the County of _____, State of California.

_____
(County Recorder of County of _____)

SEC. 2. Section 3111 of the Streets and Highways Code is amended to read:

3111. On the original and on at least one copy of the map of the assessment district, the clerk of the legislative body shall endorse his certificate evidencing the date and adoption of the resolution or ordinance describing the proposed boundaries of such district. The clerk shall file the original of such map in his office and, within 15 days after the adoption of the resolution or ordinance fixing the time and place of the hearing on the formation or extent of such district and in no event later than 15 days prior to such hearing, shall file a copy thereof with the county recorder of each county in which all or any part of such proposed assessment district is located upon payment of the filing fee.

SEC. 3. Section 3114 of the Streets and Highways Code is amended to read:

3114. (a) After the confirmation by the legislative body of any assessment, the clerk of the legislative body shall cause to be filed in the office of the county recorder a copy of the assessment diagram.

(b) Said assessment diagram shall be prepared by the engineer responsible for engineering work. The assessment diagram shall be legibly drawn, and at least one copy thereof shall be printed or reproduced by a process that provides a permanent record. Each sheet of paper or other material used for such permanent record map shall be eighteen (18) by twenty-six (26) inches in size, shall have clearly shown thereon the particular number of the sheet, the total number of sheets comprising the map, its relation to each adjoining sheet, and shall have encompassing its border a line that leaves a blank margin one inch in width.

Said map shall be labeled substantially as follows: Assessment Diagram, (here insert name or number of district) Assessment District, (here insert city and name of county thereafter), State of California.

Said map shall also have thereon legends reading substantially as follows:

(1) Filed in the office of the (Clerk of the legislative body), this _____ day of _____, 19___.

_____
(Clerk of the legislative body)

(2) Recorded in the office of the (superintendent of streets) this _____ day of _____, 19___.

_____
(Superintendent of Streets)

(3) The assessments shown on this assessment diagram were confirmed and levied by the city council (or other appropriate legislative body) on the _____ day of _____, 19___, and said assessment diagram was recorded in the office of the superintendent of streets of said city on the _____ day of _____, 19___. Reference is made to said recorded assessment roll for the exact amount of each assessment levied against each parcel of land shown on this assessment diagram.

_____
(Clerk of the legislative body)

(4) Filed this _____ day of _____, 19___, at the hour of _____ o'clock ___M. in Book _____ of Maps of Assessment Districts in the office of the county recorder of the County of _____, State of California.

_____
(County Recorder of County of _____)

(c) The clerk shall file a copy of the assessment diagram referred to in subdivision (b) in the office of the county recorder of the county in which all or any part of the assessment district shown on such assessment diagram is located upon payment of the filing fee. The filing of said assessment diagram shall be made by the clerk.

(d) The county recorder shall endorse upon the assessment diagram filed with him, pursuant to subdivision (c), the time and date of filing and shall fasten the same securely in the "Book of Maps of Assessment Districts" in which he is obligated to keep boundary maps under the provisions of Section 3112 of this code. The county recorder shall cross-index such assessment diagram by reference to the city conducting the proceedings and by reference to page of the book of maps of assessment districts in which the boundary map of said district was filed in said book.

(e) After the confirmation by the legislative body of any assessment and the recording of the assessment and diagram in the office of the street superintendent or other officer of the city in whose office such assessment and diagram shall have been recorded, the clerk of the legislative body shall execute and record a notice of assessment in the office of the county recorder of each county in which all or any part of the assessment district is located. Such notice of assessment shall be in substantially the following form:

NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 3114 of the Streets and Highways Code, the undersigned clerk of the legislative body of _____, State of California, hereby gives notice that a diagram and assessment were recorded in the office of the _____ of said city as provided for in said section, and relating to the following described real property:

(The real property in the assessment district may be described by: (a) stating its exterior boundaries; or (b) giving

a description thereof according to any official or recorded map; or (c) referring to the assessment diagram filed in accordance with subdivisions (c) and (d) of Section 3114 and the book and page number in the office of the county recorder of such filed plat or map.)

Notice is further given that upon the recording of this notice in the office of the county recorder, the several assessments assessed as shown in said filed assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the assessment diagram and assessment roll recorded in the office of the _____ of the said city.

Dated: _____

_____

If the assessment district is located in two or more counties, the notice above set forth, in lieu of the paragraph following the description of the property, shall state:

Notice is further given that the above-described real property is located in the counties of _____ and _____ and upon the recording of this notice in the office of the county recorder of all such counties, effective upon the date of the last such recording, the several assessments as shown in said filed assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.

SEC. 4. Section 3116 of the Streets and Highways Code is amended to read:

3116. The fees of the county recorder for recording and indexing any document provided for in this division, shall be in the amounts specified in Section 27361, Government Code, and his fees for filing the copy of the map of the proposed assessment district shall be in the amounts specified in Section 27372, Government Code.

CHAPTER 329

An act to amend Section 1 of Chapter 2018 of the Statutes of 1965, relating to the conveyance of certain tide and submerged lands of the state to the City of Benicia.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 1 of Chapter 2018 of the Statutes of 1965 is amended to read:

Section 1. There is hereby granted to the City of Benicia, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by the state by virtue of its sovereignty in and to all salt marsh, tide and submerged lands, whether filled or unfilled, which are described as follows:

Beginning at a point on the ordinary high water mark which bears S.03° 03′ 53″ W. 172.03 feet from Highway Station 79 + 21.53, said Point of Beginning being on the Right of Way Line of State Highway IV,X-CC.,SOL 75, 74MTZ.,BEN. near the northerly end of the Benicia-Martinez Bridge; thence along the ordinary high water mark N.56° 00′ 00″ E.370.00 feet; thence N.12° 00′ 00″ E.150.00 feet; thence N.07° 00′ 00″ W.760.00 feet; thence N.21° 00′ 00″ E.3050.00 feet; thence N.35° 00′ 00″ E.950.00 feet; thence N.17° 00′ 00″ E.300.00 feet; thence N.33° 00′ 00″ E.1248.76 feet to a point on the northerly line of the Benicia Arsenal; thence on this line projected southeasterly S.23° 52′ 34″ E.1799.81 feet; thence S.31° 43′ 46″ W.6085.00 feet; thence S.56° 38′ 16″ W.483.13 feet to point 4A on the Pierhead Line for Carquinez Strait approved by the Department of the Army August 28, 1962; thence along this Pierhead Line N.26° 16′ 14″ E.861.07 feet to a point on the Westerly Line of State Highway IV,X-CC,SOL75,74MTZ.,BEN.; thence N.32° 25′ 22″ W.292.78 feet to the point of beginning.

To be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

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

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

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

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

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bath-

houses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

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

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination

in rates, tolls or charges for any use or service in connection therewith.

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

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

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

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

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

(j) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

CHAPTER 330

An act to amend Section 46156 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 46156 of the Water Code is amended to read:

46156. In lieu of the appointment of the three commissioners as provided by Section 46150, the board by resolution may appoint the engineer of the district to apportion the costs of the project or to reassess the costs thereof as provided by this

chapter; provided, however, that if a protest is filed with the board within 10 days of the adoption of said resolution by the owners of 10 percent or more of the assessed value of the land in any division of the district, or by the owners of 2 percent or more of the assessed value of all of the land in the district, such resolution shall not be effective and the three commissioners shall be appointed as provided by Section 46150. In the event of such appointment, the term "commissioners" as used in this chapter shall refer to such district engineer. In all other respects the proceedings of this chapter shall remain the same.

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

The Rosedale-Rio Bravo Water Storage District in Kern County, California, entered into a contract with the Kern County Water Agency to purchase state water, and water will be available for the district in late 1969. In order to finance the works and have the system ready to take the water when it is available, it is necessary that the assessment be levied before July 1967, and that the bonds thereon be approved and offered for sale in order to have the necessary money available to pay for such construction prior to letting a contract.

CHAPTER 331

An act to add Section 61764 to the Government Code, relating to community services districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 61764 is added to the Government Code, to read:

61764. The ordinance or resolution fixing the standby charge as provided by Section 61765 of this code shall be adopted only after adoption of a resolution setting forth the particular schedule, or schedules of charges proposed to be established and after notice and hearing in the manner prescribed by Section 54354.5 of the Government Code.

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

That community services districts, in order to carry out their functions, are obliged to increase their capital investment and to replace works from which insufficient revenue is derived in order to serve their inhabitants with domestic water and sewer service and in order to assure such financing, provision for public hearing and due cause must be made, otherwise protracted delay and litigation will jeopardize needed services for water and sewer service required for the health and comfort of the inhabitants of such districts.

CHAPTER 332

An act to amend Section 11537 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 11537 of the Business and Professions Code is amended to read:

11537. (a) This chapter does not prohibit the filing of a map in accordance with the provisions of Chapter 3 of this part and the use thereof for purposes therein provided.

(b) A final map may be recorded under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided providing a public hearing on the proposed reversion to acreage is had before the appropriate governing body or advisory agency, and public notice of such hearing is given in a newspaper of general circulation within the area affected, at least once in each of two weeks immediately preceding the hearing. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After the holding of the hearing and approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The governing body may adopt an ordinance requiring the filing of a tentative map in conjunction with such reversion, and also accept any dedication of land by the final map for public streets, highways, ways, or easements as a condition of approval of such tentative map.

(c) A tax bond shall not be required in any of the cases covered by this section.

CHAPTER 333

An act to amend Section 893 of the Penal Code, relating to grand jurors.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 893 of the Penal Code is amended to read:

893. A person is competent to act as a grand juror only if he possesses the qualifications prescribed by Section 198 of the Code of Civil Procedure.

A person is not competent to act as a grand juror if any of the following apply:

(a) The person is serving as a trial juror in any court of this state.

(b) The person has been discharged as a grand juror in any court of this state within a year.

(c) The person has been convicted of malfeasance in office or any felony or other high crime.

(d) The person is serving as an elected public officer.

CHAPTER 334

An act to amend Section 760 of the Elections Code, relating to new voters.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 760 of the Elections Code is amended to read:

760. Upon receipt of the return envelope containing the identification envelope, if delivered or mailed from within the county and received by the clerk no later than 5 p.m. on the day before election day, the clerk shall compare the voter's signature on the identification envelope with that appearing on his new resident affidavit of registration and, if they compare, shall deposit the envelope containing the ballot of the new resident in a safe place in his office, to be kept by him until the time prescribed for processing and counting absent voter ballots. An identification envelope shall in no event be opened before the time for canvassing absent voter ballots.

CHAPTER 335

An act to amend Section 74923 of the Government Code, relating to courts.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 74923 of the Government Code is amended to read:

Sec. 74923. The clerk may appoint one assistant clerk, two senior clerks and four intermediate clerk-typists.

CHAPTER 336

An act to amend Section 73953 of, and to repeal Section 73956 of, the Government Code, relating to courts.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 73953 of the Government Code is amended to read:

73953. The clerk may appoint:

(a) One chief deputy who shall receive a monthly salary at a rate specified in Schedule No. 35 5.

(b) Five deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 32.

(c) Thirteen deputy clerks III. each of whom shall receive the monthly salary specified in Schedule No. 27.

(d) Ten deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 24.

(e) Eight deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 20. Appointments to such positions shall be at step B of the schedule.

(f) Two key punch operators, each of whom shall receive the monthly salary specified in Schedule No. 22.5. The person now holding the position of key punch operator as appointed on September 1, 1966, by the Clerk of the San Diego Municipal Court by authority of Section 72150 of the Government Code and assigned to this court by authority of Section 72002 of the Government Code shall succeed to one such position without further examination, qualification or certification on a civil service eligible list.

(g) One court interpreter who shall receive a monthly salary at a rate specified in Schedule No. 26. The person now holding the position of court interpreter as appointed on September 1, 1966, by the Judges of the San Diego Municipal

Court by authority of Section 72150 of the Government Code and assigned to this court by authority of Section 72002 of the Government Code shall succeed to this position without further qualification or certification on a civil service eligible list. The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), and (d) of said section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

SEC. 2. Section 73956 of the Government Code is repealed.

CHAPTER 337

An act to amend Section 12817 of, and to repeal Section 12816.5 of, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 12816.5 of the Public Utilities Code is repealed.

SEC. 2. Section 12817 of the Public Utilities Code is amended to read:

12817. A district may, through contract or otherwise, construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir owned or operated by the district, and the district may expend funds on such public recreational facilities.

CHAPTER 338

An act to amend Section 24304 of the Government Code, relating to county offices.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 24304 of the Government Code is amended to read:

24304. Notwithstanding the provisions of Section 24300, in counties of the 13th to 57th classes, inclusive, the board of supervisors by ordinance may consolidate the duties of certain of the county offices in one or more of these combinations:

(a) Sheriff and tax collector.
(b) Auditor and recorder.
(c) County clerk, auditor, and recorder.
(d) County clerk and public administrator.
(e) County clerk and recorder.
(f) County clerk and auditor.
(g) Treasurer and tax collector.
(h) Treasurer and recorder.
(i) Treasurer and assessor.
(j) Treasurer, assessor, and tax collector.
(k) Assessor and tax collector.
(*l*) Treasurer and public administrator.
(m) Public administrator and coroner.
(n) District attorney and public administrator.
(o) District attorney and coroner.
(p) Sheriff and coroner.
(q) Sheriff and public administrator.
(r) County agricultural commissioner and county sealer of weights and measures.
(s) County clerk and tax collector.
(t) Treasurer, tax collector, and recorder.
(u) Sheriff, tax collector, and coroner.
(v) Coroner and health officer.

CHAPTER 339

An act to amend Section 23113 of the Government Code, relating to county boundaries.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 23113 of the Government Code is amended to read:

23113. The boundaries of Imperial County are as follows:

Beginning on the second standard parallel south of S.B.B. & M., at the common corner of T.9 S., R.9 E., and T.9 S., R.8 E., said corner being the northwest corner of Imperial County and the northeast corner of San Diego County; thence south on the range line between R.8 E. and R.9 E. to the boundary line between the United States and Mexico; thence easterly following the boundary line between United States and Mexico as fixed by the treaty of Guadalupe Hidalgo to Boundary Point No. 34, which is the intersection of the centerline of the Colorado River and the International Boundary Line between California and the United Mexican States, which point is common to the boundaries of Arizona, the United Mexican States, and California, said Boundary Point No. 34, and all other boundary points mentioned hereafter, being described in "Interstate Compact Defining the Boundary Between the States

of Arizona and California," a true and complete copy of which is on file for a permanent public record in the office of the California Secretary of State, and certified copies of which are on file in the office of the California State Lands Commission and also in the office of the County Recorder of Imperial County; thence northeasterly and easterly along the centerline of the Colorado River to Boundary Point No. 33 in the Colorado River vertically below the center of the new U. S. Highway 80 Bridge; thence easterly along the centerline of the Colorado River to Boundary Point No. 32 on the centerline of the Colorado River where said centerline intersects the east line of Section 35, T. 16 S., R. 22 E., S.B.M.; thence leaving the Colorado River, north along the east line of said Section 35 to Boundary Point No. 31; thence due East approximately 110 feet to Boundary Point No. 30; thence northerly to Boundary Point No. 29; thence due East to Boundary Point No. 28; thence northerly approximately 700 feet to Boundary Point No. 27; thence easterly about 1.93 miles to Boundary Point No. 26, being the west quarter corner of Section 13, T. 8 S., R. 23W., Gila and Salt River Meridian; thence north and east along Section lines between Boundary Points Nos. 26 through 21; thence from Boundary Point No. 21, easterly to Boundary Point No. 20, being a point on the centerline of the Colorado River; thence northerly up the Colorado River, along the Interstate Boundary as described in above mentioned Interstate Compact, to its intersection with the line of the second standard parallel south of the S.B.B. & M.; thence westerly and following the said second standard parallel to the place of beginning.

That portion of the Imperial County boundary line which coincides with the Arizona-California Interstate Boundary is shown on a series of Planimetric Maps appearing in Exhibit "A" of above mentioned Interstate Compact.

Geographic Positions and Plane Coordinates of all boundary points mentioned in above description are listed in Exhibit "A" of said Interstate Compact.

CHAPTER 340

An act to amend Section 23133 of the Government Code, relating to county boundaries.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 23133 of the Government Code is amended to read:

23133. The boundaries of Riverside County are as follows:

Beginning at the corner common to Orange, San Bernardino, and Riverside Counties, being located at the point of intersection of the easterly boundary of the El Canon de Santa Ana Rancho with course number seven of the boundary line, established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino Counties; thence southeasterly along said line of survey to the point of beginning of said joint survey, it being upon the northern boundary of San Diego County, as it was then established; thence southwesterly to a point on the eastern line of Rancho Mission Viejo or La Paz two miles north of the south boundary of T. 7 S., S. B. B. & M.; thence south along said boundary to the point of intersection of said line with the township line between T. 7 S. and T. 8 S., S. B. B. & M.; thence easterly along said township line to its intersection with the western boundary of Santa Rosa Rancho; thence southerly along the boundary of said rancho to where said boundary of said rancho intersects the range line between T. 8 S., T. 3 W., and T. 8 S., T. 4 W.; thence south on said range line to the point of intersection of the said line with the second standard parallel south; thence east along said parallel to its intersection with the interstate boundary between the States of Arizona and California on the centerline of the Colorado River, said interstate boundary and centerline being described in "Interstate Compact Defining the Boundary Between the States of Arizona and California", a certified copy of which is recorded and filed in the office of the County Recorder of Riverside County; thence northerly along said interstate boundary to its point of intersection with the east and west centerline of T. 1 S., R. 24 E., S. B. B. & M., or the prolongation thereof; thence westerly along the section lines to the southeast corner of Sec. 17, T. 1 S., R. 16 E., S. B. B. & M.; thence south to the southeast corner of Sec. 32, same township and range, said point being on the township line between T. 1 and 2 S., S. B. B. & M.; thence west on said township line to the northeast corner of T. 2 S., R. 1 W., S. B. B. & M.; thence south to the southeast corner of Sec. 12, T. 2 S., R. 1 W., S. B. B. & M.; thence west to the southwest corner of Sec. 8, T. 2 S., R. 3 W., S. B. B. & M.; thence north to the northwest corner of said Sec. 8; thence west to the quarter corner of the south line of Sec. 2, T. 2 S., R. 5 W., S. B. B. & M.; thence north to the quarter corner on the north line of said Sec. 2; thence west to the southwest corner of Sec. 31, T. 1 S., R. 6 W.; thence south along the section lines to the northern boundary of the Jurupa Rancho; thence southwesterly along said north boundary to the northwest corner of said Rancho; thence south along the west boundary of said Jurupa Rancho to the quarter corner on the east line of Sec. 9, T. 3 S., R. 7 W., thence west in a direct line to the center of Sec. 7, same township and range; thence south

in a direct line, to the quarter corner on the south line of Sec. 19, T. 3 S., R. 7 W., thence west to the east boundary of the El Canon de Santa Ana Rancho; thence southerly along the easterly boundary of said Rancho to the place of beginning.

That portion of the Riverside County boundary line which coincides with the Arizona-California Interstate Boundary is shown on a series of Planimetric Maps appearing in Exhibit "A" of the above-mentioned Interstate Compact.

CHAPTER 341

An act to add Section 155.6 to the Revenue and Taxation Code, relating to property taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 155.6 is added to the Revenue and Taxation Code, to read:

155.6. Notwithstanding anything in this code to the contrary, the board of supervisors may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March 1966 was the owner of, or had in his possession, or under his control, any taxable property, which was thereafter damaged or destroyed by flood or storm conditions prior to December 31, 1966, in an area or region subsequently proclaimed by the Governor to be in a state of disaster may, within the time specified in the ordinance, make an application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars ($1,000). The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so assessed, the name of the person making the application in connection with the property, and the value of the property so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment de-

termined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

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

The recent disastrous floods within the County of Tulare, an area subsequently proclaimed by the Governor to be in a state of disaster, has destroyed and damaged property to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. In order that property tax relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 342

An act to amend Sections 10208 and 10209 of the Elections Code, relating to rotation of candidates on general election ballot.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 10208 of the Elections Code is amended to read:

10208. If the office is an office to be voted on throughout but wholly within one county, except the office of Representative in Congress or State Senator or Assemblyman, and there is but one assembly district in the county, the county clerk of that county shall arrange the names of all candidates for the office, other than incumbents, in alphabetical order, which order shall be the order of names upon the ballots. If there is more than one assembly district in the county, the county clerk shall arrange the names of all candidates for the office other than incumbents, in alphabetical order for that assembly district in the county which is lowest in numerical order, and thereafter for each succeeding assembly district in the county,

the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

SEC. 2. Section 10209 of the Elections Code is amended to read:

10209. If the office is that of State Senator or Assemblyman, or any office to be voted on wholly within any county but not throughout the county, except the office of Representative in Congress, the names of all candidates for the office, other than the incumbent, shall be placed upon the ballot in alphabetical order.

CHAPTER 343

An act to amend Section 10002 of the Elections Code, relating to ballot paper.

[Approved by Governor June 16, 1967. Filed with Secretary of State June 16, 1967.]

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

SECTION 1. Section 10002 of the Elections Code is amended to read:

10002. Ballot paper supplied by the Secretary of State shall be watermarked or overprinted with a design, to be furnished by the Secretary of State, so that the watermark or overprint shall be plainly discernible on the outside of the ballot when folded according to law. The design shall be kept secret, until the day of election, from all persons not engaged in the preparation, printing, or distribution of the paper or ballots. The design shall be changed for each general election, and the same design shall not be used again at any general election within the space of five years. At any special or local election paper marked with the design used at the previous election may be used.

CHAPTER 344

An act to add Section 25413.1 to the Education Code, relating to junior colleges.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 25413.1 is added to the Education Code, to read:

25413.1. When a junior college district, members of the governing board of which are also members of the governing

board of a city school district with an average daily attendance of 400,000 or more in grades kindergarten through 12, serves a greater area than the city school district, the persons who serve as members on the governing board of the junior college district shall not serve also as members of the city school district board. Those persons who serve as members of the governing boards of both the junior college district and the city school district shall, on or before December 31, 1968, elect on which of the two boards they will continue to serve. Those persons who elect to serve as members of either the governing board of the junior college district or the governing board of the city school district shall continue to serve also as members of the governing board from which they have elected to withdraw until their successors on such board are elected at the governing board election next following December 31, 1968, and have assumed office.

On or before December 31, 1968, each employee who serves on a districtwide basis for either the junior college district or the city school district and who renders 50 percent or more of his services to the junior college district shall elect to serve either the junior college district or the city school district. Such election shall become effective on July 1, 1969. After such time, no such employee shall have tenure or classification as a permanent employee in other than the district in which he elects to serve. Any employee failing to make such an election shall be deemed to have elected to serve the city school district.

If both the city school district and the junior college district have adopted a merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3, Division 10 of this code, and were served by a single personnel commission as provided in Section 13705, then a new personnel commission shall be appointed for the junior college district as provided in Sections 13707, 13707.1 and 13707.2. The new personnel commission shall appoint a personnel director in the manner provided in Section 13717 within 90 days after the appointment of at least two of its members. The personnel commission which had served both districts shall continue to serve both districts pursuant to the terms of a contract entered into by the personnel commission and both school districts until such time as the newly appointed personnel commission determines that it can serve the junior college district.

The rights, benefits and burdens of classified employees shall be fixed in accordance with the provisions of Sections 13584 and 13584.1; the personnel commission of the junior college district shall initially adopt the rules of the personnel commission which had served both districts. The governing board of the junior college district shall fix the compensation of classified employees in accordance with Section 13601.5.

Any part or all of the land, buildings, fixtures, leases, and other real property which are jointly owned by the city school district and the junior college district may, at the option of the city school district, become the property of the city school

district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such real property. Such payments may be made in installments over a five-year period, commencing July 1, 1969. Such property shall be valued at its insurable value as of July 1, 1969. In cases where the value of real property cannot be established by reference to insurable value the market value of the property shall be used for valuation purposes. In order to provide for such payments, the maximum school district tax for such city school district is hereby increased by such amount as will produce the amount of such payments made pursuant to this section, and the increase shall be in addition to any other schools district tax authorized by law to be levied. Such maximum school district tax increase shall remain in effect until all payments to the junior college district for its interest in such real property have been made.

All equipment and supplies, including fixtures, and other personal property located in any school shall remain with and become the property of the district operating such school. Any part or all of the equipment, supplies, fixtures, and other personal property, located in a facility owned jointly by both such districts, and which property has been used jointly by both such districts may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of July 1, 1969.

Equipment, supplies, and other stores possessed jointly by both districts as of July 1, 1969 shall be distributed in kind or in cash value in accordance with the costs as reflected in the records of the junior college district and the city school district.

One district may contract with the other district for the performance of services under such terms and conditions as may be agreed upon by the two districts.

Whenever in this code a section refers to a district, or to two or more districts, governed by a single governing board, or by governing boards of identical personnel, or to a district or districts in which the average daily attendance is in excess of 400,000, or makes a similar such reference, all provisions of such section shall apply with equal force to both such city school district and junior college district.

SEC. 2. It is the intention of the Legislature in enacting this act to provide for a separate governing of a junior college district which includes an area of a city school district with an average daily attendance of 400,000 or more in grades kindergarten through 12, plus additional outside area. It is not the intention of the Legislature by this act to provide

for the manner in which, the times at which, or the terms for which members of the board of education of such city school district shall be elected or appointed, nor to provide for their qualifications or removal, except to permit any of such members to serve on the governing board of the junior college district, rather than on the governing board of the city school district.

CHAPTER 345

An act to add Section 1019 to the Education Code and to add Section 3364.5 to the Labor Code, relating to authorization of insurance coverage for persons serving as volunteers for school districts.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 1019 is added to the Education Code, to read:

1019. Notwithstanding Section 1017 of this article, the governing board of any school district may provide for persons authorized by the governing board to perform volunteer services for the district insurance coverage which is the same as or comparable to that provided by the governing board for its employees, including coverage under the provisions of Division 4 (commencing with Section 3201) of the Labor Code.

SEC. 2. Section 3364.5 is added to the Labor Code, to read:

3364.5. Notwithstanding Section 3351 of the Labor Code, a volunteer, unsalaried person authorized by the governing board of a school district to perform volunteer services for the school district shall, upon the adoption of a resolution of the governing board of the school district so declaring, be deemed an employee of the district for the purposes of this division and shall be entitled to the workmen's compensation benefits provided by this division for any injury sustained by him while engaged in the performance of any service under the direction and control of the governing board of the school district.

CHAPTER 346

An act to add Section 1716 to the Civil Code, relating to solicitation of payment of money.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 1716 is added to the Civil Code, to read:

1716. It shall be unlawful for any person to solicit payment of money by another by means of a statement or invoice, or any writing that could reasonably be interpreted as a statement or invoice, for goods not yet ordered or for services not yet performed and not yet ordered, unless there appears on the face of the statement or invoice or writing in 30-point boldface type the following warning:

"This is a solicitation for the order of goods or services and you are under no obligation to make payment unless you accept the offer contained herein."

Any person damaged by noncompliance with this section, in addition to other remedies, is entitled to damages in the amount equal to three times the sum solicited.

CHAPTER 347

An act to amend Section 10652 of the Education Code, relating to tuition and fees for children of disabled veterans at state-owned schools.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 10652 of the Education Code is amended to read:

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any dependent receiving assistance under Article 2 (commencing with Section 890) of Chapter 4 of Division 4 of the California Military and Veterans Code or to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed five thousand dollars ($5,000). Nothing contained in this section shall prevent the Regents of the University of California

from charging to and collecting from nonresident students an admission fee and rate of tuition nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to schools under the jurisdiction of the Department of Education or the Director of Education or to a state college under the jurisdiction of the Trustees of the California State Colleges.

CHAPTER 348

An act to amend Sections 5835.5, 5855, and 19170 of, and to add Sections 5821.3, 19056 and 19165.1 to, the Streets and Highways Code, relating to maintenance districts.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 5821.3 is added to the Streets and Highways Code, to read:

5821.3. In the event that an ordinance requires the installation of a sewer, drainage, or street lighting system by a subdivider, the resolution of intention may state that the territory owned by the subdivider comes under the the terms of such ordinance and order that such territory be formed into a maintenance district, or annexed to an existing maintenance district, without notice and hearing.

SEC. 2. Section 5835.5 of the Streets and Highways Code is amended to read:

5835.5. Pursuant to a resolution adopted by its board of supervisors a county may lend any available county funds to a county lighting maintenance district for the replacement of obsolete lighting system equipment. Any such loan may be restricted for use in a temporary zone formed under the provisions of Section 5855. The loan shall bear interest at a rate to be fixed by the board of supervisors and shall be repaid in approximately equal installments over a period not to exceed 10 years. Any funds lent to the district are appropriated for the purposes for which the loan was made. Any area of a district, or of a temporary zone in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate part of the unpaid balance of the loan.

If a zone is formed, the board of supervisors shall, in the first fiscal year in which a special tax may be levied in said zone, and in each succeeding year of the duration of the zone, levy a special tax upon the taxable property in the zone for the purpose of repaying the amount lent to the district by the county. When the loan has been repaid, the zone shall terminate.

SEC. 3. Section 5855 of the Streets and Highways Code is amended to read:

5855. Where the board of supervisors or legislative body has so declared in its resolution of intention to order the formation of a lighting maintenance district or any annexation thereto, the board of supervisors or legislative body may, in its resolution ordering the formation of a lighting maintenance district or any annexation thereto, order the district divided into tax assessment zones. Tax assessment zones may be formed at a time other than at the formation of the district or any annexation thereto if pursuant to the same procedure of resolution, notice, and hearing as are applicable under this chapter to the annexation of territory.

No district shall be divided into zones unless the board of supervisors or legislative body finds that a tax assessment zone requires special services or special facilities in addition to those provided generally by the maintenance district or the replacement of obsolete lighting, and that the tax levy is commensurate with the special benefits to be provided in the zone. The boundaries of tax assessment zones may be changed or a zone may be dissolved in the same manner that a zone may be formed in an existing district.

SEC. 4. Section 19056 is added to the Streets and Highways Code, to read:

19056. In the event that an ordinance requires the installation of a street lighting system by a subdivider, the board of supervisors may, as an alternative procedure, adopt a resolution stating that the territory described in the resolution is owned by the subdivider and comes under the terms of such ordinance, and order that such territory be formed into a district or annexed to a district. If this procedure is used, the provisions of this part relating to petition, notice, hearing, election, and the District Investigation Law of 1933 shall not be applicable.

SEC. 5. Section 19165.1 is added to the Streets and Highways Code, to read:

19165.1. As an alternative to the petition procedure, the board of supervisors may, by a four-fifths vote, determine that the public safety and convenience require replacement of an obsolete system. The resolution may propose that a temporary zone be established, which zone will be benefited by the work, for the purpose of levying a special tax in the zone to finance the cost of the work.

The resolution shall contain that matter required by Section 19166. Notice and hearing of the resolution shall be substantially as required by Sections 19168 and 19169. If the board of supervisors determines at the hearing, by a four-fifths vote, that it is just and equitable and in the public interest that the obsolete lighting be replaced and that the proposed temporary zone be formed, it shall fix and describe the boundaries of the proposed zone in such a manner as to exclude any territory which will not be benefited by

inclusion in the zone; it shall declare the zone established; it shall designate the zone by a name or number; and it shall specify the duration and purposes of the zone, not to exceed 10 years from the beginning of the next ensuing fiscal year in which a special tax levy may be made in said zone.

Except as provided in this section, any zone formed under this section shall be subject to the provisions of this chapter.

SEC. 6. Section 19170 of the Streets and Highways Code is amended to read:

19170. If the board of supervisors determines with respect to a petition for the replacement of lights filed in conformity with this chapter, that

(a) It is just and equitable, and in the public interest, that the obsolete lighting system be replaced as provided in this chapter and that the proposed temporary zone be formed, and

(b) The petition was signed by resident taxpayers representing 60 percent or more of the total assessed valuation of all taxable property within the territory proposed to be formed into a zone, the board shall by resolution, entered in its minutes, fix and describe the boundaries of the proposed zone in such manner that any territory which will not be benefited by inclusion therein, or which is not contiguous thereto, or which is not described in the petition, shall not be included therein; shall declare said zone established, designating it by an identifying name or number; and shall specify the purposes and duration thereof, not to exceed 10 years from the beginning of the next ensuing fiscal year in which a special tax levy may be made in said zone.

CHAPTER 349

An act to amend Section 13.15 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), and to add Section 54929.2 to the Government Code, relating to the Sonoma County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 13.15 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949) is amended to read:

Sec. 13.15. Proceedings heretofore had under this act creating the following described zones within the Sonoma County Flood Control and Water Conservation District are hereby ratified, confirmed and validated and, in addition thereto, said zones are hereby declared to exist for the purposes of and

with the powers necessarily incident to the undertaking within the boundaries of said zone of any projects or works of improvement authorized to be undertaken by the Sonoma County Flood Control and Water Conservation District or which could be authorized to be undertaken by a zone created under this act notwithstanding any defect in or lack of ability to obtain such broad powers for such zones through said proceedings heretofore had; provided, that the zone assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation for any and all of such zone projects or works of improvement, exclusive of the tax necessary to pay principal and interest on such zone bonded indebtedness, unless the excess has been authorized at an election as provided in Section 13.9 of this act.

Such zones created and declared are particularly described as follows:

Zone No. 1-A, Laguna-Mark West. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to the Russian River through Mark West Creek and/or the Laguna de Santa Rosa together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 1-A, Laguna-Mark West" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 3, Sonoma County Records.

Zone No. 2-A, Petaluma Basin. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to San Pablo Bay through Petaluma Creek otherwise known as Petaluma River together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 2-A, Petaluma Basin" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 8, Sonoma County Records.

Zone No. 3-A, Valley of the Moon. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed of Sonoma Creek which lies generally to the north of Shellville together with certain neighboring abutting land thereto, such land being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 3-A, Valley of the Moon" description of boundaries recorded in the office of the County Recorder of Sonoma County in official records, Book 2252, beginning at page 718, Sonoma County Records.

Zone No. 5-A, Lower Russian River. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to

the Russian River downstream from State Highway 101 bridge at Healdsburg together with certain neighboring closely abutting lands thereof excluding the lands tributary to the Russian River through Mark West Creek and Laguna de Santa Rosa and through Dry Creek, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 5-A, Lower Russian River" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 14, Sonoma County Records.

Zone No. 7-A, North Coastal. Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, northerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 7-A, North Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 19, Sonoma County Records.

Zone No. 8-A, South Coastal. Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, southerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 8-A, South Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 21, Sonoma County Records

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that fifty percent (50%) or more of the area of a particular parcel of land in one ownership lies within another of the foregoing zones instead of the zone within which it has theretofore been contained and upon request for adjustment of zone boundaries made by the owners of record of such parcel, subdivide said parcel and appropriately adjust the boundaries of said zones to include within each the land lying within the principal watersheds thereof or transfer the entire parcel into the zone within which more than fifty percent (50%) of the area of such parcel is contained notwithstanding any other provision of this act.

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that all of the area of a particular parcel of land in one ownership lies outside of

the watershed of the zone within which it is contained and upon request of the owner of record thereof that said land be excluded from such zone, exclude said land from said zone notwithstanding any other provision of this act.

SEC. 2. Section 54929.2 is added to the Government Code, to read:

54929.2. Notwithstanding Sections 54902 and 54903 or any other provision of this chapter, the formation of Zone No. 3-A, Valley of the Moon, of Sonoma County Flood Control and Water Conservation District, shall be effective for assessment and taxation purposes and the zone may levy and collect assessments for fiscal year 1967–68 and each year thereafter, pursuant to Section 13.9 of the Sonoma County Flood Control and Water Conservation District Act, if the statement and map or plat required by this chapter are filed on or before June 30, 1967.

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

The Sonoma County Flood Control and Water Conservation District has established Zone No. 3-A Valley of the Moon in order to implement the purposes of the Sonoma County Flood Control and Water Conservation District Act within the Sonoma Creek watershed. Extensive and serious flood damage has occurred annually within the watershed of Sonoma Creek and within the zone, and the immediate pursuit of public improvement projects planned by the district is essential to alleviate further property damage and loss.

CHAPTER 350

An act to add Section 23753.2 to, and to amend Sections 23755, 23756 and 23761 of, the Education Code, relating to the California State Colleges.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 23753.2 is added to the Education Code, to read:

23753.2. Except where otherwise specifically provided, all determinations of a student's status as a resident or nonresident, shall be based upon such status on the residence determination date, which date is defined as the last day a student may register at any state college without payment of a late registration fee, for the term during which he proposes to attend a state college. The trustees shall periodically determine and publish the residence determination date.

SEC. 2. Section 23755 of the Education Code is amended to read:

23755. Any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this state on the residence determination date shall, for the purposes of Sections 23604 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601, be deemed to be a resident of this state for such semester. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same course as such person.

SEC. 3. Section 23756 of the Education Code is amended to read:

23756. "A resident student" means any person who has been a bona fide resident of the state for more than one year immediately preceding the residence determination date.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to enrolling in any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the state.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to reestablish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who for a period of more than one year immediately preceding the residence determination date has lived with his mother, who is living apart from his father, and has been for a period of more than one year immediately preceding the residence determination date present in the state with the intention of making her permanent home therein, is a resident student.

(d) Any person whose residence is derived from a parent and who loses California residence by reason of a change of

residence by such parent, shall be considered a resident student for tuition purposes for a period of one year following such change of residence by his parent, provided that such parent was a bona fide resident of California for at least one year immediately preceding such change of residence from California.

(e) Any minor child who has been a bona fide resident of the state for more than 10 years immediately preceding the residence determination date shall be deemed a "resident student" notwithstanding the place of abode or residence of either living parent or guardian of the minor child. Except as otherwise provided in this subdivision, the residence of the minor child shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code.

SEC. 4. Section 23761 of the Education Code is amended to read:

23761. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

Nothing in this article or in Sections 243 and 244 of the Government Code prevents the trustees from causing to be classified as a resident student any alien who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States or any citizen of the United States if such citizen or alien has attained his majority in accordance with the laws of this state and for a period of one year immediately preceding the residence determination date has been entirely self-supporting and actually present in the state with the intention of acquiring a residence therein.

SEC. 5. This act shall become operative for semesters and quarters on and after January 1, 1968.

CHAPTER 351

An act to amend Section 18934 of the Financial Code, relating to insurance premium financing.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 18934 of the Financial Code is amended to read:

18934. A premium finance agreement may provide for the payment of a default charge of one dollar ($1) to a maximum of 5 percent of the delinquent installment but not to exceed five dollars ($5), in the event of a default for a period of not

less than 10 days in the payment of any scheduled installment under the terms of a premium finance agreement. Said charge may not be collected more than once for the same default and may be collected at the time of such default or at any time thereafter. If such default charge is deducted from any payment received after default occurs, and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

CHAPTER 352

An act to add Sections 1622.1, 1624.1 and 1624.2 to the Revenue and Taxation Code, relating to tax appeals boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 1622.1 is added to the Revenue and Taxation Code, to read:

1622.1. As an alternative to the selection procedure provided in Section 1622, the county board of supervisors may, by ordinance, elect to appoint directly the members of the assessment appeals board. Approval of each member shall be by majority vote of the board of supervisors.

SEC. 1.1. Section 1624.1 is added to the Revenue and Taxation Code, to read:

1624.1. No person shall be qualified to be a member of an assessment appeals board who has, within the three years immediately preceding his appointment to such board, been an employee of an assessor's office.

SEC. 1.2. Section 1624.2 is added to the Revenue and Taxation Code, to read:

1624.2. No member of an assessment appeals board shall knowingly participate in any assessment appeal proceeding wherein the member has an interest in either the subject matter of or a party to the proceeding of such nature that it could reasonably be expected to influence the impartiality of his judgment in the proceeding. Violation of this section shall be cause for removal under Section 1625 of this code.

SEC. 2. Nothing in this act shall affect the term of, or qualifications for, the office of any present member of a tax appeals board.

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

It is essential to have members of an assessment appeals board appointed directly by the board of supervisors rather than by lot in order to insure that the best qualified individuals will be selected to serve on a board and that the board will contain a proper balance of individuals possessing such skills and ability as will enable it to discharge its duties fairly and efficiently. By doing so, the public policy of the state, as expressed in Section 9.5 of Article XIII of the Constitution and Division 1 of the Revenue and Taxation Code, will be fulfilled and the state as a whole will benefit.

CHAPTER 353

An act to amend Section 8189 of, and to repeal Sections 8183, 8184, 8185, 8186, and 8187 of, the Fish and Game Code, relating to the anchovy canning season.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 8183 of the Fish and Game Code is repealed.

SEC. 2. Section 8184 of the Fish and Game Code is repealed.

SEC. 3. Section 8185 of the Fish and Game Code is repealed.

SEC. 4. Section 8186 of the Fish and Game Code is repealed.

SEC. 5. Section 8187 of the Fish and Game Code is repealed.

SEC. 6. Section 8189 of the Fish and Game Code is amended to read:

8189. The commission may adopt regulations in accordance with the provisions of Section 8188 to govern the manner in which the percentage of undersized anchovies will be determined.

CHAPTER 354

An act to amend Section 3271 of, and to repeal Section 4184 of, the Fish and Game Code, relating to the taking and disposition of game.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 3271 of the Fish and Game Code is amended to read:

3271. For the proper administration of this article the state is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas:

Diamond Valley (Alpine County); that portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to where the 500 feet contour intersects Washoe Avenue; thence northerly along Washoe Avenue approximately thirteen miles to California Avenue (approximately two miles south and four miles west of the Town of Mendota); thence westerly along California Avenue approximately twelve miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to its intersection with State Highway 4 at Brentwood; thence north and west along said State Highway 4 to its intersection with State Highway 84; thence along said State Highway 84 to the Sacramento-Contra Costa boundary line on the Antioch Bridge; thence westerly along the Sacramento-Contra Costa county boundary line to its intersection with the Solano county boundary; thence northeasterly along the Sacramento County-Solano County line to Cache Slough; thence northwesterly along the South bank of Cache Slough to Haas Slough; thence northerly along the south bank of Haas Slough to its intersection with the Sacramento Northern Railroad tracks; thence northeasterly along the Sacramento Northern Railroad tracks to Bunker Station; thence westerly along the Bunker Station-Binghamton Road to State Highway 113; thence northerly along State Highway 113 to Cooper School Road; thence westerly along Cooper School Road to Nut Tree Road; thence northwesterly along Nut Tree Road to Interstate Highway 80; thence southwesterly along Interstate Highway 80 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of

the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U.S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Fresno county; thence southwest on the common boundary of Madera and Fresno Counties to Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern county line to point of beginning.

The Zone A areas in the remainder of the state are:

Humboldt Bay area (Humboldt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. ¼ of T. 44 N., R 10 W.; the S. ½ of T. 44 N., R 9 W.; all of T. 43 N., R. 9 W.; the NE. ¼ of T. 43 N.. R. 10 W.; all of T. 42 N., R. 9 W.; the E. ½ of T. 41 N., R 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. ¼ of T. 46 N., R. 5 W.; the SE. ¼ of T. 46 N., R. 6 W.; the NW. ¼ of T. 45 N., R. 5 W.; the S ½ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. ½ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W.,

and all of T. 44 N., R. 6 W.; the NE. ¼ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. ½ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N and T. 46 N.; thence westerly along said township line to the Mt. Diablo meridian; thence north along the Mt. Diablo meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. ½ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. ½ of T. 44 N., R. 14 E.; all of T. 44 N., R. 13 E.; the S. ½ of T. 44 N., R. 12 E.; the E. ½ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. ½ of T. 42 N., R. 10 E.; the SE. ¼ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E.; all of T. 41 N., R. 12 E., and of T. 41 N., R. 11 E.; the N. ½ of T. 41 N., R. 10 E.; the NE. ¼ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. ½ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. ½ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6.5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E.; thence north along said range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin. the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills

Honey Lake area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E.; thence south-

erly along said state line to where the township line between T. 24 N. and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R. 11 E. and R. 12 E.; thence northerly along said range line to the township line between T. 30 N. and T. 31 N.; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. ¼ of T. 27 N., R. 11 E.; the S. ½ of T. 27 N., R. 10 E.; the SE. ¼ of T. 27 N., R. 9 E.; the W. ½ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.; the E. ½ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. ½ of T. 23 N., R. 16 E.; the S. ½ of T. 23 N., R. 15 E.; the S. ½ of T. 23 N., R. 14 E.; the S. ½ of T. 23 N., R. 13 E.; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N., R. 14 E.; T. 22 N., R. 13 E.; T. 22 N., R 12 E.; T. 21 N., R. 14 E.; T. 21 N.. R. 15 E.; the W ½ of T. 21 N., R. 16 E.; T. 20 N., R. 14 E.; the W. ½ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the state, and clubs licensed in this area shall be known as Zone B licensees.

SEC. 2. Section 4184 of the Fish and Game Code is repealed.

CHAPTER 355

An act to add Chapter 7 (commencing with Section 12700), Chapter 7.3 (commencing with Section 12740), and Chapter 7.7 (commencing with Section 12770) to, and to repeal Chapter 7 (commencing with Section 12700) of, Division 5 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967]

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

SECTION 1. Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 12700) is added to Division 5 of the Business and Professions Code, to read:

CHAPTER 7. PUBLIC WEIGHMASTERS

12700. A public weighmaster is either of the following:

(a) Any person who weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis of the purchase or sale of the commodity, or as the basis of a charge for service.

(b) Any person engaged in the business of public weighing for hire.

12701. The following shall not be construed to be public weighmasters:

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers. The provisions of this exemption shall not apply to persons, firms, or corporations weighing bulk lot commodities on vehicle or hopper scales, or selling such commodities by volume, when the purchaser is not present at the time the weight or measure determination is made.

(b) Producers of agricultural commodities or livestock, weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, or no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based; except that when such weight is to be used by a processor as basis of payment there shall be no exception to the provisions of Section 12734.

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation.

(d) Weighers licensed under the provisions of Section 35161 of the Agricultural Code when performing the duties for which they are licensed.

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 (commencing with Section 12801) of Division 5, when performing the duties authorized thereby.

(f) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.

(g) Employees of newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

12702. No person shall perform any act described in this chapter unless licensed as a public weighmaster pursuant to this chapter.

A public weighmaster shall issue a state certificate of weights and measures whenever payment for the commodity

or service represented is dependent on a written or printed weight, measure, or count.

All signatures required by this chapter shall be affixed at the time of issuance of the certificate.

12703. The issuance of a receipt showing the weight of fish, mollusks, or crustaceans pursuant to Sections 8011, 8012, 8013, 8014, and 8015 of the Fish and Game Code constitutes the issuance of a weight or measure certificate under this chapter when issued by persons who are required to be public weighmasters pursuant to Section 12700.

12704. A warehouse receipt, of a form approved by the department and issued in accordance with the law, when signed by a licensed public weighmaster or deputy public weighmaster showing the weight, measure or count of any commodity stored in a warehouse, constitutes the issuance of a state certificate of weights and measures under this chapter.

12705. A public weighmaster shall pay to the department a license fee of twenty-five dollars ($25) for each fiscal year or any part thereof for the principal place of business and an additional fee of five dollars ($5) for each additional location where service as a public weighmaster is rendered.

Location, for the purpose of this section, means a premise on which weighing, measuring, or counting devices are installed, and which is operated as a single business unit in the rendering of services by a public weighmaster.

12706. Public weighmasters shall pay an additional license fee of two dollars ($2) for each fiscal year or part thereof for each deputy public weighmaster. For such fee the department shall issue a deputy public weighmaster's license.

12707. Each license required by this chapter shall be renewed annually, on or before July 1st of each year, by application to the director, accompanied by the annual license fee. To any fee not paid when due there shall be added a penalty equal to the amount of the license fee; except that in the following cases no penalties shall be applied:

(a) Branch location, if a statement of nonoperation is filed.

(b) Deputy weighmaster, if a statement of nonemployment is filed.

The required statements shall be filed at the time of application.

12708. Before any license is issued to any public weighmaster, the applicant shall execute and deliver to the director a surety bond in the sum of two thousand dollars ($2,000) executed by the applicant as principal and by a corporate surety company qualified and authorized to do business in this state as a surety. The bond shall be conditioned upon the faithful and honest compliance with the provisions of this chapter. The bond shall be to the state in favor of every person availing himself of the services and certifications issued by the weighmaster.

12709. The department may refuse to grant any license provided for by this chapter, or may refuse to renew any

such license, and may revoke or suspend any such license when, after a hearing had in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the department is satisfied the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster.

12710. All license fees collected under the provisions of this chapter shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration and enforcement of this chapter.

12711. Whenever the bond required by this chapter lapses or is canceled, the license of the person thereby bonded as a weighmaster shall expire and the license of any deputy weighmaster appointed by him shall likewise expire.

The department may declare the bond of any licensed weighmaster forfeited where such weighmaster has been found guilty of a misdemeanor as provided by this chapter.

12712. Public weighmasters may employ or designate any person to act for them as deputy weighmaster and shall be responsible for all acts performed by such person. The weighmaster shall forward to the department the name of persons so appointed together with fees as required by Section 12706.

12713. The Director of Agriculture may provide by rules and regulations that:

(a) One deputy weighmaster may sign and issue a certificate based on information received from his principal or from another deputy weighmaster who actually performed the weighing, measuring, or counting of the commodity, when both are employed by the same principal weighmaster.

(b) A principal weighmaster may sign and issue a certificate based on the results of a weighing, measuring, or counting performed by a deputy weighmaster in his employ.

(c) A weighmaster may transfer the weights, measures or counts issued by another licensed weighmaster to his own certificate under certain circumstances provided by regulation.

12714. Forms to be used by public weighmasters shall be submitted to the department which, after approval, shall be known as "State Certificate of Weights and Measures." The proposed form shall provide for the following information as applicable to the operation of the weighmaster:

(a) The kind of product or article and such other information as may be necessary to identify the product or distinguish it from a like kind.

(b) The number of units of the product or article.

(c) The date on which the product or article was weighed, measured or counted.

(d) The owner, or agent and consignee.

(e) Either the gross weight of the product and the vehicle or container thereof, or the tare weight of the unladen vehicle or container, or both such gross and tare weights when they

are used in determining the true net weight; or the true net weight, measure, or count of the product.

(f) The tare weights of boxes, bins, pallets, or other containers.

(g) The vessel, railroad or other means by which the product was received. If motor vehicle carrier is used, the license numbers of any vehicle or combination of vehicles shall be stated on the certificate.

(h) Any trade or other mark thereon.

(i) The name or identification of the city, town, or place where such product or article was weighed, measured, or counted.

(j) The complete signature of the weighmaster or deputy weighmaster.

(k) The consecutive number thereof.

12715. It shall be unlawful for a public weighmaster to use a public weighmaster certificate form purchased by him for use in connection with his service as a public weighmaster until a sample of such form has been inspected and approved in writing by the department.

12716. Before issuing any certificate the weighmaster shall complete the form prescribed in Section 12714 by specifying thereon all information applicable to the transaction.

It shall be unlawful to issue any certificate which does not contain all such information.

12717. Public weighmaster certificate forms shall be the property of the state and all unused weighmaster certificate forms shall be forfeited and returned to the department by any person who has served as a public weighmaster upon termination of the performance of his duties as a weighmaster. Certificates which have been returned to the department shall be kept in a safe place for a period of four years after which time they shall be destroyed or otherwise disposed of by the department.

12718. All public weighmasters shall keep and preserve, as records, for a period of four years, true copies of all certificates issued upon public weighings, measurings or counts. These records shall at all times be open for inspection by the director.

12719. When vehicles contain more than one lot or part load the following procedure shall be used:

(a) Weighing when loading. The gross weight shown on the first certificate shall be used for the tare weight on the second certificate. This same procedure shall be used for each succeeding lot.

(b) Weighing when unloading. The tare weights shown on the first certificate shall be used for the gross weight on the second certificate. This same procedure shall be used for each succeeding lot.

12720. State certificates of weights and measures issued by public weighmasters shall contain the accurate and correct

weight or measure or count of any and all commodities or products weighed or measured or counted.

Any public weighmaster who issues a state certificate of weights and measures without first weighing, measuring or counting the article or commodity, or first causing his deputy to weigh, measure or count the article or commodity, when permitted by regulations, or who knowingly issues a state certificate of weights and measures giving thereon a false weight or measure or count of the article or commodity weighed or measured or counted by him or his deputy, is guilty of a misdemeanor.

12721. Any erroneous entry affecting the accuracy of the weight, measure or count on a state certificate of weights and measures shall be corrected by the issuance of a "correction certificate."

A copy of such "correction certificate" shall be attached to the file copy of the erroneous certificate and all available certificates.

Procedures for "voiding" and disposition of voided certificates shall be by regulation of the director.

12722. Any weighing, measuring, or counting instrument or device as defined in Section 12500, and for which specifications and tolerances have been adopted by the director, shall be approved, tested and sealed in accordance with the provisions of this division.

12723. Any person is guilty of a misdemeanor who does any of the following acts:

(a) Requests a public weighmaster, or any person employed by him, to weigh, measure or count any commodity falsely or incorrectly.

(b) Requests a false or incorrect state certificate of weights and measures.

(c) Issues a state certificate of weights and measures when he is not a public weighmaster.

(d) Possesses unfilled or unused certificates of weights and measures forms if he is not a public weighmaster. This subdivision does not apply to a person engaged in the business of printing state certificates of weights and measures forms nor to his representative.

(e) Furnishes or gives false information to a weighmaster for use in the completion of a state certificate of weights and measures.

(f) Presents for payment a certificate made false by the insertion of any weight, measure or count not determined by the issuing weighmaster.

12724. When the gross weight of a vehicle and its net contents has been recorded on a public weighmaster certificate it shall be unlawful for any person to remove a part of, or add to the net contents, before the contents are delivered to the buyer or consignee unless a correct weight certificate is obtained as prescribed by this chapter.

12725. When the tare weight of a vehicle or the gross weight of the vehicle and the contents have been recorded on

a public weighmaster certificate, it shall be unlawful for any person to alter the tare weight of such vehicle prior to the time that the net weight of the commodity has been determined and recorded on the certificate.

12726. Except as otherwise provided in this chapter, the vehicle for which the tare weight is being certified shall actually be weighed at the time of, and for the purpose of, each such certification.

The determination of a vehicle tare weight when the vehicle contains boxes, bins or pallets shall be subject to regulation by the director.

12727. The tare weight of any vehicle while used exclusively for the transportation of any agricultural cargo, the value of which is less than ten dollars ($10) per ton, when once ascertained by a public weighmaster shall be accepted as the correct tare weight of that vehicle for the purpose of determining, for certification, the correct weight of any such cargo transported in that vehicle for a period of 48 hours.

For the purpose of this section, the actual tare weight of such vehicle shall at no time exceed the recorded tare weight.

Nothing contained in this section shall be construed as affecting the right of a sealer pursuant to Section 12213.

12728. Notwithstanding any other provision of law, when a weighmaster is weighing any vehicle moving earth, stone, sand or gravel, for the purpose of weight certification, the tare and gross weights of the vehicle shall be determined with the driver in the vehicle and shall include his weight.

12729. When doubt or differences arise as to the correctness of the net or gross weight or measure of any amount or part of any commodity for which a certificate of weights and measures has been issued by a licensed weighmaster, the owner, agent or consignee may, upon complaint to the department have the amount or part thereof reweighed by the department or a public weighmaster designated by it, upon depositing a sufficient sum of money with the department to defray the actual cost of reweighing.

If, on reweighing, a difference from the original certified weight is discovered as the result of fraud, carelessness, or faulty apparatus, the cost of reweighing shall be borne by the weighmaster responsible for the issuance of the erroneous certificate.

12730 Duly authorized representatives of the department may at any time require a laden or unladen vehicle to proceed to the nearest vehicle scale for the purpose of verifying the gross or tare weight of such vehicle.

12731. Net weight is the correct or actual weight of the commodity excluding the weight of the container or conveyance.

No weighmaster shall weigh a vehicle, or combination of vehicles, for certification, when part of the vehicle, or connected combination, is not resting on the scale.

For the purpose of certification of weights of vehicles the entire weight of the vehicle and load shall rest upon the scale at one time.

When weighing a combination of vehicles that will not rest on the scale platform at one time the combination must be disconnected and weighed separately. The weights so taken may be properly combined for the purpose of issuing a single certificate.

This section shall not prohibit weighing of vehicles to determine compliance with the provisions of the Vehicle Code.

12732. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

12733. Nothing in this chapter, except the provisions of Sections 12712 to 12718, inclusive, limits the right of any municipal corporation or port district that is operating wharves, piers, or terminal facilities for the handling of goods and cargo in the accommodation and promotion of commerce and navigation and each of them is hereby empowered in that connection, to act as a public weighmaster and to issue public weighmaster's certificates.

12734. In all cases where farm products are sold to and purchased by agents, brokers, commission merchants, dealers, factors or processors on the basis of weight, such products shall be weighed by a weighmaster, licensed under the provisions of this chapter, and the original certificate as to such weight issued by him shall be delivered to the seller by the weighmaster, agent, broker, commission merchant, dealer, factor or processor, and settlement for such product shall be made on the weight shown thereon.

The term "farm products" as used in this chapter includes all agricultural, horticultural and viticultural and vegetable products of the soil, flaxseed and cottonseed, but shall not include timber and timber products, milk and milk products.

12735. Notwithstanding any other provisions of this code, where livestock is sold on the basis of weight at a public salesyard, or by or at any livestock market, market agency or dealer which is subject to the Federal Packers and Stockyards Act, such livestock shall be weighed by a public weighmaster licensed under the laws of this state and a state certificate of weights and measures, made at the time of weighing, shall be issued to the buyer and seller upon completion of the transaction.

The term "livestock," when used in this chapter, shall be construed to include cattle, sheep, swine, horses, mules or goats.

12736. The tare weight of any vehicle, or combination of vehicles, when being used for the transportation of farm products from the field or packing shed to a receiving station or processing plant for storage or processing, when ascertained by a public weighmaster, may be accepted by any deputy at a branch location of that public weighmaster as the correct tare weight of that vehicle or combination of vehicles for the purpose of determining, for certification, the correct weight of

such farm products transported in such vehicle or combination of such vehicles for a period of 24 hours, or the first delivery in such vehicles or combination, after the end of such 24 hours.

All vehicles or combination of vehicles referred to in this section shall be correctly identified pursuant to Section 12716 of this chapter.

For the purpose of this section, a tare weight may be taken upon demand of either buyer or seller at any time.

12737. In all cases where scrap metal and salvage materials are purchased or sold by dealers, brokers or commission merchants on the basis of weight, such scrap metal and salvage material shall be weighed by a weighmaster, licensed under the provisions of this chapter and a certificate of such weight shall be issued to the seller with a duplicate copy of such certificate issued to the buyer, and settlement for such materials shall be made on the weight shown thereon. When the weight indications are readily accessible and clearly readable to both the buyer and seller, at time of weighing a public weighmaster certificate of weights and measures need be issued only when requested by the buyer or seller

12738. The director may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this chapter. Adoption of such rules and regulations shall be in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Chapter 7.3 (commencing with Section 12740) is added to Division 5 of the Business and Professions Code, to read:

CHAPTER 7.3. PRIVATE WEIGHMASTERS

12740. A private weighmaster is any person who weighs, measures, or counts any commodity in which he is interested as the seller and issues therefor a statement or memorandum of the weight, measure, or count upon which the sale of such commodity or charge for service is based. No person shall perform any acts described in this section unless licensed as a private weighmaster pursuant to this chapter.

12741. The following shall not be construed to be private weighmasters:

(a) Retailers weighing, measuring, or counting commodities for sale by them in retail stores in the presence of and directly to consumers.

(b) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation.

(c) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.

(d) Employees of newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

12742. A private weighmaster shall issue a private weighmaster's certificate whenever payment for the commodity or service represented is dependent on a written or printed weight, measure, or count.

12743. A private weighmaster shall pay to the department a license fee of twenty-five dollars ($25) for each fiscal year or any part thereof for the principal place of business and an additional fee of ten dollars ($10) for each additional location where service as a private weighmaster is rendered.

"Location," for the purposes of this section, means a premise on which weighing, measuring, or counting devices are installed, and which is operated as a single business unit in the rendering of services by a private weighmaster.

12744. Private weighmasters shall pay a license fee of two dollars ($2) for each fiscal year or part thereof for each deputy weighmaster and the department shall issue a license therefor.

12745. Each license, required by this chapter, shall be renewed annually on or before July 1st of each year, by application to the director accompanied by the annual license fee. There shall be added, to any fee not paid when due, a penalty equal to the amount of the license fee, except that no penalty shall be applicable to the renewal of deputy weighmaster licenses.

No person shall exercise the privileges of the license unless the current license fee, and any penalty has been paid.

12746. Before any license is issued to any private weighmaster, the applicant shall deliver to the director a surety bond in the sum of two thousand dollars ($2,000) executed by the applicant as principal and by a corporate surety company qualified and authorized to do business in this state as surety. The bond shall be conditioned upon the faithful and honest compliance with the provisions of this chapter. The bond shall be to the state in favor of every person availing himself of the services of the weighmaster.

12747. The department may refuse to grant any license provided for by this chapter, or may refuse to renew any such license, and may revoke or suspend any such license, when, after a hearing had in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the department is satisfied that the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster.

12748. All license fees collected under the provisions of this chapter shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration and enforcement of this chapter.

12749. Whenever the bond required by this chapter lapses or is canceled, the license of the person thereby bonded as a weighmaster shall expire and the license of any deputy weighmaster appointed by him shall likewise expire.

12750. Private weighmasters may employ or designate any person to act for them as a deputy weighmaster and shall be responsible for all acts performed by him. The weighmaster shall forward to the department the name of persons so appointed.

The Director of Agriculture may provide by rules and regulations with respect to designated commodities that:

(a) One deputy weighmaster may sign and issue a certificate based on information received from his principal weighmaster, or another deputy weighmaster, who actually performed the weighing, measuring, or counting of the commodity, when both deputies are employed by the same principal weighmaster.

(b) A principal weighmaster may sign and issue a certificate based on the results of a weighing, measuring, or counting performed by a deputy weighmaster in his employ.

All signatures required by this chapter shall be affixed at the time of issuance of the certificate.

12751. Private weighmasters shall use a form approved by the department which shall be known as a private weighmaster's certificate and shall provide the following information:

(a) Date of issue.

(b) Consecutive number thereof.

(c) Commodity and such other information as may be required to identify the product or distinguish it from a like kind.

(d) Owner, agent or consignee.

(e) Both the tare and gross weights of the vehicle when they are used in determining the net weight.

(f) The true net weight, measure or count of the product when neither a gross nor tare weight is involved.

(g) The correct identification of the vehicle, or combination of vehicles, or other means by which the product was delivered.

(h) Place where commodity was weighed.

(i) Signature of weighmaster or deputy weighmaster who weighed, measured or counted the commodity. In an automatic system, signature may be defined by regulation.

12752. Before issuing any certificate the weighmaster shall complete the form prescribed in Section 12751 by specifying thereon all information applicable to the transaction.

It shall be unlawful to issue any certificate which does not contain all such information.

12753. It shall be unlawful for a private weighmaster to use a private weighmaster certificate form acquired by him, for use in connection with his service as a private weighmaster, until a sample of such form has been submitted to and approved in writing by the department. Such approval shall not be required of a private weighmaster when using a private weighmaster certificate form for which approval has been previously received by a printer, stationer, or other supplier,

whose business includes supplying such approved forms. A sample of such form shall be submitted to the department by the weighmaster.

12754. Private weighmaster certificate forms shall be the property of the state, and all unused weighmaster certificate forms shall be forfeited and returned to the department, by any person who has served as a private weighmaster, upon termination of the performance of his duties as a weighmaster. Certificates which have been returned to the department shall be kept in a safe place for a period of four years after which time they shall be destroyed or otherwise disposed of by the department.

12755. A private weighmaster shall not engage in the business of weighing for hire.

12756. All private weighmasters shall keep and preserve, as records, for a period of four years, true copies of all certificates issued upon certified weighings, measurings, or counts. These records shall at all times be open for inspection by the director.

12757. Certificates issued by private weighmasters shall contain the accurate and correct weight, measure, or count of any and all commodities or products weighed, measured, or counted.

Any private weighmaster who issues a private weighmaster's certificate without first weighing, measuring, or counting the article or commodity or first causing his deputy to weigh, measure, or count the article or commodity, when permitted by regulations, or who issues a private weighmaster's certificate giving thereon a false weight, measure, or count of the commodity weighed, measured, or counted by him or his deputy, or any person who alters a private weighmaster's certificate, is guilty of a misdemeanor.

The department may declare the bond of any licensed weighmaster forfeited when such weighmaster has been found guilty of a violation of this section.

12758. Any weighing, measuring, or counting instrument or device as defined in Section 12500, and for which specifications and tolerances have been adopted by the director, shall be approved, tested, and sealed in accordance with the provisions of this division.

12759. Any person is guilty of a misdemeanor who does any of the following acts:

(a) Requests a private weighmaster, or any person employed by him, to weigh, measure, or count any commodity falsely or incorrectly.

(b) Requests a false or incorrect private weighmaster certificate.

(c) Issues a state certificate of weights and measures, or a private weighmaster certificate, when he is not a private weighmaster.

(d) Possesses unfilled or unused certificates of weights and measures when he is not a licensed private weighmaster.

(e) Furnishes or gives false information to a weighmaster for use in the sale of a commodity.

12760. When the gross weight of a vehicle and its net contents have been recorded on a private weighmaster certificate it shall be unlawful for any person to remove a part of, or add to the net contents, before the contents are delivered to the buyer or consignee, unless a correct weight certificate is obtained as prescribed by this chapter.

12761. A private weighmaster may use a predetermined tare weight. When the tare weight of a vehicle is recorded on a private weighmaster certificate, the actual tare weight of such vehicle shall at no time exceed the recorded tare weight.

12762. Notwithstanding any other provision of law, when a weighmaster is weighing any vehicle moving earth, stone, sand, or gravel, for purposes of weight certification the tare and gross weights of the vehicle shall be determined with the driver in the vehicle and shall include his weight.

12763. Duly authorized representatives of the department may at any time require a laden or unladen vehicle to proceed to the nearest vehicle scale for the purpose of verifying the gross or tare weight of such vehicle.

12764. Net weight is the correct or actual weight of the commodity excluding the weight of the container or conveyance.

No weighmaster shall weigh a vehicle, or combination of vehicles, when part of the vehicle, or connected combination, is not resting on the scale.

For the purpose of certification of weights of vehicles the entire weight of the vehicle and load shall rest upon the scale at one time.

When weighing a combination of vehicles that will not rest on the scale platform at one time the combination shall be disconnected and weighed separately. The weights so taken may be properly combined for the purpose of issuing a single certificate.

This section shall not prohibit weighing of vehicles to determine compliance with the provisions of the Vehicle Code.

12765. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

12766. The director may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this chapter. Adoption of such rules and regulations shall be in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

12767. Nothing in this chapter shall prohibit a private weighmaster from issuing certificates as both buyer and seller when weighing material he is purchasing for resale.

SEC. 4. Chapter 7.7 (commencing with Section 12770) is added to Division 5 of the Business and Professions Code, to read:

CHAPTER 7.7. PUBLIC WEIGHMASTERS AT LARGE

12770. A public weighmaster at large is any person who shall, other than at an established and definite place of business, engage in the business of weighing, measuring or counting for hire or weigh, measure, or count any commodity and issue therefor a statement or memorandum upon which the purchase or sale of the commodity or charge for service is based.

12771. The following shall not be construed to be a public weighmaster at large:

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers.

(b) Producers of agricultural commodities or livestock weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, and no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based.

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation.

(d) Weighers licensed under the provisions of Section 35161 of the Agricultural Code when performing the duties for which they are licensed.

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 (commencing with Section 12801) of Division 5 of this code, when performing the duties authorized thereby.

(f) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment or other operations of fuel and oil companies and their retail outlets.

(g) Employees of newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

12772. No person shall perform any acts described in this chapter unless licensed as a public weighmaster at large pursuant to this chapter.

A public weighmaster at large shall issue a state certificate of weights and measures whenever payment for the commodity or service represented is dependent on a written or printed weight, measure, or count.

All signatures required by this chapter shall be affixed at the time of issuance of the certificate.

12773. The issuance of a receipt showing the weight of fish, mollusks, or crustaceans pursuant to Sections 8011, 8012, 8013, 8014 and 8015 of the Fish and Game Code constitutes the issuance of a weight or measure certificate under this chapter when issued by persons who are required to be public weighmasters at large pursuant to Section 12770.

12774. A warehouse receipt, of a form approved by the department and issued in accordance with the law, when signed by a licensed public weighmaster at large or deputy public weighmaster at large showing the weight, measure or count of any commodity stored in a warehouse, constitutes the issuance of a state certificate of weights and measures under this chapter.

12775. Each public weighmaster at large shall pay a license fee of one hundred dollars ($100) for each fiscal year, or any part thereof, to the department. Such fee of one hundred dollars ($100) shall entitle the public weighmaster at large to render service as a public weighmaster at a principal location and at any temporary and indefinite locations as may be required by him in the pursuit of his business as a public weighmaster at large.

12776. Public weighmasters at large shall pay an additional license fee of two dollars ($2) for each fiscal year or part thereof for each deputy public weighmaster at large and for such fee the department shall issue a deputy public weighmaster at large license.

12777. Each license required by this chapter shall be renewed annually, on or before July 1st of each year, by application to the director accompanied by the annual license fee. To any fee not paid when due there shall be added a penalty equal to the amount of the license fee; provided, however, that in the following case no penalties shall be applied:

(a) Deputy weighmaster, if a statement of nonemployment is filed.

The required statement must be filed at the time of application.

12778. Before any license is issued to any public weighmaster at large, the applicant shall execute and deliver to the director a surety bond in the sum of two thousand dollars ($2,000) executed by the applicant as principal and by a corporate surety company qualified and authorized to do business in this state as a surety. Said bond shall be conditioned upon the faithful and honest compliance with the provisions of this chapter. Said bond shall be to the state in favor of every person availing himself of the services and certifications issued by the weighmaster.

12779. The department may refuse to grant any license provided for by this chapter, or may refuse to renew any such license, and may revoke or suspend any such license when, after a hearing, had in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the department is satisfied the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster.

12780. All license fees collected under the provisions of this chapter shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration and enforcement of this chapter.

12781. Whenever the bond required by this chapter lapses or is canceled, the license of the person thereby bonded as a weighmaster shall expire and the license of any deputy weighmaster appointed by him shall likewise expire.

The department may declare the bond of any licensed weighmaster forfeited where such weighmaster has been found guilty of a misdemeanor as provided by this chapter.

12782. Public weighmasters at large may employ or designate any person to act for them as deputy weighmaster and shall be responsible for all acts performed by such person. The weighmaster shall forward to the department the name of persons so appointed together with fees as required by Section 12776.

12783. The Director of Agriculture may provide by rules and regulations with respect to designated commodities that:

(a) One deputy weighmaster may sign and issue a certificate based on information received from his principal or from another deputy weighmaster who actually performed the weighing, measuring, or counting of the commodity, when both are employed by the same principal weighmaster.

(b) A principal weighmaster may sign and issue a certificate based on the results of a weighing, measuring, or counting performed by a deputy weighmaster in his employ.

12784. Forms to be used by public weighmasters at large shall be submitted to the department which, after approval, shall be known as a "State Certificate of Weights and Measures." The proposed form shall provide for the following information as applicable to the operation of the weighmaster:

(a) The kind of product or article and such other information as may be necessary to identify the product or distinguish it from a like kind.

(b) The number of units of the product or article.

(c) The date on which the product or article was weighed, measured or counted.

(d) The owner, or agent and consignee.

(e) Either the gross weight of the product and the vehicle or container thereof, or the tare weight of the unladen vehicle or container, or both such gross and tare weights when they are used in determining the true net weight; or the true net weight, measure, or count of the product.

(f) The tare weight of boxes, bins, pallets or other containers.

(g) The vessel, railroad or other means by which the product was received. If motor vehicle carrier is used, the license number of any vehicle and trailer shall be stated on the certificate.

(h) Any trade, or other mark thereon.

(i) The name or identification of the city or town where such product or article was weighed, measured or counted.

(j) The complete signature of the weighmaster or deputy weighmaster who weighed, measured or counted the commodity.

(k) The consecutive number thereof.

12785. It shall be unlawful for a public weighmaster at large to use a certificate form purchased by him for use in connection with his service as a weighmaster until a sample of such form has been inspected and approved in writing by the department.

12786. Before issuing any certificate the weighmaster shall complete the form prescribed in Section 12784 by specifying thereon all information applicable to the transaction.

It shall be unlawful to issue any certificate which does not contain all such information.

12787. Public weighmaster at large certificate forms shall be the property of the state and all unused weighmaster certificate forms shall be forfeited and returned to the department by any person who has served as a public weighmaster at large upon termination of the performance of his duties as a weighmaster. Certificates which have been returned to the department shall be kept in a safe place for a period of four years after which time they shall be destroyed or otherwise disposed of by the department.

12788. All public weighmasters at large shall keep and preserve, as records, for a period of four years, true copies of all certificates issued upon public weighings, measurings, or counts. These records shall at all times be open for inspection by the director.

12789. When vehicles contain more than one lot or part load the following procedure shall be used:

(a) Weighing When Loading. The gross weight shown on the first certificate shall be used for the tare weight on the second certificate. This same procedure shall be used for each succeeding lot.

(b) Weighing When Unloading. The tare weight shown on the first certificate shall be used for the gross weight on the second certificate. This same procedure shall be used for each succeeding lot.

12790. State certificates of weights and measures issued by public weighmasters at large shall contain the accurate and correct weight, measure, or count of any and all commodities or products weighed, measured or counted.

Any public weighmaster at large who issues a state certificate of weights and measures without first weighing, measuring or counting the article or commodity or first causing his deputy to weigh, measure or count the article or commodity, when permitted by regulations, or who issues a state certificate of weights and measures giving thereon a false weight or measure or count of the article or commodity weighed or measured or counted by him or his deputy, is guilty of a misdemeanor.

12791. Any erroneous entry affecting the accuracy of the weight, measure or count on a state certificate of weights and measures shall be corrected by the issuance of a "correction certificate."

A copy of such "correction certificate" shall be attached to the file copy of the erroneous certificate and all available certificates.

Procedures for "voiding" and disposition of voided certificates shall be by regulation of the director.

12792. Any weighing, measuring, or counting instrument or device as defined in Section 12500, and for which specifications and tolerances have been adopted by the director, shall be approved, tested and sealed in accordance with the provisions of this division.

12793. Any person is guilty of a misdemeanor who does any of the following acts:

(a) Requests a public weighmaster at large or any person employed by him to weigh, measure or count any commodity falsely or incorrectly.

(b) Requests a false or incorrect state certificate of weights and measures.

(c) Issues a state certificate of weights and measures when he is not a public weighmaster at large or deputy public weighmaster at large.

(d) Possesses unfilled or unused certificates of weights and measures forms if he is not a public weighmaster. This subdivision does not apply to a person engaged in the business of printing state certificate of weights and measures forms nor to his representative.

(e) Furnishes or gives false information to a weighmaster for use in the completion of a state certificate of weights and measures.

(f) Presents for payment a certificate made false by the insertion of any weight, measure or count not determined by the issuing weighmaster.

12794. When the gross weight of a vehicle and its net contents has been recorded on a public weighmaster at large certificate, it shall be unlawful for any person to remove a part of, or add to the net contents, before the contents are delivered to the buyer or consignee unless a correct weight certificate is obtained as prescribed by this chapter.

12795. When the tare weight of a vehicle or the gross weight of the vehicle and the contents have been recorded on a public weighmaster at large certificate, it shall be unlawful for any person to alter the tare weight of such vehicle prior to the time that the net weight of the commodity has been determined and recorded on the certificate.

12796. Except as otherwise provided in this chapter, the vehicle for which the tare weight is being certified shall actually be weighed at the time of, and for the purpose of, each such certification.

The determination of a vehicle tare weight when the vehicle contains boxes, bins, or pallets shall be subject to regulation by the director.

12797. The tare weight of any vehicle while used exclusively for the transportation of any agricultural cargo, the

value of which is less than ten dollars ($10) per ton, when once ascertained by a public weighmaster at large shall be accepted as the correct tare weight of that vehicle for the purpose of determining, for certification, the correct weight of any such cargo transported in that vehicle for a period of 48 hours.

For the purpose of this section, the actual tare weight of such vehicle shall at no time exceed the recorded tare weight.

Nothing contained in this section shall be construed as affecting the right of a sealer pursuant to Section 12213.

12798. When doubt or differences arise as to the correctness of the net or gross weight or measure of any amount or part of any commodity for which a certificate of weights and measures has been issued by a licensed weighmaster, the owner, agent, or consignee may, upon complaint to the department have the amount or part thereof reweighed by the department or a weighmaster at large designated by it, upon depositing a sufficient sum of money to defray the actual cost of reweighing with the department.

If, on reweighing, a difference from the original certified weight is discovered as the result of fraud, carelessness or faulty apparatus, the cost of reweighing shall be borne by the weighmaster responsible for the issuance of the erroneous certificate.

12799. Duly authorized representatives of the department may at any time require a laden or unladen vehicle to proceed to the nearest vehicle scale for the purpose of verifying the gross or tare weight of such vehicle.

12799.1. Net weight is the correct or actual weight of the commodity excluding the weight of the container or conveyance.

No weighmaster shall weigh a vehicle, or combination of vehicles, for certification when part of the vehicle, or connected combination, is not resting on the scale.

For the purpose of certification of weights of vehicles the entire weight of the vehicle and load shall rest upon the scale at one time.

When weighing a combination of vehicles that will not rest on the scale platform at one time, the combination shall be disconnected and weighed separately. The weights so taken may be properly combined for the purpose of issuing a single certificate.

12799.2. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

12799.3. In all cases where farm products are sold to and purchased by agents, brokers, commission merchants, dealers, factors or processors on the basis of weight, such products shall be weighed by a weighmaster licensed under the provisions of this chapter, and the original certificate as to such weight issued by him shall be delivered to the seller by the weighmaster, agent, broker, commission merchant, dealer, factor or processor, and settlement for such product shall be made on the weight shown thereon.

The term "farm products" as used in this chapter includes all agricultural, horticultural and viticultural and vegetable products of the soil, flaxseed and cottonseed, but shall not include timber and timber products, milk and milk products.

12799.4. In all cases where scrap metal and salvage materials are purchased or sold by dealers, brokers or commission merchants on the basis of weight, such scrap metal and salvage material shall be weighed by a weighmaster licensed under the provisions of this chapter and a certificate of such weight shall be issued to the seller with a duplicate copy of such certificate issued to the buyer, and settlement for such materials shall be made on the weight shown thereon. When the weight indications are readily accessible and clearly readable to both the buyer and seller, at time of weighing, a state certificate of weights and measures need be issued only when requested by the buyer or seller.

12799.5. The director may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this chapter. Adoption of such rules and regulations shall be in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 356

An act to amend Sections 10219 and 10301 of the Elections Code, relating to ballot designations.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16 of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California

Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) Words designating the principal profession, vocation or occupation of the candidate, which shall not exceed three in number. The profession, vocation or occupation designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate, shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 2. Section 10301 of the Elections Code is amended to read:

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) Words designating the principal profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he

shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all purposes of both primary and general elections unless the candidate, at least 45 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

CHAPTER 357

An act to amend Section 31663 of the Government Code, relating to County Employees' Retirement Law.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 31663 of the Government Code is amended to read:

31663. After January 1, 1954, or two years after a retirement system established by this chapter becomes operative, whichever is later, a sheriff who is a safety member and not elective, and an undersheriff, who is a safety member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 70.

The marshal of all the municipal courts within the county who is a safety member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65.

In any county having a population in excess of 503,000 but less than 600,000 as determined by Section 28020 as amended in 1961, a sheriff's inspector, a chief inspector in a sheriff's office, or a chief deputy in a sheriff's office, who is a safety member and whose primary duties are administrative, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 70.

CHAPTER 358

An act to add Sections 14220 and 14371.1 to the Education Code, relating to increase of teachers' retirement benefits, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967]

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

SECTION 1. Section 14220 is added to the Education Code, to read:

14220. In addition to the payments provided in Section 14218 or Section 14219, at the beginning of each fiscal year after June 30, 1968, the retirement system shall pay to each local district maintaining a local retirement system from the Teachers' Retirement Fund an amount equal to the difference between the increase in benefits the retired member, or his survivor under Section 14363, received under Section 14371.1 and the increase under Section 14371.1 which would have been payable during the preceding fiscal year, if such member or survivor had not been entitled to benefits from a local retirement system.

The state shall contribute annually to the Teachers' Retirement Fund the amounts required to be paid from such fund under this section.

SEC. 1.5. Section 14371.1 is added to the Education Code, to read:

14371.1. (a) Subject to the provisions of this section, there shall be an increase in monthly allowances payable by the retirement system to a retired member or the beneficiary of such a member commencing on July 1, 1967. Such allowances shall include those payable to the survivor of a deceased person under the provisions of Sections 14363, 14365, and 14366, but not those payable under Section 14256. Subject to the provisions of subdivisions (b), (c), and (d) of this section, the increase shall be an amount derived by applying the percentage set forth in the following table opposite the period during which the retirement was effective, to so much of the allowance which otherwise would be payable for such time, excluding any annuity provided by accumulated annuity deposits or accumulated shelter contributions and prior to any modification under an option elected under the provisions of Section

14363 or 14365, which does not exceed three hundred dollars ($300):

Period during which retirement became effective	Percentage of increase in monthly allowance
1. Prior to and including July 1, 1956	23
2. 12 months ending on July 1, 1957	19
3. 12 months ending on July 1, 1958	14
4. 12 months ending on July 1, 1959	13
5. 12 months ending on July 1, 1960	10
6. 12 months ending on July 1, 1961	9
7. 12 months ending on July 1, 1962	7
8. 12 months ending on July 1, 1963	6
9. 12 months ending on July 1, 1964	4
10. 12 months ending on July 1, 1965	2
11. After July 1, 1965	0

(b) If the retired member elected to receive his allowance under option two or three as provided in Section 14363 or 14365 and if the beneficiary named by him under the option is living on July 1, 1967, then the increase under subdivision (a) of this section shall be determined by applying the percentage provided therein to the modified allowance payable subject to the same limitation specified for the unmodified allowances.

(c) If the allowance payable on July 1, 1967, is due a beneficiary, the percentages in subdivision (a) shall be applied to so much of the monthly allowance payable on that date, excluding annuities from the Annuity Deposit Fund or from sheltered contributions, which does not exceed three hundred dollars ($300) and shall be based on the effective date of the member's retirement if the allowance is payable under Section 14363, or the date of the member's death if payable under Section 14365 or 14366.

(d) This section does not give any retired member, or his successors in interest, or his beneficiary, any claim against the system for any increase in any allowance paid or payable prior to July 1, 1967.

SEC. 2. There is appropriated from the General Fund, for transfer by the State Controller to the Teachers' Retirement Fund, the sum of nine million five hundred thousand dollars ($9,500,000) to finance the retirement increases provided for by this act.

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

Under present law, retirement benefits have not accounted for the increase in the cost of living. In order that members of the retirement system or their beneficiaries may receive benefits in 1967 which reflect the change in the cost of living, it is necessary that this act go into effect immediately.

CHAPTER 359

An act to amend Sections 12882, 12884, 12885, and 12885.6 of the Water Code as proposed by Assembly Bill No. 110 of the 1967 Regular Session, and to add Sections 12882.5, 12891.4, and 12893 to the Water Code, relating to water resources.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 12882 of the Water Code, as proposed to be added by Assembly Bill No. 110, is amended to read:

12882. Applications for loans or grants or financial participation by the state under this chapter shall be made to the department in such form and with such supporting material as may be prescribed by the department. Supporting material with respect to the ability of a public agency to repay the loan and to the reasonable ability to finance the proposed project from other sources may be supplied by the county assessor.

SEC. 2. Section 12882.5 is added to the Water Code, to read:

12882.5. The report required by Section 12882.4 shall include a statement of the project's onshore facilities and any other local facilities to be required by the department as a condition of the grant or loan.

SEC. 3. Section 12884 of the Water Code, as proposed to be added by Assembly Bill No. 110, is amended to read:

12884. The department is authorized to make state grants to public agencies from moneys available for such purpose. Grants in excess of four hundred thousand dollars ($400,000) for any one project for the purposes authorized by subdivisions (a) and (b) of Section 12884.2 may be made by the department only upon specific approval of the Legislature, by an act enacted after the receipt of copies of the project report filed pursuant to Section 12882.4 and upon such additional terms and conditions as the Legislature may prescribe.

SEC. 4. Section 12885 of the Water Code, as proposed to be added by Assembly Bill No. 110, is amended to read:

12885. The department is authorized to make state loans to public agencies for the construction of projects from moneys available for such loans. Loans in excess of four million dollars ($4,000,000) for any one project may be made by the department only upon specific approval of the Legislature, by an act enacted after the receipt of copies of the project report filed pursuant to Section 12882.4 and upon such additional terms and conditions as the Legislature may prescribe.

SEC. 5. Section 12885.6 of the Water Code, as proposed to be added by Assembly Bill No. 110, is amended to read:

12885.6. The department is authorized to make state loans to public agencies for the preparation of feasibility reports on proposed projects, from any moneys available for such loans, in an amount for any one feasibility report on a proposed project not exceeding 2 percent of the estimated cost of the proposed project or fifty thousand dollars ($50,000), whichever is less; provided, that only one such loan may be made to a public agency in relation to any one proposed project. A loan in excess of said amount for any one feasibility report may be made by the department only upon authorization by the Legislature and upon such additional terms and conditions as the Legislature may prescribe.

SEC. 6. Section 12891.4 is added to the Water Code, to read:

12891.4. All loans or grants made pursuant to this chapter shall be subject to the provisions of this chapter and subject to the approval of the California Water Commission.

SEC. 7. Section 12893 is added to the Water Code, to read:

12893. In the case of a grant under subdivision (b) of Section 12884.2 for the part of the construction cost of a dam and reservoir properly allocated to recreational functions of statewide interest and a grant under subdivision (a) of Section 12884.2 for the part of the construction cost of the proposed project properly allocated to the enhancement of fish and wildlife, the department may provide in the grant contract that the public agency shall deposit a portion of the grant into a special account or fund and shall use the money deposited, and its increments, solely for the construction of specified onshore recreation facilities until the construction cost of the facilities is paid. In acting under this section, the department may reserve for the construction of onshore recreation facilities only the portions of such grants which, in the department's judgment, will not be needed for the payment of the construction cost of the dam and reservoir, in the case of a grant under subdivision (b) of Section 12884.2, or the construction cost of any project facilities other than the onshore recreation facilities, in the case of a grant under subdivision (a) of Section 12884.2.

SEC. 8. It is the intent of the Legislature that the provisions of the Davis-Grunsky Act, as amended by this act, providing that loans and grants in amounts in excess of those authorized without specific legislative approval are to be subject to the provisions of the Davis-Grunsky Act and to the approval of the California Water Commission shall be applicable to excess loans and grants heretofore authorized by the Legislature, but with respect to which the applications for the loans or grants have not been approved by the Department of Water Resources.

CHAPTER 360

An act to amend Section 6726 of, to add Sections 10053.5 and 16200.5 to, and to repeal Section 6726.5 of the Welfare and Institutions Code, relating to services for mental patients, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 6726 of the Welfare and Institutions Code is amended to read:

6726. The superintendent of a state hospital for the mentally ill or mentally retarded may grant a leave of absence to a patient under general conditions prescribed by the Department of Mental Hygiene.

SEC. 2. Section 6726.5 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 10053.5 is added to the Welfare and Institutions Code, to read:

10053.5. The department shall directly or through the county department provide protective social services:

(a) For care of patients on leave of absence from state institutions of the Department of Mental Hygiene; and

(b) To prevent unnecessary admission of persons to state mental institutions or to facilitate the release of patients for whom hospital care is not the appropriate treatment.

The department, to the extent funds are appropriated and available shall pay for the cost of providing for care in a private home, certified by the department, for any patient on leave of absence from a state hospital, or any person who would otherwise be subject to admission thereto. The monthly rate for such private home care shall be set by the department at an amount which will provide the best possible care at minimum cost and also insure:

(a) That the leave patient will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(b) That sufficient homes can be recruited to achieve the stated objectives of this section.

To avoid duplication of effort and overlapping of services, the Department of Social Welfare and the Department of Public Health shall develop working agreements so that regional centers now existing or as may be hereinafter created may make fullest possible use of available resources in serving the mentally retarded. In no event shall the monthly rate established by the department pursuant to this section be set at an amount which exceeds one hundred sixty dollars ($160).

SEC. 4. Section 16200.5 is added to the Welfare and Institutions Code, to read:

16200.5. The department may grant certificates to private homes for family care of patients on leave of absence from state hospitals. Such certificates shall be granted without payment of fees. Each such home may care for not more than six (6) patients and shall be regulated by standards established by the department for the care of such patients.

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

The Department of Social Welfare now pays for care of mentally ill and mentally retarded persons in private homes under the transfer of such functions from the Department of Mental Hygiene in the Budget Act. This act will eliminate the uncertainty as to such payments by the Department of Social Welfare.

The full development of protective social services and the recruitment of private home care facilities is a vital and urgent necessity if persons are to be removed from costly state hospital care at an accelerated rate and other persons are to be prevented from unnecessary admission to such state institutions by remaining in their home communities where they can receive more appropriate care at less cost to the state.

CHAPTER 361

An act to amend Sections 73642, 73643, 74343.1, and 73649 of the Government Code, relating to municipal courts.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 73642 of the Government Code is amended to read:

73642. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 41.5 of the salary schedule provided in Section 74343.1. In no event shall the salary of the clerk be less than ten (10) schedule ranges higher than that specified for the position of clerk IV.

SEC. 2. Section 73643 of the Government Code is amended to read:

73643. The clerk may appoint with the approval of the judges:

(a) One chief deputy who shall receive a monthly salary at a rate specified in Schedule No. 35.5.

(b) Three deputy clerks IV each of whom shall receive a monthly salary at a rate specified in Schedule No. 32.

(c) Thirteen deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 27.

(d) Three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 24.

(e) Three deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule No. 20. Appointments to this position shall be at step B of the schedule.

(f) One deputy clerk stenographer who shall receive a monthly salary at a rate specified in Schedule No. 26.5.

(g) Two keypunch operators each of whom shall receive a monthly salary at a rate specified in Schedule No. 22.5. The person now holding the position of keypunch operator as appointed on April 20, 1966, by the Clerk of the San Diego Municipal Court by authority of Section 72150 of the Government Code and assigned to this court by authority of Section 72002 of the Government Code shall succeed to the position without further examination, qualification or certification on a civil service eligible list.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), (c), and (d) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 3. Section 74343.1 of the Government Code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
15	$269	$282	$296	$311	$327
15.5	275	289	303	319	335
16	282	296	311	327	343
16.5	289	303	319	335	351
17	296	311	327	343	360
17.5	303	319	335	351	369
18	311	327	343	360	378
18.5	319	335	351	369	387
19	327	343	360	378	397
19.5	335	351	369	387	407
20	343	360	378	397	417
20.5	351	369	387	407	427
21	360	378	397	417	438
21.5	369	387	407	427	449
22	378	397	417	438	460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507

Range and schedule number	A	B	C	D	E
24.5	427	449	471	495	519
25	438	460	483	507	532
25.5	449	471	495	519	545
26	460	483	507	532	559
26.5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29.5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731
32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825
34.5	696	731	767	805	845
35	713	749	786	825	866
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931
37	786	825	866	909	954
37.5	805	845	887	931	978
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218
42.5	1,027	1,078	1,132	1,189	1,248
43	1,052	1,105	1,160	1,218	1,279
43.5	1,078	1,132	1,189	1,248	1,311
44	1,105	1,160	1,218	1,279	1,343
44.5	1,132	1,189	1,248	1,311	1,376
45	1,160	1,218	1,279	1,343	1,410
45.5	1,189	1,248	1,311	1,376	1,445
46	1,218	1,279	1,343	1,410	1,481
46.5	1,248	1,311	1,376	1,445	1,518
47	1,279	1,343	1,410	1,481	1,555
47.5	1,311	1,376	1,445	1,518	1,594
48	1,343	1,410	1,481	1,555	1,633
48.5	1,376	1,445	1,518	1,594	1,674

Range and schedule number	A	B	C	D	E
49	1,410	1,481	1,555	1,633	1,715
49.5	1,445	1,518	1,594	1,674	1,758
50	1,481	1,555	1,633	1,715	1,846

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the month following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the month following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the month following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one step increase in his compensation.

(c) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(d) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it

applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date in 1967 prior to the effective date of any amendments to this article enacted by the Legislature at the 1967 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1967 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until 90 days after the adjournment of the Legislature at the 1969 Regular Session.

The comparable classifications are as follows:

Municipal court classification	County classification
Chief deputy	Superior court clerk
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV	Superior court clerk
Tabulating supervisor	Tabulating supervisor
Senior tabulating operator	Senior tabulating operator
Tabulating operator	Tabulating operator
Key punch operator	Key punch operator
Deputy clerk stenographer	Senior stenographer
Court interpreter	Senior clerk

SEC. 4. Section 73649 of the Government Code is amended to read:

73649. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of four hundred dollars ($400). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporters shall receive the fees provided by Section 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego

CHAPTER 362

An act to add Section 13581.2 to the Education Code, relating to classified school personnel employed under federally funded programs.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 13581.2 is added to the Education Code, to read:

13581.2. (a) Positions not requiring certification qualifications created by a governing board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 13581 or Section 13712 of the Education Code.

Persons employed in such positions shall be classified employees and shall enjoy all of the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions a part of the regular school program.

(b) Notwithstanding the provisions of subdivision (a) if specially funded positions are restricted to employment of persons in low income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions,, all such positions shall, in addition to the regular class title, be classified as "restricted." Persons employed in positions properly classified as "restricted" shall be classified employees for all purposes except:

(1) They shall not be accorded employment permanency under Section 13583 or Section 13739 of the Education Code, whichever is applicable.

(2) They shall not acquire seniority credits for the purposes of Sections 13737 and 13746 of the Education Code or, in a district not having the merit (civil service) system, for the purposes of layoff for lack of work or lack of funds as may be established by rule of the governing board.

(3) The provisions of Sections 13727 and 13728 shall not apply to "restricted" employees.

(4) They shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c).

(c) At any time, after completion of six months of satisfactory service, a person serving in a "restricted" position may take such qualifying examinations as are required for all

other persons serving in the same class in the regular classified service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His service in the regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even though he continues to serve in a "restricted" position.

(d) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

(e) It is the intent of the Legislature in enacting this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain such positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons but to do so in a manner that will not be disruptive nor detrimental to the normal employment procedures relating to classified school service.

CHAPTER 363

An act to add Section 27207.1 to the Education Code, relating to county free libraries.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 27207.1 is added to the Education Code, to read:

27207.1. The board of supervisors of a county over 400,000 population, as determined by the 1960 Decennial Census, maintaining a county free library may provide that the salary of the county librarian be paid from the same fund used for maintaining and operating the county free library.

Nothing in this section shall be construed as modifying the status of the county librarian as a county official pursuant to Section 24000 of the Government Code.

CHAPTER 364

An act to add Section 31680.2 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 31680.2 is added to the Government Code, to read:

31680.2. This section shall apply in any county having a population of less than 5,000,000 as ascertained and determined in Section 28020. Any person who retired for service may be employed in a position requiring special skills or knowledge, as determined by the county or district employing him, for not to exceed 90 working days in any one fiscal year and may be paid for such employment. Such employment shall not operate to reinstate the person as a member of this system or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system.

CHAPTER 365

An act to amend Sections 55370, 55503, 55503.5, 55504, and 55651 of, and to add Section 55503.6 to, the Water Code, relating to county waterworks districts.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 55370 of the Water Code is amended to read:

55370. A district may acquire property by purchase, gift, devise, descent, and eminent domain. The title to all property which may have been acquired for a district shall be vested in the county.

SEC. 2. Section 55503 of the Water Code is amended to read:

55503. The board may borrow and repay county funds not to exceed 85 percent of the district's anticipated revenue for the fiscal year in which they are borrowed or for the next ensuing fiscal year. In levying taxes as authorized by this division the board may raise sufficient revenues to repay such loans.

The board may also borrow funds from another waterworks district, and the board may lend available district funds to

another waterworks district, subject to the same terms and conditions as apply to loans of county funds.

SEC. 2.5. Section 55503.5 of the Water Code is amended to read:

55503.5. Notwithstanding any other provisions of law, such funds, when so borrowed by a waterworks district, shall forthwith increase the appropriations of the district for which they are needed. The board of supervisors may specify the date and manner in which the funds shall be repaid. In no case shall repayment of the loan be deferred longer than 10 calendar years.

SEC. 3. Section 55503.6 is added to the Water Code, to read:

55503.6. The district shall pay interest to the county on all funds borrowed, at the same rate that the county applies to funds of the district on deposit with the county.

SEC. 4. Section 55504 of the Water Code is amended to read:

55504. Where a district has an assessed valuation of less than one hundred thousand dollars ($100,000), the board of supervisors of the county may loan county funds, in a sum not in excess of ten thousand dollars ($10,000), to the district to be used for the purpose of repairing, improving, extending or renewing the district water system, to be returned to the county by the district from revenues and taxes of the district during the period of 10 years following the date of the loan.

SEC. 5. Section 55651 of the Water Code is amended to read:

55651. Zones may be established within the district by either of the following methods:

(1) A petition for the formation of a zone within a district may be presented to the board, signed by owners representing at least 25 percent of the total assessed valuation of the real property within the proposed zone as shown by the last equalized assessment roll of the county, or by not less than 25 percent of the taxpayers residing within the proposed zone.

(2) A resolution may be adopted by the board containing the matters required by Section 55652. If bonds are proposed to be issued under the authority of Section 55677, the resolution shall state the amount of the proposed indebtedness, the maximum maturity date, and the maximum interest rate.

CHAPTER 366

An act to amend Section 65858 of the Government Code, relating to interim zoning ordinances.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 65858 of the Government Code is amended to read:

65858. Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the legislative body, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. Such urgency measure shall require a four-fifths vote of the legislative body for adoption. Such interim ordinance shall be of no further force and effect 90 days from the date of adoption thereof; provided, however, that after notice pursuant to Section 65856 and public hearing, the legislative body may by a four-fifths vote extend such interim ordinance for one year. Not more than two such extensions may be adopted. Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65856 and public hearing, in which case it shall be of no further force and effect one year from the date of adoption thereof; provided, however, that after notice pursuant to Section 65856 and public hearing, the legislative body may by a four-fifths vote extend such interim ordinance for one year. When any such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or any extension thereof as herein provided.

CHAPTER 367

An act to amend Section 70127 of the Government Code, relating to court reporters.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 70127 of the Government Code is amended to read:

70127. Each regular official reporter shall be paid an annual salary of ten thousand dollars ($10,000), and each pro tempore official reporter shall be paid per day the amounts prescribed in Article 9 (commencing with Section 69941), Chapter 5, Title 8 for the days he is actually on duty under order of the court.

CHAPTER 368

An act to amend Section 29109 of the Government Code, relating to tax levies.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 29109 of the Government Code is amended to read:

29109. Within three days after the rates of county taxation have been fixed, the auditor shall forward to the State Controller, in such form as the Controller directs, a statement of the rates of taxation and the amounts of taxes to be levied for county purposes.

On or before October 16th of each year, the auditor shall forward to the State Controller, in such form as the Controller directs, a statement of the rates of taxation, the assessed valuation as shown on the current equalized assessment roll and the amount of taxes to be levied for (1) each school district or portion thereof within the county, and (2) each special district, or subdistrict or zone thereof, or portion thereof within the county, for which a tax levy is carried on the regular county assessment roll and (3) each city for which a tax levy is carried on the regular county assessment roll.

If the auditor, after receipt of written notice from the State Controller fails to transmit either of the statements within 10 days, he shall forfeit to the state, one thousand dollars ($1,000) to be recovered in an action brought by the Attorney General, in the name of the Controller.

CHAPTER 369

An act to amend Section 26450 of the Vehicle Code, relating to motor vehicle brakes.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 26450 of the Vehicle Code is amended to read:

26450. Every motor vehicle shall be equipped with a service brake system and every motor vehicle, other than a motorcycle, shall be equipped with a parking brake system. Both the service brake and parking brake shall be separately applied.

If the two systems are connected in any way, they shall be so constructed that failure of any one part, except failure in the drums, brakeshoes, or other mechanical parts of the wheel brake assemblies, shall not leave the motor vehicle without operative brakes.

CHAPTER 370

An act to amend Sections 21356 and 21803 of the Vehicle Code, relating to yielding of the right-of-way.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 21356 of the Vehicle Code is amended to read:

21356. The Department of Public Works or local authorities with respect to highways under their respective jurisdictions, may erect yield right-of-way signs at the entrance to intersections or highways which are not through highways, but such yield right-of-way signs shall not be erected upon the approaches to more than one of the intersecting streets and shall not be erected at locations where the entering speed may safely exceed 15 miles per hour.

Yield right-of-way signs shall be located at or near the entrance to the intersection or highway where motorists are required to yield the right-of-way.

SEC. 2. Section 21803 of the Vehicle Code is amended to read:

21803. (a) The driver of any vehicle upon approaching any yield right-of-way sign at the entrance to a highway or intersection shall not enter such highway or intersection at a speed exceeding 15 miles per hour and shall slow down and stop if necessary and shall yield the right-of-way to other vehicles which have entered the intersection from an intersect-

ing street or which are approaching so closely on the intersecting street as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.

(b) A driver, having so yielded, may then proceed and the drivers of all other vehicles approaching the intersection on the intersecting roadway shall yield the right-of-way to him.

CHAPTER 371

An act to amend Section 21704 of the Vehicle Code, relating to distances between vehicles.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 21704 of the Vehicle Code is amended to read:

21704. (a) The driver of any motortruck, or schoolbus or the driver of any motor vehicle towing any other vehicle outside of a business or residence district, shall keep the vehicle he is driving at a distance of not less than 500 feet to the rear of any motortruck, schoolbus, or any motor vehicle towing any other vehicle which is preceding it.

(b) The provisions of this section shall not prevent overtaking and passing nor shall the same apply upon any lane especially designated for use by motortrucks, nor upon a highway with two or more lanes for traffic in each direction, when the vehicles subject to this section are operated in the right-hand lane for traffic.

(c) This section shall not apply to a passenger vehicle drawing a camping semitrailer or small trailer or other passenger motor vehicle, nor to motor vehicles drawing highway construction or maintenance equipment while being used in highway construction or maintenance work.

CHAPTER 372

An act to amend Section 25300 of the Vehicle Code, relating to warning devices on vehicles.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 25300 of the Vehicle Code is amended to read:

25300. (a) Every vehicle which, if operated during darkness, would be subject to the provisions of Sections 25100 or 25101, and every truck tractor, irrespective of width, shall at all times be equipped with at least three pot torches, or three red electric lanterns, or three red emergency reflectors. The devices need be carried by only one vehicle in a combination.

All warning signals shall be maintained in good working condition.

(b) When any such vehicle is disabled on the roadway during darkness, warning signals of the type specified in subdivision (a) shall be immediately placed as follows:

(1) One at the traffic side of the disabled vehicle, not more than 10 feet to the front or rear thereof;

(2) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at a distance of approximately 100 feet to the front of the disabled vehicle in the center of the traffic lane occupied by such vehicle.

(4) If disablement of any such vehicle occurs within 500 feet of a curve, crest of a hill or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than 100 nor more than 500 feet from the disabled vehicle.

(5) If disablement of the vehicle occurs upon any roadway of a divided or one-way highway, the driver shall place one warning signal at a distance of approximately 200 feet and one such signal at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle, and one such signal at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle.

(c) When any such vehicle is disabled or parked off the roadway but within 10 feet thereof during darkness, warning signals of the type specified in subdivision (a) shall be immediately placed by the driver as follows: one at a distance of approximately 200 feet and one at a distance of approximately 100 feet to the rear of the vehicle, and one at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle. The signals shall, if possible, be placed between the edge of the roadway and the vehicle, but in no event less than two feet

to the left of the widest portion of the vehicle or load thereon.

(d) The requirements of this section may be complied with until the devices mentioned above can properly be placed by either placing lighted red fusees in the required locations or by use of turn signal lamps, provided front turn signal lamps at each side are being flashed simultaneously and rear turn signal lamps at each side are being flashed simultaneously.

(e) The pot torches, lanterns, or reflectors shall be displayed continuously during darkness while the vehicle remains disabled upon the roadway or parked or disabled within 10 feet thereof.

(f) Subdivisions (b), (c), (d), and (e) do not apply to a vehicle:

(1) Parked in a legal position within the corporate limits of any city.

(2) Parked in a legal position upon a roadway bounded by adjacent curbs.

CHAPTER 373

An act to amend Section 26302 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 26302 of the Vehicle Code is amended to read:

26302. (a) Every trailer or semitrailer, manufactured and first registered after January 1, 1940, and having a gross weight of 6,000 pounds or more and which is operated at a speed of 20 miles per hour or over shall be equipped with brakes.

(b) Every trailer or semitrailer manufactured and first registered after January 1, 1966, and having a gross weight of 3,000 pounds or more shall be equipped with brakes on at least two wheels.

(c) Brakes required on trailers or semitrailers shall be adequate, supplemental to the brakes on the towing vehicle, to enable the combination of vehicles to comply with the stopping distance requirements of Section 26454.

(d) The provisions of this section shall not apply to any vehicle being used to support the boom or mast attached to a mobile crane or shovel.

CHAPTER 374

An act to amend Section 27459 of the Vehicle Code, relating to tire chains.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 27459 of the Vehicle Code is amended to read:

27459. No person shall operate any motor vehicle, trailer or semitrailer upon any portion of a highway without tire chains when such portion of the highway is signed for the requirement of such chains. In any case where a passenger vehicle or motor truck having an unladen weight of 5,000 pounds or less may be required by the Department of Public Works to be equipped with tire chains such chains must be placed on at least two drive wheels or, the department may provide, in the alternative, that the vehicle may be equipped with snow-tread tires on at least two drive wheels except that such tires shall not be used on icy surfaces, and except that such tires shall not be used in any event unless the weather and surface conditions at the time are such that the stopping, tractive and cornering abilities of the tires are adequate. The snow-tread tires shall be of a type and design manufactured for use on ice and snow as a replacement for tire chains and shall be in good condition.

CHAPTER 375

An act to amend Section 362 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 362 of the Vehicle Code is amended to read:

362. A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car.

CHAPTER 376

An act to amend Sections 20501 and 20502 of the Elections Code, relating to municipal elections.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 20501 of the Elections Code is amended to read:

20501. If at any election, except that for Governor or Lieutenant Governor, two or more persons receive an equal and the highest number of votes for an office to be voted for in more than one county, the Secretary of State shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Secretary of State or upon recount by a court, to appear before him at his office at the State Capitol at a time to be designated by him. The Secretary of State shall at that time and place determine the tie by lot. In the same manner, at a time and place designated by it, the election board shall determine a tie vote, whether upon the canvass of the returns by the election board or upon a recount by a court, for candidates voted for wholly within one county or city.

SEC. 2. Section 20502 of the Elections Code is amended to read:

20502. If the tie vote has been determined pursuant to Section 20501, the person declared elected by the Secretary of State or the election board is entitled to a certificate of election. The Secretary of State, the county clerk or the city clerk, whichever the case may be, shall immediately make out and deliver to that person a certificate of election.

CHAPTER 377

An act to amend Section 208 of the Elections Code, relating to voter registration.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 208 of the Elections Code is amended to read:

208. A person may prove he is a naturalized citizen by his sworn statement of the date and place of his naturalization.

CHAPTER 378

An act to amend Section 7554 of the Education Code, relating to special education programs, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 7554 of the Education Code is amended to read:

7554. Each county board of education shall prescribe and enforce a county course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code. Such county course of study shall be used in special education programs for mentally retarded pupils conducted by the county superintendent of schools and in school districts with an average daily attendance of 8,000 or less.

The county superintendent of schools of a county with more than 25,000 pupils in average daily attendance, and in which at least 50 percent of the mentally retarded pupils in the county are enrolled in classes conducted by the county superintendent, shall employ at least one full-time certificated person to coordinate activities involved in the preparation, adoption, revision, use and enforcement of a course of study for mentally retarded pupils in special schools and classes conducted by the county superintendent and by school districts in which the county course of study is required to be used. The minimum professional requirement for employment in such position shall be the holding of a regular teaching credential with authorization to teach the mentally retarded.

A county board of education of a county with 25,000 or less pupils in average daily attendance or the governing board of any school district with an average daily attendance of more than 8,000 may cooperate with a county superintendent of schools of 25,000 or more pupils in average daily attendance in the development of a course of study for mentally retarded pupils educated by them.

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

In order that this act might be in effect at the commencement of the 1967–1968 school year, it is necessary that this act go into effect immediately.

CHAPTER 379

An act to amend Section 26700 of the Vehicle Code, relating to equipment of motor vehicles.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 26700 of the Vehicle Code is amended to read:

26700. Every passenger vehicle, other than a motorcycle, and every bus, motortruck or truck tractor, and every firetruck, fire engine or other fire apparatus, whether publicly or privately owned, shall be equipped with an adequate windshield.

CHAPTER 380

An act to add Section 36508 to the Vehicle Code, relating to implements of husbandry.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 36508 is added to the Vehicle Code, to read:

36508. A "slow-moving vehicle emblem" may be displayed on any implement of husbandry which is being driven or moved at a speed of 25 miles per hour or less. The emblem shall be mounted on the rear of the vehicle, base down and at a height of not less than 3 nor more than 5 feet from ground to base. Such emblem shall consist of a truncated equilateral triangle having a minimum height of 14 inches with a red reflective border not less than $1\frac{3}{4}$ inches in width and a fluorescent orange center.

This emblem shall not be displayed except as permitted by this section.

CHAPTER 381

An act to amend Section 1202 of the Probate Code, relating to probate proceedings.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 1202 of the Probate Code is amended to read:

1202. At any time after the issuance of letters testamentary or of administration, any person interested in the estate, whether as heir, devisee, legatee, creditor, beneficiary under a trust, or as otherwise interested, or the State Controller, may, in person or by attorney, serve upon the executor or administrator or trustee, or upon the attorney for such executor, administrator, or trustee, and file with the clerk of the court where the proceedings are pending, with a written admission or proof of such service, a written request, stating that he desires special notice of the filing of any or all of the petitions, accounts or reports mentioned in Section 1200 of this code, and giving the post office address of the person making the same, or his attorney. Thereafter such person shall be entitled to notice as provided in said Section 1200.

CHAPTER 382

An act to amend Sections 375 and 24603 of the Vehicle Code, relating to lighting equipment on motor vehicles.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, tail lamp, stop lamp, supplemental stop lamp, license plate lamp, clearance lamp, side-marker lamp, signal lamp or device, supplemental signal lamp, cornering lamp, running lamp, diffused nonglaring lamp, red or amber warning lamp, and flashing red schoolbus lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any flasher mechanism for turn signals, red schoolbus lamps, warning lamps, and the

simultaneous flashing of turn signal lamps as vehicular hazard signals.

(c) Any equipment regulating the light emitted from any lamp or device or the light sources therein.

(d) Any reflector, including red reflectors for use on bicycles and reflectors used for required warning devices.

SEC. 2. Section 24603 of the Vehicle Code is amended to read:

24603. Every motor vehicle and every vehicle at the end of a train of vehicles shall at all times be equipped with not less than one stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brake and which may but need not be incorporated with a tail lamp. Every such new vehicle, other than a motorcycle, first registered after January 1, 1958, shall be equipped with not less than two such stop lamps on the rear. Such stop signals shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stop lamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times. Any vehicle may be equipped with supplemental stop lamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position in addition to the lamps required to be mounted on the rear of the vehicle. Whenever any vehicle is equipped with two stop lamps, both stop lamps shall be in good working order. The stop lamp on that side of a vehicle toward which a turn will be made may flash as part of the turn signal lamp. The supplemental stop lamp on that side of a vehicle toward which a turn will be made may flash as part of the supplemental turn signal lamp.

CHAPTER 383

An act to add Section 18501.5 to the Elections Code, relating to recounts of ballots.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 18501.5 is added to the Elections Code, to read:

18501.5. Notwithstanding any provision in Section 18501 to the contrary, a candidate for office may request the election board or person authorized to canvass the returns to order that the ballots voted in a precinct shall be publicly counted, pursuant to this article, if such candidate files with such board or person a declaration alleging that because of mistake, error, or misconduct, the votes in a precinct were so incorrectly

counted that the returns do not correctly show which candidate received the plurality of the votes cast for the office in the precinct.

Before a recount is commenced under this section, the candidate shall deposit such sums as the election board or person authorized to canvass the returns requires to cover the expense of the recount. The money so deposited shall be returned to the depositor if upon the recount the candidate filing the declaration is found to have received the plurality of the votes cast for the office. If the candidate filing the declaration has not received the plurality of the votes cast, he shall be entitled to the return of any money deposited in excess of the cost of the recount. Money not required to be refunded shall be deposited in the appropriate public treasury.

CHAPTER 384

An act to repeal Section 1223 of the Probate Code, relating to estate administration.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 1223 of the Probate Code is repealed.

CHAPTER 385

An act to add Section 24265.5 to the Health and Safety Code, relating to orchard heaters.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. Section 24265.5 is added to the Health and Safety Code, to read:

24265.5. The air pollution control board of any district which is activated after the effective date of this section may, by regulation, establish reasonable exemptions from the provisions of this chapter, or permit the continued use within the district for reasonable periods, of orchard heaters that produce unconsumed solids at a rate in excess of one gram per minute and which are then owned by persons engaged in agricultural operations within the district if the board determines that the provisions of the chapter would otherwise preclude the use of such orchard heaters in the district and would cause

serious economic hardship to the owners of the heaters or the practical elimination of agricultural operations now being carried on within the district.

This section shall remain in effect until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 386

An act to authorize the Department of General Services to convey an easement across the property of Camarillo State Hospital for the purpose of construction of a county road, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1967. Filed with Secretary of State June 20, 1967.]

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

SECTION 1. The Department of General Services, with the consent of the Department of Mental Hygiene, is hereby authorized to convey an easement across the property of Camarillo State Hospital for the purpose of construction of a county road.

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

The county road provided for herein is of vital need to the residents of the county.

CHAPTER 387

An act to amend Section 31641.2 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor June 21, 1967. Filed with Secretary of State June 21, 1967.]

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

SECTION 1. Section 31641.2 of the Government Code is amended to read:

31641.2. Any member of the retirement system who elects pursuant to Section 31641.1 to make contributions and receive credit as service for time for which he claims credit because of public service shall contribute to the retirement fund, prior to the effective date of his retirement, by lump sum payment or by installment payments over a period not to exceed five years, an amount equal to the sum of:

(a) Twice the contributions he would have made to the retirement fund if he had been a member during the same length of time as that for which he has elected to receive credit as service, computed by applying the rate of contribution first applicable to him upon commencement of his membership in this system to the monthly compensation first earnable by him at the time as provided in Section 31641.3, multiplied by the number of months for which he has elected to receive credit for county service, including time, if any, prior to the establishment of the system, and which will constitute current service under this system.

(b) The "regular interest" which would have accrued to such member contributions if they had been made on the date used to determine on what earnable compensation contributions pursuant to this section shall be based, from that date until the completion of payment of those contributions, computed at the current interest rate.

(c) The governing body by a four-fifths vote may provide that it shall make on behalf of officers and employees eligible to receive credit for prior service under this chapter, and who so elect prior to filing an application for retirement, part of the contributions specified in paragraphs (a) and (b) of this section. The contributions made by a governmental agency pursuant to this section shall be available only for purposes of retirement for service or for disability and a member resigning from county service shall be entitled to withdraw only that portion of his accumulated contributions made by him.

CHAPTER 388

An act to amend Section 71.8 of the Harbors and Navigation Code, relating to small craft harbors.

[Approved by Governor June 21, 1967. Filed with Secretary of State June 21, 1967.]

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

SECTION 1. Section 71.8 of the Harbors and Navigation Code is amended to read:

71.8. Any contract or agreement for a transfer pursuant to Section 70 or a loan pursuant to Section 71.4, for which gross revenues of a small craft harbor are made the security for repayment shall include, but is not limited to, provisions requiring the governing body of the city, county, or district to:

(a) Punctually pay all installments of principal and interest on money owed to the state.

(b) Continuously operate in an efficient and economical manner all small craft harbor facilities acquired, constructed, improved or completed in full or in part as a result of transfers or loans by the state.

(c) Make all repairs, renewals and replacements necessary to the efficient operation of the small craft harbor facilities and to keep them in good repair at all times.

(d) Preserve and protect the security interest of the state in all respects by procuring insurance on such facilities in an amount and of the type approved by the commission.

(e) Periodically fix, prescribe and collect fees, rentals or other charges for services and facilities of the small craft harbor facilities sufficient to produce gross revenues adequate for payment of the following in the order set forth:

(1) All installments of principal and interest on money owed the state as they come due.

(2) All expenses of operation, maintenance, and repair of the small craft harbor facilities.

(3) Such additional sums as may be required by the commission for any sinking fund, reserve fund or other special fund established for the further security of the loan or transfer or as a depreciation or other charge in connection with the small craft harbor facilities.

(f) Repay loans with regard to the revenue-producing features, as determined by the commission, constructed under the loan over a period not to exceed 30 years.

(g) Repay loans with regard to the non-revenue-producing features, as determined by the commission, constructed under the loan over a period not to exceed 50 years.

In addition to the foregoing, the commission may include in any such contract or agreement a requirement that installments of principal and interest on money owed the state shall be paid from gross revenues prior to any other expenditures from such revenues; provided, however, that if the commission is satisfied that the city, county or district has sufficient financial resources to fully repay such loan without the necessity of the foregoing requirement, such requirement may be waived and such contract or agreement may then provide that installments of principal and interest on money owed the state may be repaid under such terms and conditions as may be mutually agreed upon and specifically set forth in such contract or agreement. No loan of funds shall be made to any city, county or district unless such loan is approved by the commission as conforming to the policies established by the commission. Such contracts and agreements shall not be effective until approved by the Department of Finance and the Department of General Services as to the legality, form and completeness thereof.

In the event of default the state shall proceed forthwith by means of legal action to recover such defaulted loans.

CHAPTER 389

An act to amend Sections 9055 and 9066 of the Public Resources Code, relating to the State Soil Conservation Commission.

[Approved by Governor June 21, 1967. Filed with Secretary of State June 21, 1967.]

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

SECTION 1. Section 9055 of the Public Resources Code is amended to read:

9055. (a) Except as provided in subdivision (b), five of the members to be appointed shall be directors and in making such appointments, the Governor shall provide as nearly equal representation as possible from all portions of the state, and two of the members shall be appointed from the state at large and shall be representatives of agriculture and may or may not be directors.

(b) The office of one of the five members who are required to be directors whose terms otherwise expire on May 27, 1971, shall expire on the effective date of the 1967 amendment of this section and shall thereafter be filled by a person who is not a director but shall be appointed from the state at large and shall be a representative associated with cities. The Governor, upon the effective date of the 1967 amendment of this section, shall determine which of the above offices shall be filled by a representative associated with cities. The office of the member representing agriculture whose term otherwise expires on May 27, 1971, shall expire on the effective date of the 1967 amendment of this section and shall thereafter be filled by a person who is not a director but shall be appointed from the state at large and shall be a representative associated with recreation. The terms of the two members appointed by the Governor pursuant to this subdivision shall expire on May 27, 1971.

SEC. 2. Section 9066 of the Public Resources Code is amended to read:

9066. There is in the Department of Conservation a State Soil Conservation Advisory Board which shall consist of the Director of the Agricultural Extension Service of the University of California, the Director of Water Resources, the Director of the Department of Fish and Game, the Chief of the United States Soil Conservation Service for California and the Chairman of the Agricultural Stabilization and Conservation Committee for California. The board shall assist and advise the commission but shall have no right to vote at commission meetings.

CHAPTER 390

An act to amend Section 619 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 21, 1967. Filed with Secretary of State June 21, 1967.]

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

SECTION 1. Section 619 of the Revenue and Taxation Code is amended to read:

619. The assessor shall, upon or prior to completion of the local roll, either:

(a) Inform each assessee of real property on the local secured roll whose property's full cash value has increased of the assessed value of that property as it shall appear on the completed local roll; or

(b) Inform each assessee of real property on the local secured roll, or each assessee on the local secured roll and each assessee on the unsecured roll, of the assessed value of his real property or of both his real and his personal property as it shall appear on the completed local roll.

The information given by the assessor to the assessee pursuant to subdivisions (a) or (b) shall include a notification of hearings by the county board of equalization, which shall include the period during which assessment protests will be accepted and the place where they may be filed.

This information shall also include the assessment ratio for the county as provided in Section 401 and the full cash value of the property.

This information shall be furnished by the assessor to the assessee by regular United States mail directed to him at his latest address known to the assessor.

The failure of the assessee to receive this information shall not in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

CHAPTER 391

An act to amend Section 16851 of the Education Code and Section 545 of the Vehicle Code, relating to schoolbuses.

[Approved by Governor June 21, 1967. Filed with Secretary of State June 21, 1967.]

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

SECTION 1. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil to and from a public school or to and from public school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public school.

(f) A motor vehicle operated by a California state college or junior college provided the vehicle is not used to transport students at or below the 12th-grade level.

SEC. 2. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

(f) A motor vehicle operated by the University of California.

(g) A motor vehicle operated by a California state college or junior college provided the vehicle is not used to transport students at or below the 12th-grade level.

CHAPTER 392

An act to amend Sections 10219 and 10301 of the Elections Code, relating to ballot designation.

[Approved by Governor June 21, 1967. Filed with Secretary of State June 21, 1967.]

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

SECTION 1. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16. of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) Words designating the principal profession, vocation or occupation of the candidate, which shall not exceed three in number. The profession, vocation or occupation designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the

candidate by registered mail, return receipt requested. The candidate, shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 2. Section 10301 of the Elections Code is amended to read:

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) Words designating the principal profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all

purposes of both primary and general elections unless the candidate, at least 45 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

CHAPTER 393

An act to add Section 405.7 to the Code of Civil Procedure, relating to undertakings in certain civil actions.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 405.7 is added to the Code of Civil Procedure, to read

405.7. (a) Whenever a complaint for damages is filed against any architect, landscape architect, engineer, building designer, or land surveyor, duly licensed as such under the laws of this state, in an action for error, omission, or professional negligence in the creation and preparation of plans, specifications, designs, reports or surveys which are the basis for work performed or agreed to be performed on real property, any such defendant may, within 30 days after service of summons, move the court for an order, upon notice and hearing, requiring the plaintiff to furnish a written undertaking, with at least two sufficient sureties, in the sum of five hundred dollars ($500) as security for the costs of defense as provided in subdivision (d), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous.

At the hearing upon such motion, the court must order the plaintiff to file such security if the defendant shows to the satisfaction of the court that (i) the plaintiff would not suffer undue economic hardship in filing such written undertaking, and (ii) there is no reasonable possibility that the plaintiff has a cause of action against each named defendant with respect to whom the plaintiff would otherwise be required to file such written undertaking. No appeal shall be taken from any order made pursuant to this subdivision to file or not to file such security.

A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. If the court, upon any such motion, makes a determination that a written undertaking be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within such reasonable time as may be fixed by the court.

(b) This section does not apply to a complaint for bodily injury or for wrongful death, nor to an action commenced in a small claims court.

(c) Whenever more than one such defendant is named, the undertaking shall be increased to the extent of five hundred dollars ($500) for each additional defendant in whose favor such undertaking is ordered not to exceed the total of three thousand dollars ($3,000).

(d) In any action requiring a written undertaking as provided in this section, upon the dismissal of the action or the award of judgment to the defendant, the court shall require the plaintiff to pay the defendant's costs of defense authorized by law. Any sureties shall be liable for such costs in an amount not to exceed the sum of five hundred dollars ($500) for each defendant with respect to whom such sureties have executed a written undertaking. If the plaintiff prevails in the action against any defendant with respect to whom such security has been filed, such defendant shall pay the cost to plaintiff of obtaining such written undertaking.

CHAPTER 394

An act to amend Sections 286 and 24007 of the Vehicle Code, relating to vehicle dealers.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 286 of the Vehicle Code is amended to read:

286. The term "dealer" does not include:

(a) Insurance companies, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(b) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed

under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(c) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(d) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions.

(e) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(f) Persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(g) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children, minibikes, tote goats, and vehicles of a similar nature which are not intended for use on the highways.

(h) Persons temporarily retained as auctioneers solely for the purpose of disposing of vehicle stock inventories on behalf of the owners thereof by means of public auctions at the location of such owners' place of business, or as otherwise approved by the department, provided intermediate physical possession or control of, or an ownership interest in such inventory is not conveyed to the persons so retained.

SEC. 2. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used motor vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Section 24390 of the Health and Safety Code which is not in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of said code and the rules and regulations of the Motor Vehicle Pollution Control Board, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled. The

dealer shall, with each application for transfer of registration of every 1955 or later year model motor vehicle subject to Section 24390 of the Health and Safety Code, transmit to the Department of Motor Vehicles a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of said code.

CHAPTER 395

An act to amend Section 10012.5 of the Elections Code, relating to candidates' statements of qualifications.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 10012.5 of the Elections Code is amended to read:

10012.5. Each candidate for elective office in any local agency, city, county, city and county or district may prepare a statement of qualifications on an appropriate form provided by the clerk. Such statement may include the name, age, occupation, and education of the candidate and a brief description of no more than 150 words, of the candidate's qualifications expressed by the candidate himself. Such statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the clerk when his nomination papers are returned for filing and may be withdrawn, but not changed, during the period for filing nomination papers and for three calendar days after the close of the nomination period.

The clerk shall send to each voter together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications that is prepared pursuant to this section.

The local agency may bill each candidate availing himself of this service a sum not greater than the actual prorated costs of printing and handling incurred by the agency as a result of providing this service. Only these charges may be levied and each candidate using this service shall be charged the same.

The clerk shall reject any statement which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any per-

son or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress.

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

CHAPTER 396

An act to amend Section 18100 to, and to repeal Section 18255 of, the Health and Safety Code, and to add Section 22518 to the Vehicle Code, relating to vehicles.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 18100 of the Health and Safety Code is amended to read:

18100. The enforcement agency shall enforce every other provision of this part, except as provided in Section 18010.

The officers or agents of the enforcement agency may:

(a) Enter public or private property to determine whether there exists any mobilehome park to which this part applies.

(b) Enter and inspect all mobilehome parks, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part.

SEC. 2. Section 18255 of the Health and Safety Code is repealed.

SEC. 3. Section 22518 is added to the Vehicle Code, to read:

22518. No person shall park any trailer coach, housecar, or vehicle equipped with a camper upon any highway during the hours of darkness except in an area clearly designated to permit such parking or when necessary to make emergency repairs.

CHAPTER 397

An act to amend Sections 3572 and 3574 of the Public Utilities Code, relating to highway carriers.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 3572 of the Public Utilities Code is amended to read:

3572. Any highway carrier desiring a permit to operate as a highway contract carrier or a radial highway common carrier shall file a petition therefor with the commission. The petition shall set forth:

(a) The name and address of the applicant.

(b) The names and addresses of its officers, if any.

(c) Full information concerning the financial condition and physical properties of the applicant.

(d) Such other information necessary to the enforcement of this chapter as the commission may require.

Before a permit is issued, the commission shall require that the applicant establish financial responsibility. The commission may, with or without hearing, issue or refuse to issue the permit. If the commission finds that the applicant possesses the required financial responsibility to perform the operations proposed, it shall issue a permit. The commission may attach to the permit such terms and conditions as, in its judgment, are required to assure protection to persons utilizing the operations.

No permit shall be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant must have resided in the State of California continuously for not less than 90 days next preceding the filing of the petition. If a partnership, the partner having the largest percentage interest in the partnership must have resided in the State of California continuously for not less than 90 days next preceding the filing of the petition. If a corporation, applicant must be a domestic corporation or must have qualified to transact business in the State of California as a foreign corporation at the time of filing of the petition.

Except as otherwise provided in this chapter, upon compliance by an applicant with this chapter, the commission shall issue a permit.

SEC. 2. Section 3574 of the Public Utilities Code is amended to read:

3574. No operating permit shall be sold, leased, assigned, transferred, or otherwise encumbered by the holder thereof without first having secured from the commission an order authorizing it. Any such sale, lease, assignment, transfer, or encumbrance made otherwise than in accordance with the order of the commission authorizing it shall be void.

The commission shall not authorize any sale, lease, assignment or transfer of any operating permit unless the purchaser, lessee, assignee or transferee has met the residence requirements set forth in Section 3572 of this chapter.

CHAPTER 398

An act to repeal Sections 7601, 7602, 7603, 7604, 7605, 7606, 7607, 7609 and 7611 of, to amend Section 7610 of, and to add Sections 7601, 7602, 7603, 7604, 7605, 7606, 7607, 7609, and 7611 to, the Labor Code, relating to industrial safety.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 7601 of the Labor Code is repealed.

SEC. 2. Section 7601 is added to the Labor Code, to read:

7601. Handtrucks shall be maintained in a safe condition by the employer. Handles shall be maintained free of hazardous burrs, splinters, cracks or splits.

SEC. 3. Section 7602 of the Labor Code is repealed.

SEC. 4. Section 7602 is added to the Labor Code, to read:

7602. Handtools shall be kept in good condition and be safely stored by the employer. Unsafe handtools shall not be used.

SEC. 5. Section 7603 of the Labor Code is repealed.

SEC. 6. Section 7603 is added to the Labor Code, to read:

7603. The maximum weight of materials stored on building floors or load-carrying platforms, except those built directly on the ground, shall not exceed their safe carrying capacity.

Material, when stored, shall be piled, stacked, or racked in a manner designed to prevent it from tipping, falling, collapsing, rolling or spreading. Racks, bins, planks, sleepers, bars, strips, blocks, sheets, shall be used when necessary to make the piles stable.

SEC. 7. Section 7604 of the Labor Code is repealed.

SEC. 8. Section 7604 is added to the Labor Code, to read:

7604. Adequate and substantial bull rails, stringer rails or curbs shall be installed at the waterside of all flush aprons on such wharves, docks or piers as are in active service for movement of cargo therefrom to vessels. This section shall not apply to any pier designed with depressed spur tracks on at least one side, on which cargo is worked between rail cars and ships but not in the narrow wharf area between depressed tracks and pier edge.

SEC. 9. Section 7605 of the Labor Code is repealed.

SEC. 10. Section 7605 is added to the Labor Code, to read:

7605. The employer shall require that tools, machinery, gear and other equipment subject to wear be inspected at adequate intervals and unsafe conditions corrected. If tools, machinery, gear or equipment are found to be defective or otherwise unsafe, employees shall report the same to the person in charge of work who shall have it discarded, marked and so placed that it cannot be used again until made safe.

SEC. 11. Section 7606 of the Labor Code is repealed.

SEC. 12. Section 7606 is added to the Labor Code, to read:

7606. Every dock plate shall be constructed and maintained with strength sufficient to support the load carried thereon.

Dock plates shall be secured in position when spanning the space between the dock or the unloading platform and the vehicle. The dock plate, together with its securing devices, where used over spans of different lengths, shall be of such construction as will readily obtain rigid security over such spans.

The dock plates shall be so constructed and maintained that when they are secured in position the end edges of the plate shall be in substantial contact with dock or loading platform, and with the vehicle bed in such manner as to prevent rocking or sliding.

SEC. 13. Section 7607 of the Labor Code is repealed.

SEC. 14. Section 7607 is added to the Labor Code, to read:

7607. Internal combustion engine-driven equipment shall be operated inside of buildings or enclosed structures only when such operation does not result in harmful exposure to concentration of dangerous gases or fumes in excess of maximum acceptable concentrations. Exhaust pipes shall be installed in such a manner that the exhaust products shall be discharged so as not to be a hazard to the operators.

SEC. 15. Section 7609 of the Labor Code is repealed.

SEC. 16. Section 7609 is added to the Labor Code, to read:

7609. The provisions of Sections 7601 to 7607, inclusive, shall be applicable to longshore and stevedore operations.

SEC. 17. Section 7610 of the Labor Code is amended to read:

7610. The provisions of Sections 7601 to 7607, inclusive, Section 7609, and Section 7611 shall be effective until the 61st day after final adjournment of the 1969 Regular Session of the Legislature and thereafter shall have no force or effect.

SEC. 18. Section 7611 of the Labor Code is repealed.

SEC. 19. Section 7611 is added to the Labor Code, to read:

7611. Nothing in the foregoing sections of this part shall limit the authority of the division to prescribe or enforce general or special safety orders.

CHAPTER 399

An act to add Section 1208.5 to the Penal Code, relating to work furloughs.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 1208.5 is added to the Penal Code, to read:

1208.5. The boards of supervisors of two or more counties having work furlough programs may enter into agreements whereby a person sentenced to, or imprisoned in, the jail of one county, but regularly employed in another county, may be transferred by the sheriff of the county in which he is confined to the jail of the county in which he is employed, in order that he may be enabled to continue in his regular employment in such other county through such county's work furlough program. Such agreement may make provision for the support of transferred persons by the county from which they are transferred.

CHAPTER 400

An act to add Section 71.1 to the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289 of the Statutes of 1955), relating to the Santa Clara-Alameda-San Benito Water Authority.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 71.1 is added to the Santa Clara-Alameda-San Benito Water Authority Act (Ch. 1289, Stats. 1955), to read:

71.1. As an alternative method of dissolution the authority may be dissolved as hereinafter provided:

(1) The board of directors of the authority shall by resolution find and declare that the authority is without sufficient funds to fulfill its lawful purposes and is without outstanding obligations of any kind.

(2) The board of directors of the authority shall transmit said resolution to the board of supervisors of the principal county which board of supervisors shall thereupon make and declare an order declaring the authority dissolved and thereupon the authority is dissolved.

CHAPTER 401

An act to amend Section 2366 of the Fish and Game Code, relating to abalone.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 2366 of the Fish and Game Code is amended to read:

2366. Abalone meat may not be transported out of the state. Ground abalone trimmings, however, when canned, frozen, or made into meal, may be transported out of the state.

This section has no force or effect until the 61st day after final adjournment of the 1969 Regular Session.

CHAPTER 402

An act to add Sections 29001.5 and 29012.5 to the Government Code, relating to county finance.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 29001.5 is added to the Government Code, to read:

29001.5. "Expenditures" means the amounts paid (cash basis), or amounts paid and payable (accrual basis) which decrease the governmental unit's equity.

SEC. 2. Section 29012.5 is added to the Government Code, to read:

29012.5. "Revenue" means the amounts received (cash basis), or amounts received and receivable (accrual basis), which increase the governmental unit's equity.

CHAPTER 403

An act to repeal Section 25255 of the Government Code, relating to county auditors' statements.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 25255 of the Government Code is repealed.

CHAPTER 404

An act to amend Section 24051 of the Government Code, relating to inventories of county property.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 24051 of the Government Code is amended to read:

24051. On or before July 10th in each year, or at such other interval designated by the board of supervisors, each county officer or person in charge of any office, department, service, or institution of the county, each officer of a judicial district, each judge, or the clerk, secretary, or other administrative officer of each court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the board of supervisors or for which the board is ex officio the governing body shall file with the county clerk, or with the county auditor, according to the procedure prescribed by the board, an inventory under oath, showing in detail all county property in his possession or in his charge at the close of business on the preceding June 30th. By ordinance the board of supervisors may prescribe an annual or such other period, provided that such period shall not be in excess of three years, for preparation of the inventory and a correspondingly different date for its filing, and may prescribe the manner and form in which the inventory shall be compiled. The inventories shall be kept of record by the county clerk or auditor for at least five years. Any inventory which has been on file for five years or more may be destroyed on order of the board of supervisors. A true copy of the inventory shall be delivered by the person who made it to his successor in office, who shall receipt for it. The receipt shall be filed with the county clerk or county auditor.

CHAPTER 405

An act to amend Section 18748 of the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 18748 of the Business and Professions Code is amended to read:

18748. No boxer or wrestler shall be paid for service before a contest or wrestling exhibition, except that a club may, with the permission of the commission. advance to a boxer or wrestler before services are rendered up to one thousand dollars ($1,000) plus any necessary transportation and living expenses. However, such advance, except transportation and living expenses, shall not exceed 20 percent of the boxer's or wrestler's purse.

CHAPTER 406

An act to amend Section 22452 of, to repeal Section 22451 of, and to add Section 22451 to, the Vehicle Code, relating to certain vehicles stopping at railroad crossings.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 22452 of the Vehicle Code is amended to read:

22452. (a) The provisions of this section shall apply to the operation of the following vehicles:

Any bus carrying passengers for hire.

Any motortruck transporting employees in addition to those riding in the cab.

Any bus transporting employees.

Any schoolbus carrying any schoolchild.

Any bus transporting minors on any outing organized on a group basis.

Any vehicle carrying explosive substances as a cargo or part of a cargo.

Any tank vehicle as defined in Section 34004 whether loaded or empty.

Any vehicle transporting more than 120 gallons of flammable liquids or liquefied petroleum gas in containers having a capacity of more than 20 gallons as a cargo or major portion of a cargo.

(b) Before traversing a railroad grade crossing, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train and for signals indicating the approach of a train, and shall not proceed until he can do so safely. Upon proceeding, the gears shall not be shifted manually while crossing the tracks.

(c) No stop need be made at any such crossing:

(1) Of railroad tracks running along and upon the roadway within a business or residence district.

(2) Where a traffic officer or an official traffic control signal directs traffic to proceed.

(3) Of an industrial or spur track as defined by the Public Utilities Commission, or a branch line having less than daily train service which crosses a street leading to a public ferry, provided that a distinctive sign as authorized by that commission is displayed.

SEC. 2. Section 22451 of the Vehicle Code is repealed.

SEC. 3. Section 22451 is added to the Vehicle Code, to read:

22451. (a) The driver of any vehicle approaching a railroad grade crossing shall stop not less than 10 feet from the

nearest rail and shall not proceed until he can do so safely, whenever the following conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives warning of the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal and, by reason of its speed or nearness, is an immediate hazard.

(b) No driver shall proceed through, around or under any railroad crossing gate while such gate is closed.

CHAPTER 407

An act to amend Section 5531 of the Public Resources Code, relating to regional park districts.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 5531 of the Public Resources Code is amended to read:

5531. The election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used. Nomination papers shall be circulated throughout the ward. A nomination paper containing the name of the candidate to be nominated, with such other information as is required by this article, shall be signed by at least fifty (50) electors residing within the ward.

CHAPTER 408

An act to amend Section 5201 of the Vehicle Code, relating to license plates.

[Approved by Governor June 26, 1967 Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 5201 of the Vehicle Code is amended to read:

5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging and shall be mounted in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from the ground, and the front license plate shall be mounted not more than 60 inches from the ground. No covering shall be used on license plates.

CHAPTER 409

An act to repeal Sections 12409, 12410, 12411, 12416, 12417, 12418, 12419, and 12420 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 12409 of the Business and Professions Code is repealed.

SEC. 2. Section 12410 of the Business and Professions Code is repealed.

SEC. 3. Section 12411 of the Business and Professions Code is repealed.

SEC. 4. Section 12416 of the Business and Professions Code is repealed.

SEC. 5. Section 12417 of the Business and Professions Code is repealed.

SEC. 6. Section 12418 of the Business and Professions Code is repealed.

SEC. 7. Section 12419 of the Business and Professions Code is repealed.

SEC. 8. Section 12420 of the Business and Professions Code is repealed.

CHAPTER 410

An act to amend Sections 4454, 4462, and 5017 of the Vehicle Code, relating to display of motor vehicle registration cards.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 4454 of the Vehicle Code is amended to read:

4454. (a) Every owner upon receipt of a registration card shall maintain the same or a facsimile copy thereof with the vehicle for which issued.

(b) The provisions of this section do not apply when a registration card is necessarily removed from the vehicle for the purpose of application for renewal or transfer of registration.

SEC. 2. Section 4462 of the Vehicle Code is amended to read:

4462. (a) The driver of a motor vehicle shall present the registration or identification card or other evidence of registration of any or all vehicles under his immediate control for examination upon demand of any peace officer.

(b) No person shall display upon a vehicle, nor present to any peace officer, any registration card, identification card,

temporary receipt, license plate, or permit not issued for such vehicle or not otherwise lawfully used thereon under this code.

SEC. 3. Section 5017 of the Vehicle Code is amended to read:

5017. Each identification plate issued under Section 5016 shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall carry the identification card issued by the department as provided by Section 4454. It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

CHAPTER 411

An act to repeal Sections 26307, 26308, and 26309 of the Vehicle Code, relating to motor-driven cycles.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 26307 of the Vehicle Code is repealed.

SEC. 2. Section 26308 of the Vehicle Code is repealed.

SEC. 3. Section 26309 of the Vehicle Code is repealed.

CHAPTER 412

An act to amend Sections 8162 and 9807 of the Vehicle Code, relating to vehicle liens.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 8162 of the Vehicle Code is amended to read:

8162. The fees determined to be due and owing under this article shall be a lien upon all vehicles of the applicant of a type subject to registration under this code, and the provisions of Article 6 (commencing with Section 9800) of Chapter 6 of Division 3 shall apply.

SEC. 2. Section 9807 of the Vehicle Code is amended to read:

9807. When the department determines that the cost of collection of any fee, penalty, or both, by seizure and sale as provided will exceed the proceeds to be realized therefrom the department need not pursue this method of collection. The provisions of this subdivision shall be limited to vehicles of a value of one hundred dollars ($100) or less as appraised by an officer or employee of the Department of Motor Vehicles or the Department of the California Highway Patrol. The department shall indicate its intention to refrain from collection of fees or penalties by seizure and sale as provided herein by affixing an appropriate notice to each vehicle concerned.

CHAPTER 413

An act to amend Sections 73351, 73357, and 73358 of, and to add Section 73351.1 to, the Government Code, relating to municipal courts.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 73351 of the Government Code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County.

Salary Schedule

Range No.	1	2	3	4	5
10	$295	$310	$325	$341	$358
11	302	317	333	349	367
12	310	325	341	358	376
13	317	333	349	367	385
14	325	341	358	376	395
15	333	349	367	385	405
16	341	358	376	395	415
17	349	367	385	405	425
18	358	376	395	415	436
19	367	385	405	425	447
20	376	395	415	436	458
21	385	405	425	447	469
22	395	415	436	458	481
23	405	425	447	469	493
24	415	436	458	481	505
25	425	447	469	493	517
26	436	458	481	505	530
27	447	469	493	517	543

Range No.	1	2	3	4	5
28	458	481	505	530	556
29	469	493	517	543	570
30	481	505	530	556	584
31	493	517	543	570	598
32	505	530	556	584	613
33	517	543	570	598	628
34	530	556	584	613	644
35	543	570	598	628	660
36	556	584	613	644	676
37	570	598	628	660	693
38	584	613	644	676	710
39	598	628	660	693	727
40	613	644	676	710	745
41	628	660	693	727	763
42	644	676	710	745	782
43	660	693	727	763	801
44	676	710	745	782	821
45	693	727	763	801	841
46	710	745	782	821	862
47	727	763	801	841	883
48	745	782	821	862	905
49	763	801	841	883	927
50	782	821	862	905	950
51	801	841	883	927	973
52	821	862	905	950	997
53	841	883	927	973	1,022
54	862	905	950	997	1,047
55	883	927	973	1,022	1,073
56	905	950	997	1,047	1,099
57	927	973	1,022	1,073	1,126
58	950	997	1,047	1,099	1,154
59	973	1,022	1,073	1,126	1,183
60	997	1,047	1,099	1,154	1,212

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until 60 days after the adjournment of the next regular session of the Legislature.

SEC. 2. Section 73351.1 is added to the Government Code, to read:

73351.1. Classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

(a) Deputy clerk I ..... Range 18
(b) Deputy clerk II ..... Range 23

(c) Deputy clerk III ..... Range 31
(d) Deputy clerk IV ..... Range 41
(e) Clerk of court I ..... Range 50
(f) Clerk of court II ..... Range 55
(g) Deputy marshal I ..... Range 41
(h) Deputy marshal II ..... Range 45
(i) Marshal I ..... Range 55
(j) Marshal II ..... Range 59

SEC. 3. Section 73357 of the Government Code is amended to read:

73357. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) clerk of the court II
(b) Two (2) deputy clerks IV
(c) Three (3) deputy clerks III
(d) Six (6) deputy clerks II
(e) Five (5) deputy clerks I

SEC. 4. Section 73358 of the Government Code is amended to read:

73358. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) marshal II
(b) Three (3) deputy marshals I
(c) One (1) deputy clerk II
(d) Two (2) deputy clerks I
(e) Ten (10) deputies, who serve as custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

CHAPTER 414

An act to add Section 10131.01 to the Business and Professions Code, relating to real estate brokers.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 10131.01 is added to the Business and Professions Code, to read:

10131.01. The provisions of subdivision (b) of Section 10131 do not apply to the manager of a hotel, motel, auto and trailer park, to the resident manager of an apartment building, apartment complex, court, or to the employees of such manager.

CHAPTER 415

An act to amend Section 11011.6 of the Business and Professions Code, relating to filing fees.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 11011.6 of the Business and Professions Code is amended to read:

11011.6. Any owner, agent or subdivider who fails to pay the filing fees required by Sections 11011, 11011.1, or 11011.5 shall be liable civilly in an action brought by the Real Estate Division, for a penalty in an amount equal to treble the amount of unpaid fees.

CHAPTER 416

An act to amend Sections 5135 and 5136 of the Public Utilities Code, relating to household goods carriers.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 5135 of the Public Utilities Code is amended to read:

5135. Except as provided in Section 5135.5, before a permit is hereafter issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The commission shall require the applicant to establish his knowledge and ability to engage in business as a household goods carrier by examination. The examination may be written or oral, or in the form of a demonstration of skill or any combination of these, and any investigation of character, experience and any tests of technical knowledge and manual skill which the commission deems are appropriate may be employed. In any examination the qualification of the applicant shall be determined by an appraisal made by a member of the commission's staff. An applicant who has been determined to be unqualified may thereafter establish his qualifications through a subsequent examination; but no subsequent examination shall be taken prior to three (3) months from the date when such applicant was found to be unqualified. When the staff member shall determine that the applicant is not qualified, then the matter shall be set for hearing and the qualification of the applicant shall be determined by the commission on the basis of evidence of qualifications presented at such hearing, which evidence may include consideration of any written examination of the

applicant. When the staff member shall determine that the applicant is qualified, a permit may issue without hearing unless the commission shall consider a hearing desirable, in which event the application may be set for hearing by the commission.

An applicant may qualify in the following ways: (a) if an individual, he may qualify by personal examination or by examination of his responsible managing employee; (b) if a copartnership or corporation, or any other type of business organization, it may qualify by examination of the responsible managing officer or member of the personnel of such applicant firm. If the individual qualified by examination ceases to be connected with the permitholder, said permitholder shall notify the commission in writing within 30 days after such cessation. If notice is given the permit shall remain in force a reasonable length of time in order that another representative of applicant may be qualified before the Public Utilities Commission. If the permitholder fails to notify the commission of such cessation within a 30-day period, at the end of that period the permit shall be automatically suspended.

The commission may refuse to issue a permit if it shall be shown that an applicant or an officer, director, partner or associate thereof has committed any act constituting dishonesty or fraud; committed any act which, if committed by a permitholder would be grounds for a suspension or revocation of the permit; misrepresented any material fact on his application; or, committed a felony, or crime involving moral turpitude.

The commission shall issue a permit only to those applicants who it finds have demonstrated that they possess sufficient knowledge, ability, integrity and financial resources and responsibility to perform the service within the scope of their application.

The commission shall prescribe, amend, and repeal rules in accordance with law for the administration of this section.

SEC. 2. Section 5136 of the Public Utilities Code is amended to read:

5136. Each application for issuance of a permit under this chapter shall be accompanied by a fee of one hundred fifty dollars ($150).

The filing fee for an application for transfer of a permit is one hundred fifty dollars ($150), except that for the transfer of each permit subsequent to the death of a permittee, and after court approval of the distribution of the estate or when it is not necessary to probate the will or distribute the estate through court, the fee is twenty-five dollars ($25).

All fees paid to the commission under this chapter shall be deposited in the Transportation Rate Fund.

CHAPTER 417

An act to amend Section 602 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 602 of the Revenue and Taxation Code is amended to read:

602. This local roll shall show:

(a) The name and address, if known, of the assessee.

(b) Land, by legal description.

(c) A description of possessory interests sufficient to identify them.

(d) Personal property. A failure to enumerate personal property in detail does not invalidate the assessment.

(e) The assessed value of real estate, except improvements.

(f) The assessed value of improvements on the real estate.

(g) The assessed value of improvements assessed to any person other than the owner of the land.

(h) The assessed value of possessory interests.

(i) The assessed value of personal property, other than intangibles.

(j) The revenue district in which each piece of property assessed is situated.

(k) The total taxable value of all property assessed, exclusive of intangibles.

(*l*) The actual value of solvent credits, after legal deductions for debts.

(m) Any other things required by the board.

CHAPTER 418

An act to add Article 10.5 (commencing with Section 38350) to Chapter 5 of Part 3 of Division 15 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to sterilized milk products.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Article 10.5 (commencing with Section 38350) is added to Chapter 5 of Part 3 of Division 15 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

Article 10.5. Sterilized Half-and-Half and Sterilized Dairy Spread

38350. Sterilized half-and-half is a product consisting of milk, cream, nonfat dry milk and skim milk to which edible stabilizers and stabilizing salts may be added. It shall contain not less than 11.7 percent milk fat and not more than six-tenths of 1 percent stabilizer. Sterilized half-and-half shall be conspicuously labeled with the full name of the product and shall also be labeled with the name and address of the distributor. Wherever the name of the product appears on the container the full name shall be used, and although the height, style and color of the lettering of the name need not be uniform at all places on the container, wherever the name appears on the container all of the letters of the name shall be there shown in the same height, style and color. All ingredients shall be listed on the label in their order of predominance. It shall be subjected to a temperature high enough to sterilize the product and be packaged in hermetically sealed containers.

38351. Sterilized dairy spread is a product made from milk, cream, skim milk or nonfat milk solids, or any combination thereof, to which may be added lactose, sodium caseinate, emulsifiers, stabilizers, stabilizing salts and harmless coloring. It shall contain not less than 30 percent milk fat and not more than six-tenths of 1 percent stabilizer and emulsifier combined unless otherwise stated on the label. It shall be subjected to a temperature high enough to sterilize the product and be packaged in hermetically sealed containers. It shall be conspicuously labeled with the full name of the product and shall also be labeled with the name and address of the distributor. Wherever the name of the product appears on the container the full name shall be used, and although the height, style and color of the lettering of the name need not be uniform at all places on the container, wherever the name appears on the container all of the letters of the name shall be there shown in the same height, style and color. All ingredients shall be listed on the label in their order of predominance and the percentage of milk fat.

CHAPTER 419

An act to amend Section 1823 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 1823 of the Revenue and Taxation Code is amended to read:

1823. The final action of the board in equalizing a local roll shall be performed only at the state capital. On September 2nd of each year, the secretary of the board shall transmit to each county auditor and the board of supervisors and each city council involved a preliminary statement of the per centum that the board proposes to add to or deduct from the valuation of the roll.

Upon the request of any county that receives such a statement which desires to be heard with respect to the statement, an opportunity for such a hearing shall be afforded by the board. The request shall be submitted in writing by the board of supervisors prior to September 10th. The board shall consider all pertinent evidence offered at the hearing. Evidence relating to the correctness or validity of appraisals subject to review under Section 1816.2 is not pertinent. If the evidence warrants a change in the statement, the board shall so find and alter the statement accordingly.

The preliminary statement shall become final on September 10th if no hearing is requested. If a hearing is requested the final determination shall be made by the board and the auditor shall be notified not later than September 25th.

The final statement is prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the statement.

CHAPTER 420

An act to amend Section 7181 of the Fish and Game Code, relating to licenses for fishing on the Colorado River.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 7181 of the Fish and Game Code is amended to read:

7181. A person fishing from the shore in the waters of the Colorado River located in Arizona or California shall have in his possession a valid sport fishing license issued by the state which has jurisdiction over such shore. Such shoreline fishing does not require a Colorado River special use stamp as long as the fisherman remains on the shore and does not embark on the water. Any person, however, having in his possession a valid Arizona sport fishing license and a California special use stamp may fish from the shore in the waters of the Colorado River, or adjacent waters, except canals, drains, and ditches used to transport water used for irrigation or domestic purposes, located in California, without a sport fishing license issued by the State of California.

CHAPTER 421

An act to amend Section 7180 of the Fish and Game Code, relating to fishing.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 7180 of the Fish and Game Code is amended to read:

7180. Any person taking fish or amphibia for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his possession a valid sport fishing license issued by either the State of Arizona or State of California.

In addition to either of the licenses, a person taking fish or amphibia as indicated shall have in his possession a Colorado River special use stamp. If he is a person having in his possession a valid California sport fishing license he shall have an Arizona special use stamp to fish legally the waters described above. If he is a person having in his possession a valid Arizona sport fishing license, he shall have a California special use stamp to fish legally the waters described above.

A special use stamp, when accompanied by the proper license, will allow fishing in any portion of such waters, and permit fishermen to enter the waters from any point.

The fee for a Colorado River special use stamp is two dollars ($2).

CHAPTER 422

An act to adjust and reduce the estimated application fee required to be paid by the Yuba County Water Agency for Bullards Bar Dam.

[Approved by Governor June 26, 1967 Filed with Secretary of State June 26, 1967.]

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

SECTION 1. The Director of Water Resources shall reduce any further fee required to be paid by the Yuba County Water Agency for new Bullards Bar Dam pursuant to Section 6305 of the Water Code by the amount of twenty thousand six hundred thirty-four dollars ($20,634), which amount represents the total of the fees previously paid by the agency on its applications for Timbuctoo Dam and the Irrigation District Diversion Weir. Such features have been eliminated from the Yuba River Development being constructed by the agency because of the authorization of the Marysville Project by the

Congress of the United States. The further fee paid on new Bullards Bar Dam computed in accordance with Section 6305 as adjusted by the credits herein directed to be made, when paid by the agency, shall be considered as compliance with the requirements of Sections 6300 and 6305 of the Water Code.

CHAPTER 423

An act to amend Section 8282 of the Fish and Game Code, relating to crab traps.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 8282 of the Fish and Game Code is amended to read:

8282. North of Point Conception each crab trap may have any number of openings of any size but shall have at least two rigid circular openings of not less than four inches inside diameter so constructed that the lowest portion of each opening is no lower than five inches from the top of the trap.

SEC. 2. This act shall become operative on November 1, 1969.

CHAPTER 424

An act to add Section 6402 to the Fish and Game Code, relating to fish planting.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 6402 is added to the Fish and Game Code, to read:

6402. The department may plant fish in streams passing through, or in lakes on, land on which is located a youth camp for underprivileged children.

CHAPTER 425

An act to amend Section 2356 of the Fish and Game Code, relating to exporting trout taken in this state.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 2356 of the Fish and Game Code is amended to read:

2356. It is unlawful at any time to offer for shipment, ship, or receive for shipment, or transport from this state any trout taken in the waters of this state, except that the holder of a nonresident angling license, or any person on active military duty with the armed forces of the United States or on active military duty with an auxiliary branch thereof who possesses a valid angling license, may personally transport from this state not more than one daily bag limit of trout.

CHAPTER 426

An act to amend Section 2873.5 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor June 26, 1967. Filed with Secretary of State June 26, 1967.]

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

SECTION 1. Section 2873.5 of the Business and Professions Code is amended to read:

2873.5. Any person who has served on active duty in the medical corps of any of the armed forces for a period of not less than 34 months, who has completed the basic course of instruction in nursing required by his particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, shall be granted a license upon proof that he possesses the necessary qualifications of this section, as set forth in his service records, and upon his passing an examination.

CHAPTER 427

An act to amend Section 1251 of the Financial Code, relating to bank reserves.

[Approved by Governor June 28, 1967. Filed with Secretary of State June 28, 1967.]

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

SECTION 1. Section 1251 of the Financial Code is amended to read:

1251. The total reserves required to be maintained by a commercial bank shall consist of, (a) gold bullion or any form of money or currency authorized by the laws of the United States kept in the bank's vault or, with the consent of the superintendent, in a safe deposit box in any other bank in this state under the exclusive control of the depositing bank, (b) deposits subject to call with a Federal Reserve bank in the district in which the bank is located, or (c) deposits subject to call with reserve depositaries of such bank designated as such pursuant to Section 1255 of this code.

CHAPTER 428

An act to amend Section 18361 of the Education Code, relating to county school service fund surpluses, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1967. Filed with Secretary of State June 29, 1967.]

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

SECTION 1. Section 18361 of the Education Code is amended to read:

18361. The superintendent shall compute an amount equal to the surplus in each of the county school service funds as of June 30, as shown by each of the budgets for the preceding fiscal year submitted to him pursuant to Section 18351. For the purpose of this article the surplus for each county school service fund is the total beginning balances shown on the budget so submitted, exclusive of trust funds or funds otherwise dedicated. For the purpose of this section trust funds or funds otherwise dedicated are defined as

(1) Unexpended balance of any funds that have accrued to a county school service fund under a grant of federal funds, or a grant of private or foundation funds, required to have been expended for a specified purpose, plus the amounts of county school service fund money committed for the specific purposes as required to receive the grant or trust;

(2) Unexpended balance of any state funds allocated on an average daily attendance basis for the purpose of maintaining

special schools and classes for the mentally retarded and juvenile hall schools;

(3) Unexpended balances of a county or school district tax funds the levy for which was to maintain special schools and classes for the mentally retarded and juvenile hall schools;

(4) The unexpended balance of any account within the county school service fund contributed by school districts for a specific purpose and from which account expenditures are made by the county superintendent of schools acting as an agent of the districts contributing to the account;

(5) The unexpended balance of the data processing and testing program account resulting from payments by school districts or other public agencies under contract with the county superintendent of schools for the furnishing of data processing and testing program services.

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

Any fund balance in the data processing and testing program account is used to meet current obligations of the data processing centers until delayed payments from contracting districts or other agencies are received. In order that counties may use fund balance for current obligations before payment by contracting districts or other agencies during the 1967–1968 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 429

An act to add Section 1443 to the Education Code, relating to school district bond and tax elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1967. Filed with Secretary of State June 29, 1967.]

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

SECTION 1. Section 1443 is added to the Education Code, to read:

1443. The governing board of a school district may direct the county superintendent of schools to recount the votes cast in any one or more precincts established for an election conducted within the district on a proposal for the issuance of bonds or change of district tax rate by the district, if the board determines that the result of the election could be reversed on the basis if 1 percent or less of the total number of votes cast at the election, and that there is a reasonable probability that the recount will change the result of the election. The action of

the board shall be taken by resolution, approved and signed by no fewer than two-thirds of the members of the board.

The cost of the recount shall be deemed to be a cost of the election, and shall be paid as required by Article 10 (commencing with Section 1421) of this chapter.

SEC. 2. This act shall be applicable to bond and tax elections held within six months prior to the date on which the act becomes effective.

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

Elections recently conducted in one or more large school districts on financial propositions of critical importance to the districts have been approved or rejected by extremely small percentages of the total vote cast, justifying a more close and careful review and recount of ballots than is generally practicable in the ordinary course of election proceedings. In order that the urgently needed procedures afforded by this act may be availed of as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 430

An act to add Section 27314 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 27314 is added to the Vehicle Code, to read:

27314. No dealer shall sell or offer for sale any used passenger vehicle that was manufactured on or after January 1, 1962, other than a motorcycle, unless it is equipped with at least two safety belts or safety belt-shoulder harness combinations of a type approved by the department which are installed for the use of persons in the front seat of the vehicle.

The requirements of this section shall not apply to sales to dealers, automobile dismantlers, or junk dealers.

CHAPTER 431

An act to amend Section 1985 of the Code of Civil Procedure, relating to subpoenas.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 1985 of the Code of Civil Procedure is amended to read:

1985. The process by which the attendance of a witness is required is the subpoena. It is a writ or order directed to a person and requiring his attendance at a particular time and place to testify as a witness. It may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence. When a county recorder is using the microfilm system for recording, and he is subpoenaed to present a record, he shall be deemed to have complied with the subpoena if he produces a certified copy thereof.

An application before trial for a subpoena duces tecum shall be, or contain, an affidavit showing good cause for the production of the matters and things described in such subpoena and shall specify the exact matters or things desired to be produced, shall set forth in full detail the materiality thereof to the issues involved in the case, and shall state that the witness has the desired matters or things in his possession or under his control.

CHAPTER 432

An act to amend Section 15802 of the Education Code, relating to school fire insurance.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 15802 of the Education Code is amended to read:

15802. The governing board of any school district shall furnish, repair, insure against fire, and in its discretion rent the school property of its districts. The governing board may also insure the property against other perils. The insurance shall be written in any admitted insurer, or in any nonadmitted insurer to the extent and subject to the conditions prescribed in Section 1763 of the Insurance Code. Insurance on property of a district may be, in the discretion of the governing board, of the deductible type of coverage, except that in districts with an average daily attendance of less than 50,000 the deductible

amount of fire insurance shall not exceed one thousand dollars ($1,000) for each occurrence. If two or more school districts are governed by governing boards of identical personnel, the total average daily attendance of the districts shall be used. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

The governing board, in their notice of bid for any school district construction, may indicate that it may elect to assume the cost of fire insurance by adding the coverage to the district's existing policy and in such event bids made on such construction shall be made in the alternative, with and without the fire insurance coverage included, and the governing board shall make its election as to who shall secure and pay for such insurance at the time of accepting the bid.

CHAPTER 433

An act to amend Section 31831.1 of the Government Code, relating to the county employees retirement system.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31831.1 of the Government Code is amended to read:

31831.1. Any member who left county service prior to July 1, 1960, and within 100 calendar days became a member of a retirement system established under this chapter in another county may elect deferred retirement pursuant to Article 9 of this chapter, provided that he redeposits, in the retirement fund of the county he left, the amount of any refund of contributions and interest he received from such county plus regular interest thereon from date of such separation, and provided further that he may not, after such election and redeposit, rescind such election or withdraw any of his accumulated contributions while a member of the system of the county he entered within said 100 days. Upon such election and redeposition as described in this section, the member shall be entitled to the benefits provided in Sections 31830 through 31840, inclusive.

The 100-calendar-day period provided for in this section does not include any time during which the member was prohibited by law from joining the retirement system of the other county.

CHAPTER 434

An act to add Section 15002.1 to the Education Code, relating to sites for the construction of school buildings.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 15002.1 is added to the Education Code, to read:

15002.1. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 15452, shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. The investigation shall include such geological and engineering studies as will preclude siting of a school over or within a fault, on or below a slide area, or in any other location where the geological characteristics are such that the construction effort required to make the site safe for occupancy is economically unfeasible. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

CHAPTER 435

An act to amend Sections 10753 and 10753.2 of the Revenue and Taxation Code, relating to vehicle license fees.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 10753 of the Revenue and Taxation Code is amended to read:

10753. (a) For the purposes of this part the market value of passenger vehicles as defined in Section 465 of the Vehicle Code shall be determined by the department upon the basis of the California suggested base price as herein defined and as established by the manufacturers.

(b) On all other vehicles the department shall determine the market value of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(c) In the event the department is unable to ascertain the California suggested base price as herein defined in respect to any passenger vehicles by reason of the same being a specially constructed vehicle, or for any other reason, the department shall determine the market value upon the basis of the cost price to the purchaser of the vehicle as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(d) In the event any vehicle is modified or additions are made to the chassis or body at a cost of two hundred dollars ($200) or more, but not including any change of engine of the same type or any cost of repairs to a vehicle, the owner of such vehicle shall report any said modification or additions to the department and the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2, taking into consideration the increase in the market value of the vehicle due to such modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of such modifications or additions. In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars ($200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2.

The foregoing provisions of this subdivision shall not apply in the event the cost of any modification or additions to the chassis or body of a vehicle is less than two hundred dollars ($200).

(e) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (d).

(f) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation as defined in Section 234 of the California Public Utilities Code, is not a modification or addition for the purpose of subdivision (d), when such equipment is not owned by the owner of the vehicle.

(g) As used in this section, "suggested base price" means the retail price of the vehicle suggested by the manufacturer, plus destination charge and emission control devices as are required by Section 24390 of the Health and Safety Code, as reflected on the price listing affixed to the vehicle pursuant to the Federal Automobile Information Disclosure Act of 1958, but does not include the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle at the time of its delivery to such dealer which is not included within, but is separately added to, the retail price of such vehicle as suggested by the manufacturer.

SEC. 2. Section 10753.2 of the Revenue and Taxation Code is amended to read:

10753.2. (a) After determining the California suggested base price, as defined above, of a vehicle or its cost price to the purchaser, as hereinbefore provided, the department shall classify every vehicle in its proper class according to the classification plan as set forth in this section.

(b) For the purpose of this part a classification plan is established consisting of the following classes: a class from no dollars ($0) to and including forty-nine dollars and ninety-nine cents ($49.99); a class from fifty dollars ($50) to and including one hundred ninety-nine dollars and ninety-nine cents ($199.99); and thereafter a series of classes successively set up in brackets having a spread of two hundred dollars ($200), consisting of such number of classes as will permit classification of all vehicles.

(c) The market value of a vehicle for each calendar year of its life, starting with the year first sold to a consumer as a new vehicle, shall be as follows: for the first year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the second year, 70 percent of such sum; for the third year, 55 percent of such sum; for the fourth year, 40 percent of such sum; for the fifth year, 30 percent of such sum; for the sixth year, 25 percent of such sum; for the seventh year, 15 percent of such sum; for the eighth year, 10 percent of such sum; and for the ninth and each succeeding year, 5 percent of such sum, provided that the minimum tax shall be the sum of one dollar ($1), except that the market value of a trailer coach first sold on and after January 1, 1966 which must be moved under permit as authorized in Section 35790 of the Vehicle Code shall be determined by the schedule in subdivision (e) of this section.

(d) For the purposes of subsection (c) hereof a vehicle first sold to a consumer as a new vehicle during the calendar years 1942, 1943, 1944, and 1945, shall be deemed to have been first sold during the calendar year 1945; a vehicle first sold to a consumer as a new vehicle during the calendar year 1941 shall be deemed to have been first sold during the calendar year 1944; a vehicle first sold to a consumer as a new vehicle during the calendar year 1940 shall be deemed to have been first sold during the calendar year 1943; a vehicle first sold to a consumer as a new vehicle during the calendar year 1939 shall be deemed to have been first sold during the calendar year 1942; and a vehicle first sold to a consumer as a new vehicle during the calendar year 1938 shall be deemed to have been first sold during the calendar year 1941.

(e) The market value of a trailer coach which must be moved under permit, shall be as follows: for the 1st year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the 2nd year, 70 percent of such sum; for the 3rd year, 55 percent of such sum; for the 4th year, 45 percent of such sum; for the 5th year, 40 percent of such sum; for the

6th year, 35 percent of such sum; for the 7th year, 30 percent of such sum; for the 8th year, 25 percent of such sum; for the 9th year, 24 percent of such sum; for the 10th year, 23 percent of such sum; for the 11th year, 22 percent of such sum; for the 12th year, 21 percent of such sum; for the 13th year, 20 percent of such sum; for the 14th year, 19 percent of such sum; for the 15th year, 18 percent of such sum; for the 16th year, 17 percent of such sum; for the 17th year, 16 percent of such sum; for the 18th year and each succeeding year, 15 percent of such sum.

CHAPTER 436

An act to amend Section 31558.1 of the Government Code, relating to retirement of county employees.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31558.1 of the Government Code is amended to read:

31558.1. Notwithstanding any of the provisions of Section 31558 to the contrary, each person over 35 years of age who, prior to January 1, 1965, was employed in a position, the principal duties of which consist of active law enforcement as defined in Section 31469.3, who has continuously since his employment made the salary contributions required of a safety member, and who has continuously since his employment been employed in a position which would make such person eligible to become a safety member if he had not been over the age of 35 years at the time of his employment, shall become a safety member as of the first day of the calendar month following his original entrance into the service regardless of age.

A member who meets the requirements of the preceding paragraph of this section except that he has not made the contributions required of a safety member, may receive credit for such service, as a safety member, when he has contributed, with interest to the date paid, the difference between contributions made and those which would have been required if he had been a safety member. Such additional contributions are to be made prior to retirement and notice of election to receive credit for service, as a safety member, pursuant to this section, shall be made to the retirement board prior to April 1, 1968. This section shall be operative only until April 1, 1968, and thereafter shall have no force and effect.

CHAPTER 437

An act to amend Sections 12603.5 and 12614 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 12603.5 of the Business and Professions Code is amended to read:

12603.5. Subdivision (c) of Section 12603 shall not be construed as exempting products from the requirements of accuracy in statements of net weight, measure, or count.

SEC. 2. Section 12614 of the Business and Professions Code is amended to read:

12614. When a commodity is sold in a container and there is a discrepancy between the actual quantity of the commodity and the net quantity declaration on the container, or between the fill of the commodity in the container and the capacity of the container, there is no violation of this chapter:

(a) If such discrepancy is due to unavoidable leakage, shrinkage, evaporation, or waste, and is beyond the control of the seller acting in good faith.

(b) If the seller purchased the commodity in the container, in good faith, relying upon the indication of the net contents thereof, and sold the commodity in the container without altering the contents thereof or the indication of the contents thereof and the container had the name of a packer, manufacturer, wholesaler, or jobber thereon at the time the seller purchased it and the discrepancy is not known to the seller at the time of sale.

CHAPTER 438

An act to amend Section 5870 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 5870 of the Streets and Highways Code is amended to read:

5870. As used in this chapter, "block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street, except that "block" in the case of an alley means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street, and "drive-

way" means a paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles. Where a "block" exceeds 1,000 feet in length, a length of frontage of 1,000 feet constitutes a "block" as used in this chapter. A determination by the superintendent of streets of such a 1,000-foot block establishes a "block" and cannot later be changed to include a portion of said 1,000-foot "block" in another "block."

CHAPTER 439

An act to amend Section 70212 of, and to add Section 70061 to, the Public Utilities Code, relating to the Marin County Transit District.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 70212 of the Public Utilities Code is amended to read:

70212. The board shall, in addition to the general tax levy as set forth in Section 70210, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

SEC. 2. Section 70061 is added to the Public Utilities Code, to read:

70061. The city members of the governing body of the district shall serve for terms of two years commencing on the first Monday of January in each even-numbered year, and until their successors are selected and qualified. If a city member ceases to be a mayor or councilman during his term, his membership on the governing board shall thereafter be considered vacant.

The city selection committee shall meet at the call of the chairman of the governing body, or at the request of 60 percent of the members of the committee, to fill vacancies and make selections for prospective terms, on the governing body.

CHAPTER 440

An act to amend Sections 24006 and 25108 of the Vehicle Code, relating to vehicle equipment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 24006 of the Vehicle Code is amended to read:

24006. No person shall sell or offer for sale either separately or as a part of the equipment of a new motor vehicle any equipment or device subject to approval and approved by the department unless the equipment or device bears thereon the trademark or name and type or model designation under which it is approved and is accompanied by any printed instructions which may be required by the department as to the light source to be used with lamps, any particular methods of mounting or adjustment of lamps or other devices, and any other instructions as determined by the department necessary for compliance with this code.

SEC. 2. Section 25108 of the Vehicle Code is amended to read:

25108. (a) Any motor vehicle may be equipped with not more than two amber turn signal pilot indicators mounted on the exterior. The light output from any such indicator shall not exceed 5 candlepower unless provision is made for operating the indicator at reduced intensity during darkness in which event the light output shall not exceed 5 candlepower during darkness or 15 candlepower at any other time. The center of the beam shall be projected toward the driver.

(b) Other exterior pilot indicators of any color may be used for monitoring exterior lighting devices, provided that the area of each indicator is less than 0.20 square inches, the intensity of each indicator does not exceed 0.10 candlepower and the color red is not visible to the front.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: California law presently does not authorize pilot indicator lights monitoring exterior lights. These monitoring devices are currently being manufactured as part of new car equipment and are necessary to promote highway safety. This act authorizes such monitoring devices and in order to provide this vitally needed authorization as soon as possible must take effect immediately.

CHAPTER 441

An act to amend Section 22513 of the Vehicle Code, relating to tow cars.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 22513 of the Vehicle Code is amended to read:

22513. The owner or operator of a tow car who complies with the requirements of this code relating to tow cars may stop or park such tow car upon a highway for the purpose of rendering assistance to a disabled vehicle, except that such person may not stop or park upon a freeway which has full control of access and no crossing at grade unless the tow car has been summoned to render assistance to a disabled vehicle.

CHAPTER 442

An act to amend Section 29001 of the Vehicle Code, relating to locking devices for towing equipment.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 29001 of the Vehicle Code is amended to read:

29001. Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. Automatic locking devices on fifth wheels designed and constructed to be readily separable are required on any vehicle first required to be registered in this state after January 1, 1954.

CHAPTER 443

An act to amend Section 25105 of the Vehicle Code, relating to motor vehicle equipment.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 25105 of the Vehicle Code is amended to read:

25105. (a) Any motor vehicle may be equipped with running board or door-mounted courtesy lamps. The bulbs in the lamps shall not exceed six standard candlepower and shall emit either a green or white light without glare. The beams of the lamps shall not be visible to the front or rear of the vehicle.

(b) Any motor vehicle may be equipped with inside door-mounted red lamps or red reflectorizing devices or material visible to the rear of the vehicle when the doors are open. The bulbs in the lamps shall not exceed six standard candlepower.

CHAPTER 444

An act to amend Section 3543 of the Public Utilities Code, relating to identifying symbols.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967]

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

SECTION 1. Section 3543 of the Public Utilities Code is amended to read:

3543. No highway carrier shall operate any motor vehicle over any public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission, showing the classification to which the carrier belongs. No such identifying symbol shall be displayed on any vehicle until a permit under this chapter, or a certificate of public convenience and necessity under Part 1 of Division 1 has been issued to the carrier. The identifying symbols displayed by highway carriers subject to the Interstate Commerce Commission Order Ex Parte No. MC-41, Identification of Motor Carrier Vehicles, November 17, 1954, effective January 3, 1955, shall serve in lieu of the display requirements of this section, provided such identifying symbols have been recorded by the highway carrier with the commission.

CHAPTER 445

An act to amend Section 1901 of the Public Utilities Code, relating to official documents.

[Approved by Governor June 30, 1967 Filed with Secretary of State June 30, 1967]

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

SECTION 1. Section 1901 of the Public Utilities Code is amended to read:

1901. Copies of all official documents and orders filed or deposited according to law in the office of the commission,

certified by a commissioner or by the secretary or an assistant secretary under the official seal of the commission to be true copies of the originals, shall be evidence in like manner as the originals.

CHAPTER 446

An act to amend Sections 239 and 2508 of the Public Utilities Code, relating to warehousemen.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 239 of the Public Utilities Code is amended to read:

239. (a) "Warehouseman" includes:

Every corporation or person owning, controlling, operating or managing any building or structure in which property, other than liquid petroleum commodities in bulk, is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of property, other than liquid petroleum commodities in bulk, and other than a dock, wharf, or structure, owned, operated, controlled, or managed by a wharfinger.

(b) Every corporation or person owning, controlling, operating, or managing any building, structure, or warehouse, in which merchandise, other than secondhand household goods or effects, and other than liquid petroleum commodities in bulk, and other than merchandise sold but retained in the custody of the vendor, is stored for the public or any portion thereof, for compensation, within this state, except warehouses conducted by any nonprofit, cooperative association or corporation which is engaged in the handling or marketing of the agricultural products of its members and warehouses conducted by the agents, individual or corporate, of such associations or corporations, while acting within the limitations imposed by law on their principals.

SEC. 2. Section 2508 of the Public Utilities Code is amended to read:

2508. "Food warehouseman" includes every person, or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, operating, or managing any building, structure, warehouse, elevator, or plant in which food commodities, received from the public or any portion thereof, are stored for compensation, including cold storage plans and refrigerating plants, but not including private homes, hotels, restaurants, or exclusively retail establishments, or others not storing articles of food for other per-

sons for compensation. Every person, or corporation controlling, operating, or managing any building, structure, warehouse, elevator, or plant as aforesaid, is deemed to be engaged in the storage of food commodities within the meaning of this chapter.

CHAPTER 447

An act to amend Section 4514 of the Business and Professions Code, relating to psychiatric technicians.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 4514 of the Business and Professions Code is amended to read:

4514. Prior to January 1, 1970, any person meeting the requirements of subdivision (a), (b), and (e) of Section 4511, and, as determined by the board, possessing the equivalent of the education and training requirements of that section, shall, on application, be issued a certificate.

CHAPTER 448

An act to amend Section 25365 of the Government Code, relating to county property.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 25365 of the Government Code is amended to read:

25365. The board of supervisors may, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to the state or to any city, school district, irrigation, flood control or other special district within the county or exchange with such public entities, any real or personal property, or interest therein belonging to the county upon such terms and conditions as are agreed upon and without complying with any other provisions of this code if the property or interest therein to be granted and conveyed or quitclaimed is not required for county use or in the event of an exchange, the property to be acquired is required for county use. The board of supervisors may also, by a four-fifths vote, exchange real property of equal value with any person, firm or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is

not required for county use and the property to be acquired is required for county use.

Unless the body or agency to which the property is transferred pursuant to this section and the body or agency transferring the property are governed by the same county board of supervisors, the transferring board of supervisors shall publish a notice of its intended action pursuant to Section 6061 at least one week prior thereto in a newspaper of general circulation published in the county.

CHAPTER 449

An act to amend Sections 6458, 6467, and 6482 of the Education Code, relating to compensatory education programs.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 6458 of the Education Code is amended to read:

6458. For purposes of applications for federal funds a plan should be comprehensive in scope, and may include any or all of the program components set out below.

The State Board of Education shall act, upon recommendation of the Advisory Compensatory Education Commission, to establish a priority listing of the following program elements which shall be used in the approval of school district plans to determine those elements which shall be emphasized on a statewide basis:

(a) Reduction of ratios of pupils to teachers, directed specifically to enabling more individual attention to be given to disadvantaged pupils.

(b) Special efforts in the area of reading instruction, including the employment of additional teachers, special reading teachers, teacher aides, and volunteer aides. Special reading programs authorized pursuant to this subdivision shall be conducted pursuant to standards established under Chapter 2.5 (commencing with Section 7770) of Division 7 of this code.

(c) Preschool programs provided through the use of either school facilities, other public or private facilities, or any combination thereof, for children three years of age or older, involving intensive parent participation, established pursuant to standards prescribed by the State Board of Education.

Preschool programs authorized pursuant to this subdivision shall be conducted pursuant to the educational standards established by the State Board of Education under Section 16641 of this code.

(d) In-service professional study involving instruction and orientation of school district personnel to enable them to more effectively deal with disadvantaged students.

(e) School-home cooperation, including home visitation, parent education and participation, parent-teacher conferences utilizing, wherever necessary, bilingual interpreters.

(f) Cultural enrichment including the use of field trips, special speakers, motion pictures, records, library programs, concerts and other means which serve to broaden the educational and cultural experience of the students.

(g) After-school tutoring programs utilizing the services of qualified college and university students and volunteers from the community.

(h) Remedial and corrective programs directed to enhancing the pupils' interest and competence in the English language, including extended remedial reading programs, special speech and oral programs, and the teaching of English as a second language, as, for example, where Spanish-speaking children are involved.

(i) Evaluation, testing, and consultation, involving the formulation of evaluation standards which are as rigorous as feasible under the circumstances; the yearly administration of comprehensive achievement tests to all compensatory education students; and the development and use of data based on group controls which will provide evidence of contrast, and the assembly and classification of data for use at the statewide level. A school district plan of compensatory education under this chapter shall, in order to receive approval, contain this program element.

SEC. 2. Section 6467 of the Education Code is amended to read:

6467. The Director of Compensatory Education shall, under the policy direction of the State Board of Education and the administrative direction of the Director of Education, have overall supervision and control of programs of compensatory education provided throughout the state, and shall take action necessary to coordinate all such programs. He shall, pursuant to the provisions of this chapter and the provisions of the Elementary and Secondary Education Act of 1965 and the regulations promulgating thereunder, be responsible for receiving and recommending approval or disapproval to the State Board of Education of local program applications and providing technical and consultative assistance to school districts.

The Director of Compensatory Education shall conduct continuing research and study of the subject of programs of compensatory education, involving not only the examination and evaluation of programs established under the provisions of this chapter but comparable undertakings in other states, to the end of effecting improvement in the administration of the programs for compensatory education established under the provisions of this chapter. He shall serve as a clearinghouse and center of information, and shall issue and disseminate to school districts participating in programs established under this chapter or otherwise affected by problems

presented by the presence of disadvantaged minors anywhere, such publications and results of investigations as will tend to foster the establishment of sound programs for compensatory education and to enhance their effectiveness.

He shall collect and provide information concerning sources of federal, state, and local public funds, and private funds, which may be available for compensatory education purposes. It shall be the responsibility of the local officials and agencies of the public school system to take necessary measures to secure all outside financial assistance which may be available.

The State Board of Education, on recommendation of the Director of Compensatory Education, shall determine the eligibility of applicant school districts for grants provided under this chapter. Applications for approval of programs and for grants shall be comprehensive in scope. Applicant districts shall, to the extent practicable, provide programs at all grade levels, but special emphasis is to be given programs provided at the preschool and early elementary grade levels.

SEC. 3. Section 6482 of the Education Code is amended to read:

6482. The Director of Compensatory Education, acting pursuant to rules and regulations adopted by the State Board of Education, upon the advice of the Directors of the Departments of Finance, Social Welfare, Employment, and Industrial Relations, shall designate the most concentrated areas of poverty and social tension in the state, taking into consideration such factors, among others, as the high incidence of poverty and low family and per capita incomes, unemployment, juvenile delinquency, persons receiving assistance under the program of Aid to Families with Dependent Children, and especially the low level of academic achievement by pupils in the public schools.

The Director of Compensatory Education shall allocate the funds available for programs under Section 6481 proportionately by public school population among the areas designated by him. He shall then approve projects proposed to be undertaken by school districts within such areas at particular schools with the highest concentrations of low-income children and with the lowest records of academic achievement. Funds not fully utilized in one designated area may be reallocated to the other designated areas. Upon the request of a school district, the director of compensatory education may authorize funds to be used outside the designated areas to serve children from the designated areas.

CHAPTER 450

An act to amend Section 7.6 of the Government Code, relating to deputies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 7.6 of the Government Code is amended to read:

7.6. Whenever, by any law, any officer whose office is created by the Constitution is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, such officer may designate a deputy of his office holding a position specified in subsection (5) or subsection (6) of subdivision (a) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though he were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. Not more than one such officer shall be represented by such a deputy at any meeting or session of a board, commission, committee or other governing body. The constitutional officer so designating a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the constitutional officer is responsible for the acts of the deputy performing his official duties as a deputy of the office of the constitutional officer.

The Lieutenant Governor may designate any person in his office holding a position specified in subsection (5) of subdivision (a) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purposes of this section only, provided that the Lieutenant Governor may not appoint a person to act as a deputy for him at meetings of the Senate, or the State Lands Commission, or of the Regents of the University of California, or of the Trustees of the California State Colleges.

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

The Lieutenant Governor, because of his office, sits on many state boards, commissions, committees, and governing bodies of state agencies and authorities. The Lieutenant Governor is also the President of the Senate, which consumes vast amounts of time. The people of the State of California are entitled to the representation of the Lieutenant Governor at as many

meetings as possible. Allowing the Lieutenant Governor to appoint a person to represent him at the meetings of various boards and commissions will enable the Lieutenant Governor to make the best use of his time and thereby render better service to the state.

CHAPTER 451

An act to add Article 8 (commencing with Section 1260) to Chapter 2 of Part 2 of Division 1 of the Insurance Code, relating to insurance.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Article 8 (commencing with Section 1260) is added to Chapter 2 of Part 2 of Division 1 of the Insurance Code, to read:

Article 8. Reinsurance Transactions

1260. Incorporated insurers or reciprocal insurers who are members of what is commonly known as a "group" or "fleet" may enter into reinsurance transactions between members of the same "group" or "fleet" unless otherwise specifically prohibited by law.

CHAPTER 452

An act to add Section 383.6 to the Insurance Code, relating to motor vehicles.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 383.6 is added to the Insurance Code, to read:

383.6. The phrase "motor vehicle" or "motor vehicles" as used in Section 383.5 includes, but is not limited to:

(a) Trailers, house trailers, mobilehomes, campers and all other wheeled vehicles or nonwheeled structures so made as to be capable of being moved as a compatible portion thereof, or trailed behind, any motor vehicle as that term is defined in the Vehicle Code, whether in immobile position or not.

(b) Motorcycles, motorbikes and motor scooters, except powered bicycles not manufactured for inclusion of a motor.

All present or future rules or regulations promulgated by the commissioner pursuant to Section 383.5 shall be applicable to motor vehicles as defined in this section.

CHAPTER 453

An act to add Section 755.6 to the Insurance Code, relating to insurance agents.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 755.6 is added to the Insurance Code, to read:

755.6. Notwithstanding the provisions of Section 755.5, an insurer participating in any Assigned Risk Plan, as provided for in Article 4 (commencing with Section 11620), Chapter 1, Part 3, Division 2 of the Insurance Code, may pay to a licensed insurance agent, and such agent may receive, a commission or consideration on any automobile or liability coverages written in addition to any commission or consideration required under such plan if such agent has been designated by the applicant for insurance as producer of record for the coverages required under such plan.

CHAPTER 454

An act to amend Section 17760 of the Business and Professions Code, relating to trading stamps.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 17760 of the Business and Professions Code is amended to read:

17760. Any trading stamp company shall redeem upon presentation, any trading stamp which it has issued either in goods, wares, or merchandise, or in cash, good and lawful money of the United States, at the option of the holder thereof. However, if the trading stamp company only offers to redeem the trading stamp in cash, the holder thereof shall not have such option and shall only receive a cash redemption. Trading stamps shall only be presented for redemption in cash in an amount aggregating not less than one dollar ($1).

CHAPTER 455

An act to add Sections 4081 and 7044.5 to the Insurance Code, relating to insurance.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 4081 is added to the Insurance Code, to read:

4081. Any county mutual fire insurer, or two or more such insurers, may merge into a general mutual insurer described in this chapter by following the procedure in Article 9.5 (commencing with Section 7040) of Chapter 5, Part 1, Division 2 of this code. Such general mutual insurer shall become the surviving corporation.

In addition, by following the above-mentioned procedure any two or more county mutual fire insurers may merge, concurrently with the transformation of one of them into a general mutual insurer described herein, as provided in Section 7044.5.

SEC. 2. Section 7044.5 is added to the Insurance Code, to read:

7044.5. Any one or more county mutual fire insurers, by following the procedure of this article, may merge into a general mutual insurer described in Chapter 4 (commencing with Section 4010) of Part 1, Division 2 of this code. Such general mutual insurer shall become the surviving corporation.

Any two or more county mutual fire insurers may merge, concurrently with the transformation of one of the constituent corporations under Article 9.6 (commencing with Section 7045) of Chapter 5, Part 1, Division 2 into a general mutual insurer. The constituent transformed into a general mutual insurer shall be the surviving corporation.

CHAPTER 456

An act to amend Sections 14272 and 14273 of the Government Code, relating to public works contracts.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 14272 of the Government Code is amended to read:

14272. Work on all projects shall be done under contract awarded to the lowest responsible bidder pursuant to this

chapter, except that it may be done by day's labor under the direction of the department, by contract upon informal bids, or by a combination thereof:

(a) In case of emergency due to the failure or threat of failure of any bridge or other highway structure.

(b) In case of emergency due to the failure or threat of failure of any dam, reservoir, aqueduct, or other water facility or facility appurtenant thereto.

(c) In case of emergency due to damage to a state-owned building or any other state-owned real property or improvements located thereon, by an act of God, including but not limited to damage by storm, flood, fire or earthquake, for work and remedial measures which are required immediately.

(d) At any time after the approval of plans, specifications and estimates of cost, if the director deems the advertising or award of a contract, the acceptance of any bid, or the acceptance of any further bids after the rejection of all submitted bids, is not in the best interests of the state.

SEC. 2. Section 14273 of the Government Code is amended to read:

14273. Contracts upon informal bids authorized under Section 14272 shall be let only to a holder of a valid state contractor's license unless such work is exempt from such licensing requirement by any other provision of law.

CHAPTER 457

An act to amend Section 3227 of the Public Resources Code, relating to oil and gas.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 3227 of the Public Resources Code is amended to read:

3227. The owner of any well producing or capable of producing oil or gas shall file with the district deputy, on or before the 10th day of each month, for the last preceding calendar month, a statement, in such form as the supervisor may designate, showing:

(a) The amount of oil and gas produced from each well during the period indicated, together with the gravity of the oil, the amount of water produced from each well, estimated in accordance with methods approved by the supervisor, and the number of days during which fluid was produced from each well.

(b) The number of wells drilling, producing, or idle, owned or operated by such person.

(c) What disposition was made of the gas produced from each well, including the names of persons, if any, to whom the gas was delivered, and such other information regarding the gas and the disposition thereof as the supervisor may require.

Upon request and satisfactory showing, a longer interval may be fixed by the supervisor for such reports in the case of any specific owner or operator.

(d) It is the duty of the supervisor to compile from such statements and to publish monthly statistics showing the amount of oil and gas produced in the state by oil fields and pools, together with the number of wells drilling, number of wells producing or idle, all separately stated as to oil fields and pools, with such other information as the supervisor deems proper.

(e) As used in this section, "pool" means an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool.

CHAPTER 458

An act to amend Sections 6203 and 6208 of the Welfare and Institutions Code, and to amend Sections 7003 and 7008 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session of the Legislature, relating to private mental institutions.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 6203 of the Welfare and Institutions Code is amended to read:

6203. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The department shall adopt such rules and regulations as are necessary to properly enforce and apply the provisions of this code relating to licensed private mental institutions, and may classify the establishments and prescribe minimum standards of safety, sanitation, diagnostic, medical, nursing, therapeutic and other facilities and equipment for each class of establishment.

The application for a license or a renewal of a license shall be accompanied by the proper license fee. The amount of the license fee for each 12-month period is that fixed by the following schedule:

(a) For establishments licensed to receive not more than ten (10) patients, the fee is twenty dollars ($20).

(b) For establishments licensed to receive more than ten (10) but not more than thirty (30) patients, the fee is forty dollars ($40).

(c) For establishments licensed to receive more than thirty (30) but not more than fifty (50) patients, the fee is seventy-five dollars ($75).

(d) For establishments licensed to receive more than fifty (50) patients, the fee is one hundred dollars ($100).

The department shall require a license fee, in situations where licensed establishments increase their number of patients during any fiscal year, based upon a pro rata charge under the schedule set forth herein.

An additional fee shall be required in accordance with the schedule set forth herein in the event of an application for transfer of a license to another person to operate the same establishment or for the transfer of a license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

A license issued by the department shall expire twelve (12) months from the date of its issuance.

SEC. 2. Section 6208 of the Welfare and Institutions Code is amended to read:

6208. All licenses issued under the provisions of this chapter shall expire 12 months from the date of their issuance. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the department, not less than 10 days prior to its expiration each year and if application is not so filed, the license shall be automatically canceled.

SEC. 3. Section 7003 of the Welfare and Institutions Code, as added by Assembly Bill No. 1221 of the 1967 session of the Legislature, is amended to read:

7003. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The department shall adopt such rules and regulations as are necessary to properly enforce and apply the provisions of this code relating to licensed private mental institutions, and may classify the establishments and prescribe minimum standards of safety, sanitation, diagnostic, medical, nursing, therapeutic and other facilities and equipment for each class of establishment.

The application for a license or a renewal of a license shall be accompanied by the proper license fee. The amount of the license fee for each 12-month period is that fixed by the following schedule:

(a) For establishments licensed to receive not more than ten (10) patients, the fee is twenty dollars ($20).

(b) For establishments licensed to receive more than ten (10) but not more than thirty (30) patients, the fee is forty dollars ($40).

(c) For establishments licensed to receive more than thirty (30) but not more than fifty (50) patients, the fee is seventy-five dollars ($75).

(d) For establishments licensed to receive more than fifty (50) patients, the fee is one hundred dollars ($100).

The department shall require a license fee, in situations where licensed establishments increase their number of patients during any fiscal year, based upon a pro rata charge under the schedule set forth herein.

An additional fee shall be required in accordance with the schedule set forth herein in the event of an application for transfer of a license to another person to operate the same establishment or for the transfer of a license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

A license issued by the department shall expire twelve (12) months from the date of its issuance.

SEC. 4. Section 7008 of the Welfare and Institutions Code, as added by Assembly Bill No. 1221 of the 1967 session of the Legislature, is amended to read:

7008. All licenses issued under the provisions of this chapter shall expire 12 months from the date of their issuance. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the department not less than 10 days prior to its expiration each year and if application is not so filed, the license shall be automatically canceled.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Assembly Bill No. 1221 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1221 takes effect; at which time Sections 6203 and 6208 of the Welfare and Institutions Code as amended by Sections 1 and 2, respectively, of this act are repealed.

CHAPTER 459

An act to amend Sections 455 and 456 of the Fish and Game Code, relating to management of deer.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 455 of the Fish and Game Code is amended to read:

455. Not later than 15 days after the holding of such hearing, the board of supervisors may, by resolution adopted, object to the proposed order of the commission or may, by resolution adopted, determine that the proposed order should be modified, setting forth the necessary modifications.

A resolution objecting to, or setting forth modifications of, the proposed orders shall be based upon the testimony and information presented at the commission's hearing, or presented to the board of supervisors at its meeting to consider such resolution. The board of supervisors, a member thereof, or a representative designated by the board, shall attend at the hearing conducted by the commission on the proposed orders provided for in Section 453.

This section applies only to the boards of supervisors of, and to those districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba Counties.

SEC. 2. Section 456 of the Fish and Game Code is amended to read:

456. (a) The commission shall meet on the last Friday in June to make such orders under this chapter as it may find necessary.

(b) The commission at its June meeting shall not authorize the taking of deer under this chapter in a county if it has received from the board of supervisors of that county a resolution objecting to such taking. In the event a board of supervisors of a county has submitted a resolution determining that the commission's proposed orders should be modified for that county, the commission shall either so modify its orders or shall not authorize the taking of deer under this chapter in such county.

The limitations on the authority of the commission by the board of supervisors of a county authorized by the subdivision (b) of this section apply throughout the state until October 1, 1961, and thereafter they apply only to the boards of supervisors of, and to those districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba Counties.

CHAPTER 460

An act to add Section 31808.5 to, and to amend Section 31812 of, the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31808.5 is added to the Government Code, to read:

31808.5. In any county which has safety members as defined in Sections 31470.2 and 31470.4 subject, prior to January 1, 1962, to the provisions of this article, the board of supervisors may adopt the provisions of this section.

The retirement allowance for any safety member subject to this article for service rendered prior to the date of adoption of this article by a county board of supervisors shall be computed in accordance with the provisions of Section 31664. The retirement allowance of any such member, subject to this article, with respect to service performed after the effective date of adoption by the county of this article shall equal the total of the following:

(a) The fraction of one seventy-fifth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth in the table provided for in Section 31664 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(b) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to his age at retirement taken to the preceding quarter year multiplied by the number of years of creditable service.

The retirement allowance for any safety member not subject to this article shall be computed in accordance with the provisions of Section 31664.

Any member who becomes a safety member after the adoption date of this section shall be subject to the provisions of this article.

This section shall not apply to any safety member who is a member on date of adoption of this section unless within 60 days thereafter he files with the board a signed written statement expressing his desire to have the section apply to him

SEC. 2. Section 31812 of the Government Code is amended to read:

31812. Each member shall continue to contribute as provided for in Article 6 or (in case of those members defined in Sections 31470.2, 31470.4, and 31470.6) Article 6.8 of this chapter less an amount equal to one-third of that portion of such contribution which is payable with respect to the first three hundred fifty dollars ($350) monthly wage.

CHAPTER 461

An act to amend Sections 9832 and 9873 of, and to add Section 9832.1 to, the Business and Professions Code, relating to electronic repair dealer registration.

[Approved by Governor June 30, 1967 Filed with Secretary of State June 30, 1967]

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

SECTION 1. Section 9832 of the Business and Professions Code is amended to read:

9832. A registration which is validated prior to May 1st of any year shall cease to be valid on June 30th of the same year if not renewed. A registration which is validated on or after May 1st of any year shall cease to be valid on June 30th of the following year if not renewed.

SEC. 2. Section 9832.1 is added to the Business and Professions Code, to read:

9832.1. To renew a valid registration, the service dealer shall, prior to the applicable date specified in Section 9832, apply for renewal on a form prescribed by the director and pay the renewal fee prescribed by this chapter. To renew a registration thereafter the service dealer shall apply for renewal on a form prescribed by the director, pay the renewal fee in effect on the last regular renewal date, and, if the registration is renewed more than 30 days after it ceased to be valid, pay the delinquency fee prescribed by this chapter. Renewal shall be effective on the date on which the application is filed, the date on which the renewal fee is paid, or the date on which the delinquency fee, if any, is paid, whichever last occurs.

SEC. 3. Section 9873 of the Business and Professions Code is amended to read:

9873. The fees prescribed by this chapter shall be set by the director according to the following schedule:

(a) The service dealer registration fee is not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each place of business in this state.

(b) The annual renewal fee for a service dealer registration is not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each place of business in this state, if renewed prior to its expiration date.

(c) The delinquency fee is an amount equal to 50 percent of the renewal fee in effect on the last preceding regular renewal date

CHAPTER 462

An act to amend Sections 2369 and 8301 of, to add Section 2371 to, and to repeal Section 8308 of, the Fish and Game Code, relating to abalone.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 2369 of the Fish and Game Code is amended to read:

2369. Pismo clams taken outside this state shall not be brought into, nor possessed within, any district during the closed season for pismo clams in the district.

Pismo clams taken outside this state may be imported into this state when accompanied by a United States customhouse entry certificate showing their place of origin, and a certificate or clearance from the responsible governmental agency to the effect that such shipment was made in compliance with the laws and regulations of the place or country of origin. Such pismo clams may be canned and shipped outside this state.

The commission may prescribe regulations governing the inspection and marking of pismo claims imported into this state. The cost of such inspection and marking shall be paid by the importer of the pismo clams.

SEC. 2. Section 2371 is added to the Fish and Game Code, to read:

2371. Abalone or abalone meat legally taken outside this state may be imported into this state when accompanied by a United States customhouse entry certificate showing the place of origin, and a certificate or clearance from the responsible governmental agency to the effect that such shipment was made in compliance with the laws and regulations of the place or country of origin, and such abalone or abalone meat may be possessed in this state and shipped or transported out of the state, but all containers of such abalone shall be marked with the abalone's place or country of origin.

SEC. 3. Section 8301 of the Fish and Game Code is amended to read:

8301. Abalones shall be brought ashore above high-water mark attached to the shell and alive. Except as otherwise provided, abalones not in the shell may not be transported nor possessed, except when being prepared for immediate consumption, or which have been processed under a license issued pursuant to subdivision (c) of Section 8040.

SEC. 4. Section 8308 of the Fish and Game Code is repealed.

CHAPTER 463

An act to amend Section 22100 of the Vehicle Code, relating to traffic safety.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 22100 of the Vehicle Code is amended to read:

22100. Except as provided in Section 22101, the driver of a vehicle intending to turn at an intersection shall do so as follows:

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

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

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

CHAPTER 464

An act to amend Sections 13293, 13294, 13296, and 13298 of, to add Section 13296.1 to, and to repeal Sections 13295 and 13299 of, the Education Code, relating to employment by school districts.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 13293 of the Education Code is amended to read:

13293. The qualifications of supervisors of health shall be as provided in Sections 13294 to 13298, inclusive.

SEC. 1.5. Section 13294 of the Education Code is amended to read:

13294. The qualifications for a physician employed on a half-time-or-more basis shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical

Examiners or Board of Osteopathic Examiners and either a health and development credential or a standard designated services credential with a specialization in health. The qualifications for a physician employed for less than half time shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical Examiners. Any school district may employ and compensate physicians meeting the foregoing qualifications for the performance of medical services for that district and shall provide liability insurance coverage for the period of his employment.

As used in this section "medical services" includes, but is not limited to, any medical services required to be performed while required to be in attendance at high school or junior college athletic contests or meets.

SEC. 1.6. Section 13295 of the Education Code is repealed.

SEC. 2. Section 13296 of the Education Code is amended to read:

13296. The qualifications for a dentist employed on a half-time-or-more basis shall be a valid certificate issued by the Board of Dental Examiners and either a health and development credential or a standard designated services credential with a specialization in health. The qualifications for a dentist employed for less than half time shall be a valid certificate issued by the Board of Dental Examiners. Any school district may employ and compensate dentists meeting the foregoing qualifications.

SEC. 2.1. Section 13296.1 is added to the Education Code, to read:

13296.1. The qualifications for a dental hygienist shall be a valid certificate issued by the Board of Dental Examiners of California and either a health and development credential or a standard designated services credential with a specialization in health.

SEC. 3. Section 13298 of the Education Code is amended to read:

13298. The qualifications for an optometrist employed on a half-time-or-more basis shall be a valid certificate issued by the State Board of Optometry and either a health and development credential or a standard designated services credential with a specialization in health. The qualifications of an optometrist employed for less than half time shall be a valid certificate issued by the State Board of Optometry. Any school district may employ and compensate optometrists meeting the foregoing qualifications.

SEC. 4. Section 13299 of the Education Code is repealed.

CHAPTER 465

An act to amend Section 1184.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 1184.1 of the Code of Civil Procedure is amended to read:

1184.1. Any person who, at the instance or request of the owner (or any other person acting by his authority or under him, as contractor or otherwise) of any lot or tract of land, demolishes or removes any improvements, trees, or other vegetation located thereon, or drills test holes thereon, or grades, fills in, or otherwise improves the same, or the street, highway, or sidewalk in front of or adjoining the same, or constructs or installs sewers or other public utilities therein, or constructs any areas, or vaults, or cellars, or rooms, under said sidewalks, or makes any improvements in connection therewith, has a lien upon said lot or tract of land for his work done and materials furnished.

CHAPTER 466

An act to amend Section 405.3 of the Probate Code, relating to nonresident executors.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 405.3 of the Probate Code is amended to read:

405.3. Service of process or a notice of a motion to be made under provisions of Section 385 of the Code of Civil Procedure shall be made by delivering to and leaving with the Secretary of State by the plaintiff or his attorney in any action or proceeding against the executor, two copies of the summons and complaint or notice of motion, and a copy of the statement filed by the executor under the provisions of Section 405.2 or, if such a statement has not been filed, a copy of the letters testamentary or of administration issued to the executor, together with a written statement signed by the party to the action seeking such service, or by his attorney, setting forth an address to which such process shall be sent by the Secretary of State. The Secretary of State shall forthwith mail by registered mail one copy of said summons and complaint or notice of motion to the executor at his address as shown in such statement delivered to the Secretary of State.

Personal service of such process or notice of motion upon the executor wherever found outside the state shall be the equivalent of service as herein in this section provided.

CHAPTER 467

An act to amend Section 5821 of the Streets and Highways Code, relating to property assessments.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 5821 of the Streets and Highways Code is amended to read:

5821. The board of supervisors may, in its resolution declaring its intention to order work done or improvements made or by separate resolution, declare its intention to order that the expenses of maintaining and operating any or all of said improvements or any or all other improvements such as are permitted to be constructed herein, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed, either partly or wholly, upon the real property or upon the land only lying within the district to be benefited by and to be assessed to pay the cost of the construction of said improvement, or upon such district as the board of supervisors shall determine will be benefited by the maintenance and operation of the improvements proposed to be maintained; the amounts so assessed to be levied and collected in the same manner and by the same officers as taxes for county purposes are levied and collected.

CHAPTER 468

An act relating to school district expenditures for salaries of classroom teachers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Notwithstanding any provisions of Article 5 (commencing with Section 17501) of Chapter 2 of Division 14 of the Education Code, a school district may apply to the Superintendent of Public Instruction, on or before June 30, 1967, for exemption from the provisions of Section 17503 for

purposes of moneys made unavailable for expenditure during the 1966–1967 fiscal year pursuant to that section.

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

The fiscal soundness of one or more comparatively low-wealth school districts has become substantially impaired during the closing months of the 1966–1967 fiscal year, due to the freezing of state apportionments because of failure to file the request for exemption on or before September 15, 1966.

CHAPTER 469

An act to add Section 172k to the Penal Code, relating to intoxicating liquor.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 172k is added to the Penal Code, to read:

172k. The provisions of Section 172 shall not apply to the sale or exposing or offering for sale of any intoxicating liquor on the premises of, and by the holder or agent of a holder of a retail off-sale general license as defined in the Alcoholic Beverage Control Act (commencing with Section 23000, Business and Professions Code), outside one-half mile of any building actually occupied as a home, retreat, or asylum for ex-soldiers, ex-sailors, and ex-marines of the Army or Navy of the United States, established by the United States within a county with a population of more than three million.

CHAPTER 470

An act to amend Section 35541 of the Health and Safety Code, relating to the temporary housing projects.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 35541 of the Health and Safety Code is amended to read:

35541. Except as otherwise provided in Sections 35541.5 and 35541.6, dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but

such dwelling structures shall be demolished and shall be demolished not later than one year after the 61st day after final adjournment of the 1971 Regular Session of the Legislature.

CHAPTER 471

An act to amend Section 2615 of the Labor Code, relating to Employee Housing Act.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 2615 of the Labor Code is amended to read:

2615. "Employee housing" means apartment houses, hotels, motels, or dwellings, where the employment of five or more employees is related to the management, maintenance, or operation of an apartment house, hotel, or motel.

CHAPTER 472

An act to amend Sections 13517 and 13521 of the Education Code, relating to school districts.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 13517 of the Education Code is amended to read:

13517. The governing board of any school district may arrange to pay the persons in positions requiring certification qualifications employed by it, or any one or more of such employees or one or more groups or categories of such employees, in either 10 or 11 or 12 equal payments instead of by the school month.

In lieu thereof, orders for the payment of salary, and payroll orders for the payment of salary and warrants for the payment of salary of employees employed in positions requiring certification qualifications may be drawn once each two weeks, twice a month, or once each four weeks as determined by the governing board.

SEC. 2. Section 13521 of the Education Code is amended to read:

13521. Each salary payment for any calendar month shall be paid not later than the fifth day of the succeeding calendar month except that teachers employed for less than full time in classes for adults, in a day or evening high school, in a

day or evening junior college, or in a special day or evening class maintained in connection with an elementary school may be paid on or before the 10th day of the succeeding calendar month.

If the school district provides for the payment of the salary of employees employed in positions requiring certification qualifications once each two weeks, twice a month, or once each four weeks, pursuant to Section 13517, each salary payment shall be made not later than the eighth working day of the following payroll period.

CHAPTER 473

An act to amend Section 16457 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 16457 of the Vehicle Code is amended to read:

16457. (a) Whenever proof of ability to respond in damages is required, no person of whom such proof is required shall drive any motor vehicle not covered by the certificate of proof of ability to respond in damages filed by him with the department, nor shall any applicant for such proof knowingly fail to disclose ownership of a motor vehicle in such application for proof of ability to respond in damages or to disclose any subsequently acquired motor vehicle.

(b) The department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same.

(c) The department may, upon receiving satisfactory evidence of his failure to disclose ownership of a motor vehicle when proof of ability to respond in damages is filed with the department, suspend or revoke his driving privilege.

CHAPTER 474

An act to amend Section 4453 of the Vehicle Code, relating to vehicle registration.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 4453 of the Vehicle Code is amended to read:

4453. The registration card shall contain upon the face thereof the date issued, the name and residence or business address of the owner and of the legal owner, if any, the registration number assigned to the vehicle, and a description of the vehicle as complete as that required in the application for registration of the vehicle.

The director may modify the form, arrangement, and information appearing on the face of the registration card and may provide for standardization and abbreviation of fictitious or firm names thereon whenever he finds that the efficiency of the department will be promoted thereby except that general delivery or post office box numbers shall not be permitted as the address of the registered owner unless there is no other address.

CHAPTER 475

An act to amend Sections 11509 and 11705 of the Vehicle Code, relating to actions against automobile dismantlers, dealers, transporters, and manufacturers.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 11509 of the Vehicle Code is amended to read:

11509. The department after notice and hearing may suspend, revoke or refuse to renew the certificate and license and special plates issued to an automobile dismantler upon determining that any such automobile dismantler is not lawfully entitled thereto, has made or knowingly or negligently permitted an illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application or other document filed with the department, failed to provide and maintain a clear physical division between the type of business licensed hereunder and any other type of business conducted at the established place of business, or has violated one or more terms and provisions of Divisions 3 (commencing with Section 4000) or 4 (commencing with Section 10500) or Chapter 3 (commencing with Section 11500) of Division 5, of this Code, or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code; or any of the rules and regulations adopted pursuant thereto; or has been convicted of a felony or a crime involving moral turpitude; or has purchased, or concealed, or had in his possession, or has otherwise acquired or disposed of a vehicle, knowing the same to be stolen; or has failed to meet and maintain the requirements for issuance of an automobile dismantler license and certificate and special plates as provided for in this code; or has failed to

pay within 30 days after written demand from the department any fees or penalties due on vehicles acquired for dismantling.

When a check, draft, or money order submitted to the department by a licensee dismantler for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to such dismantler.

Any of the causes specified in Section 11503 as a cause for refusal to issue a license and certificate to an automobile dismantler applicant, shall be cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to an automobile dismantler.

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

SEC. 2. Section 11705 of the Vehicle Code is amended to read:

11705. The department after notice and hearing may suspend, revoke or refuse to renew the license and certificate issued to a dealer, transporter, or manufacturer, upon determining that any said person is not lawfully entitled thereto, has made or knowingly or negligently permitted any illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for the registration of a vehicle or otherwise committed a fraud in such application, failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership, used duplicate dealers' reports of sale or copies contrary to the provisions of Section 4456, failed to provide and maintain a clear physical division between the type of business licensed hereunder and any other type of business conducted at the established place of business, or has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000), Division 4 (commencing with Section 10500), or Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 of this code, or any of the rules and regulations adopted pursuant to the provisions of Division 3 (commencing with Section 4000) or Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or Section 1651 of this code, or Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code, or Sections 2981 or 2982 of the Civil Code, or has been convicted of a felony or a crime involving moral turpitude.

When a check, draft, or money order submitted to the department by any transporter, manufacturer, or dealer for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to such transporter or dealer.

Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, or dealer applicant, shall be cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to a transporter or dealer.

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

CHAPTER 476

An act to amend Section 1800 of, to repeal Section 1801 of, and to add Section 1801 to, the Vehicle Code, relating to registration and license records.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 1800 of the Vehicle Code is amended to read:

1800. (a) The department shall file each application received for the registration of a vehicle and shall keep a record of each vehicle registered in suitable books, or on index cards as follows:

(1) Under a distinctive registration number assigned to the vehicle.

(2) Alphabetically, under the name of the owner.

(3) Under the motor or a permanent identifying number of the vehicle as may be determined by the department.

(4) In the discretion of the department, in any other manner it may deem desirable.

(b) The department shall file every application for a license to operate a motor vehicle received by it and maintain:

(1) A suitable index containing, in alphabetical order, all applications denied. On the applications shall be noted the reasons for such denial.

(2) A suitable index containing, in alphabetical order, all applications granted.

(3) A suitable index containing, in alphabetical order, the name of every licensee whose license has been suspended or revoked by the department or by a court and after each name note the reasons for the action and the period of revocation or suspension.

SEC. 2. Section 1801 of said code is repealed.

SEC. 3. Section 1801 is added to the Vehicle Code, to read:

1801. Whenever the department is required to maintain vehicle registration records and indexes, and driver's license records and indexes, they may be maintained by electronic recording and storage media.

CHAPTER 477

An act to amend Section 1873 of the Civil Code, relating to unclaimed property.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 1873 of the Civil Code is amended to read:

1873. The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county. Any city, city and county, or county adopting such an ordinance shall provide therein (1) that such unclaimed property except unclaimed bicycles, shall be held by the police department or sheriff for a period of at least four months, and that unclaimed bicycles shall be held for a period of at least three months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the chief of police or sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county.

CHAPTER 478

An act to amend Sections 246, 12504, 12518 and 12809 of, the Vehicle Code, relating to certificates of compliance and related documents.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 246 of the Vehicle Code is amended to read:

246. A "certificate of compliance" for the purposes of this code is a document issued by a state agency, board, or commission, or authorized person, setting forth that the requirements of a particular law, rule or regulation, within its jurisdiction to regulate or administer has been satisfied.

SEC. 2. Section 12504 of the Vehicle Code is amended to read:

12504. (a) The provisions of Sections 12502 and 12503 shall apply to any nonresident over the age of 16 years but under the age of 21 years, but the maximum period during which such nonresident may operate a motor vehicle in this state without obtaining a driver's license shall be limited to a

period of 10 days immediately following the entry of the nonresident into this state except as provided in subdivision (b) of this section.

(b) Any nonresident over the age of 16 years but under the age of 21 years who is a resident of a foreign jurisdiction which requires the licensing of drivers may continue to operate a motor vehicle in this state after 10 days from his date of entry into this state provided:

(1) He has a valid driver's license issued by such foreign jurisdiction in his immediate possession, and

(2) He has been issued and has in his immediate possession a nonresident minor's certificate, which is a certificate issued by the department upon filing "proof of ability to respond in damages," as defined in Section 16430, to a nonresident minor who holds a valid driver's license issued to him by his home state or country.

(c) Whenever any of the conditions for the issuance of a nonresident minor's certificate cease to exist the department shall cancel and require the surrender to it of the nonresident minor's certificate.

SEC. 3. Section 12518 of the Vehicle Code is amended to read:

12518. The provisions of Section 12504 shall apply to any nonresident who is under the age of 21 years and who is a member of the armed forces of the United States on active duty within this state, except that the maximum period during which such nonresident may operate a motor vehicle in this state without obtaining a driver's license or a nonresident minor's certificate shall be limited to a period of 60 days immediately following the entry of such nonresident into this state.

SEC. 4. Section 12809 of the Vehicle Code is amended to read:

12809. The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that such person has knowingly used a false or fictitious name in any application for a license or has impersonated another in making application or in taking any test, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

(f) If the applicant is convicted of any offense involving the use or possession of narcotics under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(g) If the applicant fails or refuses to surrender to the department, upon its lawful demand, a nonresident minor's certificate which has been canceled.

CHAPTER 479

An act to add Section 13747 to, and to repeal Sections 13747 and 13747.1 of, the Education Code, relating to reinstatement of resigned school employees.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 13747 of the Education Code is repealed.

SEC. 2. Section 13747 is added to the Education Code, to read:

13747. Any permanent classified employee of a school district who voluntarily resigns from his permanent classified position may be reinstated or reemployed by the governing board of the district, within 39 months after his last day of paid service and without further competitive examination, to a position in his former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status.

If the governing board elects to reinstate or reemploy a person as a permanent employee under the provisions of this section, it shall disregard the break in service of the employee and classify him as, and restore to him all of the rights, benefits and burdens of a permanent employee in the class to which he is reinstated or reemployed.

SEC. 3. Section 13747.1 of the Education Code is repealed.

CHAPTER 480

An act to add Chapter 5 (commencing with Section 16550) to Division 7 of the Vehicle Code, relating to transporters of motor vehicles.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Chapter 5 (commencing with Section 16550) is added to Division 7 of the Vehicle Code, to read:

CHAPTER 5. TRANSPORTERS OF MOTOR VEHICLES

16550. Every transporter of vehicles shall, except as to operations subject to regulation by the Public Utilities Commission, maintain ability to respond in damages resulting from the operation of his business and arising by reason of personal injury to, or death of, any one person, of at least ten thousand dollars ($10,000), and, subject to the limit of ten thousand dollars ($10,000) for each person injured or killed, of at least twenty thousand dollars ($20,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property of at least five thousand dollars ($5,000) resulting from any one accident. Ability to respond in damages may be maintained by either:

(a) Being insured under a motor vehicle liability policy against such liability.

(b) Obtaining a bond of the same kind, and containing the same provisions, as those bonds specified in Section 16434.

(c) By depositing with the department twenty-five thousand dollars ($25,000), which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section.

(d) Qualifying as a self-insurer under Section 16056.

The department shall return the deposit to the person entitled thereto when he is no longer required to maintain ability to respond in damages as required by this section or upon his death.

16551. The provisions of this chapter shall not prevent local authorities, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, licensing and regulating the operations of a transporter.

16552. No person shall engage in the business of a transporter without maintaining ability to respond in damages as required by this chapter.

16553. The department shall suspend the registration of all vehicles except vehicles subject to regulation by the Public Utilities Commission, which are registered in the name of any person convicted of violating Section 16552 immediately upon receipt of a duly certified abstract of the record of the court in which the person was convicted.

The suspension shall remain in effect and no such vehicle shall be registered in the name of the person until he gives the department proof of his ability to respond in damages as required in Section 16500.

CHAPTER 481

An act to amend Section 220 of the Vehicle Code, relating to automobile dismantlers.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

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

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

CHAPTER 482

An act to amend Sections 8802 and 11713 of, and to add Section 8803 to, the Vehicle Code, relating to licensees of the Department of Motor Vehicles.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 8802 of the Vehicle Code is amended to read:

8802. Whenever the department cancels, suspends, or revokes the registration of a vehicle or a certificate of ownership, registration card, or license plates, or any nonresident or other permit, the owner or person in possession shall immediately return the documents, plates, certificates, or other evidence of registration to the department.

SEC. 2. Section 8803 is added to the Vehicle Code, to read:

8803. Whenever the department cancels, suspends, or revokes the license of a dealer, manufacturer, transporter, dismantler, or salesman, the licensee or person in possession shall immediately return the license, documents, plates, certificates, and other evidence of license to the department

SEC. 3. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless such amount has in fact been paid by the dealer prior to such sale.

(i) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(j) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(k) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(l) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no down payment is required in connection with the sale of a vehicle when a down payment is in fact required and the buyer is advised or induced to finance such down payment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(m) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(n) To permit the use of his dealer's license, certificate, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles re-

quired to be registered under this code, or to permit the use of his dealer's license, certificate, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, certificate, supplies, or books to engage in the sale of vehicles.

(o) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

CHAPTER 483

An act to amend Sections 15601, 15602, 15831, 15832, 15834, 15835, 15870, 15872, and 18465, and to add Section 18465.5 and to repeal Section 15873 of the Elections Code, relating to punchcard voting.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 15601 of the Elections Code is amended to read:

15601. An election board may adopt a system provided for in this chapter for any or all precincts within its jurisdiction, and for any portion or all of any election. Such board may, from time to time, combine, rearrange, or enlarge the precincts for which such system is adopted, provided no direct primary or general election precinct shall include more than 1,000 voters, and may abandon such system as to all or any precincts or elections.

SEC. 2. Section 15602 of the Elections Code is amended to read:

15602. An election board may provide that the ballots cast in any precinct for which the system provided for in this chapter has been adopted shall be counted at the polls or at a central counting place, or places, as provided in this chapter.

SEC. 3. Section 15831 of the Elections Code is amended to read:

15831. As soon as the polls are finally closed, the precinct board shall remove the ballots from the box, take them out of the envelopes, but where such envelope is also the write-in ballot and a write-in vote has been registered thereon, the ballot card shall not be separated from the envelope until the validity of the write-in vote has been checked and the used envelope and its related ballot card have been cross-identified pursuant to Section 15832 and if two or more separate ballot cards have been used in the election, sort them into groups

each of which shall contain the same series of ballot cards. The precinct board shall next count the number of ballot cards in each group, and certify the number of votes cast on the voting roster as provided by Section 14215. If there is any discrepancy between the number of voters listed in the roster and the number of ballots voted, this fact shall be noted with an explanation of the difference and signed by all the members of the precinct board.

SEC. 4. Section 15832 of the Elections Code is amended to read:

15832. The precinct board, or if the election board so directs, a board, or boards, at a central counting place shall examine the ballots and count the votes cast for candidates whose names have been written in. If a separate write-in ballot is used, the board shall number each write-in ballot which contains a write-in vote, starting with the number 1, and the same number shall be placed on the ballot card in the place designated for this purpose. Before any such vote is counted the board shall examine the ballot to ascertain whether the write-in vote is valid, and count it only if it is found to be valid. A write-in vote shall not be counted if the voter has marked his ballot by a combination of punching or slotting the ballot card and writing in, a choice of more names than there are candidates to be elected or nominated for any office. However, the votes registered on the ballot card shall be counted. All valid write-in votes shall be tabulated and certified to the clerk on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

SEC. 5. Section 15834 of the Elections Code is amended to read:

15834. The precinct board shall group voted ballot cards and voted separate write-in ballots as directed by the county clerk and place them in containers. The board shall also place spoiled and void ballots and voided write-in ballots, if any, in containers as directed by the county clerk, all of which, along with the containers for voted ballot cards shall be placed in one or more boxes which shall then be sealed and delivered as soon as possible to the receiving centers or central counting places with the unused ballots, supplies, and other materials as directed by the county clerk.

SEC. 6. Section 15835 of the Elections Code is amended to read:

15835. A certificate of sealing shall be signed by the members of the precinct board and which shall certify to the following: The total number of voted ballot cards, void ballot cards, and voted write-in ballots placed in each container; the correctness of the tally or other documents placed with the delivery box; the board having carried out all of the duties imposed upon them by law; that the contents of the delivery

box were placed therein in the presence of the signers and the box then sealed for delivery.

SEC. 7. Section 15870 of the Elections Code is amended to read:

15870. All proceedings at a central counting place shall be open to the view of the public, but no persons except those designated for the purpose by the clerk or his authorized deputy shall touch any ballot cards or ballot container.

SEC. 8. Section 15872 of the Elections Code is amended to read:

15872. In preparing the voted ballot cards for processing, any ballot card that is torn, bent, or otherwise defective shall be corrected so that every vote cast by the voter shall be counted by the automatic tabulating equipment. If necessary, a true duplicate copy of the defective ballot card shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot card. All duplicate ballot cards shall be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot card.

SEC. 9. Section 15873 of the Elections Code is repealed.

SEC. 10. Section 18465 of the Elections Code is amended to read:

18465. Except as provided in Section 18465.5 if the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the board or person who canvasses the returns may issue and serve subpoenas requiring the attendance before it or him of the members of the precinct board.

If three-fourths or more of the members of the precinct board appear, they may be examined under oath concerning the manner in which the votes were counted in their precinct, and concerning the result of the count.

The board or person conducting the canvass may require the precinct board to open the envelopes containing the ballots, retally the ballots, and correct or complete its returns or its authentication thereof so that they shall show correctly the votes cast in the precinct for each candidate voted for and for or against each measure voted upon.

SEC. 11. Section 18465.5 is added to the Elections Code:

18465.5. In those counties where the election board provides for the ballots cast in any precinct to be counted at a central counting place or places, the board or person who canvasses the returns may appoint not less than three deputies to open the envelopes or containers in the precinct returns.

If, after examination by the board or person conducting the canvass or their deputies, any precinct returns are still incomplete, ambiguous, not properly authenticated, or otherwise defective, the board or person canvassing returns may require the attendance of the precinct board members before it or him as provided in Section 18465.

CHAPTER 484

An act to add Sections 775 and 776 to the Probate Code, relating to probate sales.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 775 is added to the Probate Code, to read:

775. If, after the confirmation of a sale of personal property pursuant to Section 755, the purchaser neglects or refuses to comply with the terms of the sale, the court, on motion of the executor or administrator, and after notice to the purchaser in the manner directed by the court, may vacate the order of confirmation and order a resale of the property. Notice of such resale shall be given and proceedings thereafter shall be taken in the manner provided in this chapter for a sale of personal property. If the amount realized on such resale does not cover the bid and the expenses of the previous sale, the defaulting purchaser at such previous sale is liable to the estate for any deficiency.

SEC. 2. Section 776 is added to the Probate Code, to read:

776. If the sale has not been vacated in accordance with the provisions prescribed in Section 775, then upon filing of a petition within 45 days after the confirmation of a sale showing that the purchaser at such sale has failed to complete the purchase and that a bid has been made for the property in the same or a higher amount, on the same or better terms, and in the manner prescribed in the original notice, the court may vacate the prior order of confirmation and make an order confirming the sale to the new high bidder; provided, that such notice as the court directs shall be given the defaulting purchaser, unless his written consent to the vacation of the order confirming sale to him is filed with the court. If the report and petition for confirmation of the second sale are not filed within 45 days of the confirmation of the first sale, the property may be resold only in the manner prescribed in Section 775.

CHAPTER 485

An act to amend Section 17701 of the Vehicle Code, relating to minors' drivers' licenses.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 17701 of the Vehicle Code is amended to read:

17701. No application for a driver's license or a duplicate driver's license shall be granted by the department to any minor unless it is signed and verified by the father and mother of such minor, if both father and mother are living and have custody of the minor.

If only one parent is living or has custody, the application shall be signed and verified by such parent.

If neither parent is living or has custody, the application shall be signed and verified by the guardian, or if there is no guardian, by a person having custody of the minor.

CHAPTER 486

An act to amend Section 21465 of the Vehicle Code, relating to official traffic control devices.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 21465 of the Vehicle Code is amended to read:

21465. No person shall place, maintain, or display upon, or in view of, any highway any unofficial sign, signal, device, or marking, or any sign, signal, device, or marking which purports to be or is an imitation of, or resembles, an official traffic control device or which attempts to direct the movement of traffic or which hides from view any official traffic control device.

CHAPTER 487

An act to amend Sections 38261, 38262 and 38263 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to milk containers.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 38261 of the Agricultural Code, as proposed by Senate Bill No. 1, as amended to read:

38261. Evaporated skim milk or condensed skim milk is skim milk from which a considerable portion of moisture has been evaporated It shall contain not less than 18 percent milk solids and not more than 75,000 bacteria per gram. Evaporated skimmed milk is the same as, and shall meet the same standards as, evaporated skim milk.

SEC. 2. Section 38262 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38262. It is unlawful for any person to sell at retail for consumption within this state any evaporated skim milk or condensed skim milk in any container other than an hermetically sealed container.

SEC. 2. Section 38263 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38263. Every hermetically sealed container which contains evaporated skim milk or condensed skim milk shall distinctly bear the name and address of the manufacturer of such product, together with the words "evaporated skim milk", "evaporated skimmed milk", "condensed skim milk", or "condensed skimmed milk" in roman letters of a size at least as large as the largest of any other words or letters which appear on the brand, indention, or label upon the container.

CHAPTER 488

An act to add Section 942.6 to the Streets and Highways Code, relating to county highways.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 942.6 is added to the Streets and Highways Code, to read:

942.6. The board of supervisors may delegate the powers contained in Section 942.5 to the county road commissioner.

CHAPTER 489

An act to amend Section 10506 of the Insurance Code, relating to insurers, pension funds, separate accounts, and issuance of annuities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 10506 of the Insurance Code is amended to read:

10506. (A) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the

company in connection with a pension, retirement or profit-sharing plan, and which are to be applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement. The company shall not hold itself out to be a trustee in respect to such amounts.

(B) This section shall not apply to amounts contributed by a participant who is entitled to retirement or other incidental benefits under a pension, retirement or profit-sharing plan, except, this provision shall not be construed to prevent contribution of amounts by a participant or application of amounts to the purchase of retirement or other incidental benefits under pension, retirement and profit-sharing plans established pursuant to the Self-Employed Individuals' Tax Retirement Act of 1962 nor shall it be construed to prevent contribution or application of amounts to the purchase of retirement or other incidental benefits under pension or retirement plans established pursuant to the provisions of Section 403(b) of the Internal Revenue Code of 1954 as amended.

(C) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for

variable benefits until said company has satisfied the commissioner that it has been engaged in transacting the business of life insurance for a period of at least two years and that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; and (c) the regulation of a foreign company by its state of domicile. The commissioner may make such reasonable rules and regulations as are necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

Provided, however, that no company may provide variable benefits in its contracts unless it is an admitted insurer having admissible assets of two hundred fifty million dollars ($250,000,000) or more, or combined capital and surplus of sixteen million dollars ($16,000,000) or more.

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

Various school districts of the state are contemplating purchase from life insurance companies of tax-sheltered variable annuity contracts for teachers under Section 403(b) of the Internal Revenue Code. In order to issue such contracts, a life insurance company must register a separate account with the Securities and Exchange Commission under the Investment Company Act of 1940, and the variable annuity contract must be similarly registered under the Securities Act of 1933.

A question has been raised as to whether a life insurance company may so register an account and contract unless the law of the state of domicile of the company preserves the integrity of the assets of the separate account by providing that such assets are not chargeable with liabilities arising out of other business operations of such life insurance company in order to preserve the account solely for the beneficiaries.

Life insurance companies domiciled in states having adequate protection of the separate account have completed registration requirements of the Securities and Exchange Commission, and, unless the amendment of Insurance Code Section 10506 is immediately effective, California school districts desiring to purchase such contracts will be unable to do business with life insurance companies domiciled in California and will be restricted to dealing with out-of-state companies.

CHAPTER 490

An act to amend Section 31453 of the Government Code, relating to the county employees' retirement system.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31453 of the Government Code is amended to read:

31453. An actuarial valuation shall be made within one year after the date on which any system established under this chapter becomes effective, and thereafter at not to exceed five-year intervals. The valuation shall be conducted under the supervision of an actuary and shall cover the mortality, service, and compensation experience of the members and beneficiaries, and shall evaluate the assets and liabilities of the retirement fund. Upon the basis of the investigation, valuation, and recommendation of the actuary, the board of retirement shall recommend to the board of supervisors such changes in the rates of interest, in the rates of contributions of members, and in county and district appropriations as are necessary. With respect to the rates of interest to be credited to members and to the county or district, the board of retirement may, in its sound discretion, recommend a rate which is higher or lower than the interest assumption rate established by the actuarial survey. No adjustment shall be included in the new rates for time prior to the effective date of the revision.

CHAPTER 491

An act to amend Section 31629 of the Government Code, relating to the county employees' retirement system.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31629 of the Government Code is amended to read:

31629. If a former member does not file proper application for the return of his accumulated contributions within 10 years after date of such notice to him, such accumulated contributions shall be deposited in and become a part of the current pension reserve fund, and thereafter the fund shall not be liable to such member for any portion of his accumulated contributions.

However, notwithstanding the fact that such an application has not been filed, the board of retirement may, in its sound discretion authorize the return of any deposit account 90 days after the 90-day notice referred to in Section 31628, provided that the former employee had less than five years' service credit with the county.

No return of any deposit account may be made by mail pursuant to this section unless the letter provided for in Section 31628 was receipted for by the former member and the signed receipt is in the possession of the board of retirement or the county treasurer.

CHAPTER 492

An act to amend Section 31527 of the Government Code, relating to the county employees retirement system.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31527 of the Government Code is amended to read:

31527. In its regulations, the board may include the following provisions:

(a) From what warrants deductions of members' contributions shall be made.

(b) For a period of time longer than one year during which a member may redeposit in the retirement fund an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of return to service.

(c) For a period of time longer than one year during which a member brought within the field of membership may pay into the retirement fund the amount equal to the contributions he would have made plus interest, if he had been a member from the date of its organization, or from the date of his entrance into county service, whichever is later.

(d) For a withdrawal charge against a member who withdraws his accumulated contributions. The withdrawal charge shall not exceed the interest credited to the member subsequent to the effective date of the regulation.

(e) For the exemption or exclusion from membership as a peace officer member or as a safety member or from membership altogether, in the discretion of the board, of persons whose tenure is temporary, seasonal, intermittent, or for part time only, or persons whose rate of compensation is less than eighty dollars ($80) a month, or persons whose compensation is fixed at a rate by the day or hour.

(f) For the periodic physical examination, at county expense of safety members.

(g) The amount of additional deductions from the salaries or wages of members pursuant to Article 15.5 or 16. Such a provision may be adopted in anticipation of, and prior to Article 15.5 or 16 becoming operative in the particular county.

(h) The day upon which each person entering the county employ becomes a member of the association if it is to be other than the first day of the calendar month after his entrance into the service, provided that said day shall be no later than six weeks after his entrance into the service.

CHAPTER 493

An act to amend Section 31664.6 of the Government Code, relating to the county employees' retirement system.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31664.6 of the Government Code is amended to read:

31664.6. If a member retires with credit for time during which he was not a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, he shall receive for such time:

(a) A retirement allowance calculated pursuant to Section 31664 for time during which he was employed principally in active law enforcement or active fire suppression as described in Section 31470.2 or 31470.4 by a county, or by a district or court organized or existing within such county, or was a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, plus a retirement allowance calculated under either (b) or (c) of this section, whichever is applicable.

(b) A retirement allowance calculated pursuant to Section 31664 for all prior county service with such county, and for any public service credit for which the member has elected to receive pursuant to Section 31641.1 or 31641.5.

This subdivision shall apply only to a member who, when the board of supervisors pursuant to Section 31695.1 provides that provisions of this chapter relating to safety members shall apply to all employees of the county whose principal duties consist of active law enforcement or active fire suppression as defined in Section 31470.2 or 31470.4, was employed by the county principally in active law enforcement or active fire supression as defined by such sections and who elected to be included within such safety member provisions at the time and in the manner prescribed by Section 31695.2.

(c) A retirement allowance calculated pursuant to Article 8 of this chapter for time during which he was not engaged principally in active law enforcement or active fire suppression

as described in Section 31470.2 or 31470.4, nor a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part.

This subdivision shall apply to any member to whom subdivision (b) is not applicable.

The provisions of this section shall be applicable irrespective of whether a member is, at the time of retirement, a safety member or a general member.

CHAPTER 494

An act to add Section 31790 to the Government Code, relating to the county employees' retirement system.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31790 is added to the Government Code, to read:

31790. Upon the death of any person before retirement which person shall have to his credit at least 10 years of service with the county or district, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of four hundred dollars ($400) to be provided from the contributions of the county or district.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions hereof applicable to the county.

CHAPTER 495

An act to amend Section 25504 of the Government Code, relating to county property.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 25504 of the Government Code is amended to read:

25504. The county purchasing agent may by direct sale or otherwise sell or dispose of any personal property belonging to the county not required for public use, subject to such regulations as may be provided by the board of supervisors. He shall pay the proceeds into the county treasury for the use of the county. Where the property is exchanged or traded in he shall secure its value in behalf of the county.

CHAPTER 496

An act to amend Section 31454 of the Government Code, relating to the county employees retirement system.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 31454 of the Government Code is amended to read:

31454. The board of supervisors shall immediately adjust the rates of interest, the rates of contributions of members, and county and district appropriations in accordance with the recommendations of the board of retirement, but shall not fix them in such amounts as to reduce the individual benefits provided in this chapter.

CHAPTER 497

An act to add Section 120 to the Business and Professions Code, relating to business and professional licenses.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 120 is added to the Business and Professions Code, to read:

120. The provisions of subdivision (a) of Section 119 shall not apply to a surviving spouse having in her possession or displaying a deceased spouse's canceled certified public accountant certificate or canceled public accountant certificate which has been canceled by official action of the State Board of Accountancy.

CHAPTER 498

An act to amend Section 28130 of the Government Code, relating to compensation of county officers.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 28130 of the Government Code is amended to read:

28130. In counties of the 30th class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, twelve thousand dollars ($12,000) a year.

2. The district attorney, eighteen thousand dollars ($18,000) a year and he shall not engage in private law practice during his term of office.

3. Each supervisor, six thousand dollars ($6,000) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

CHAPTER 499

An act to add Section 26470.2 to the Health and Safety Code, relating to poultry.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 26470.2 is added to the Health and Safety Code, to read:

26470.2. Poultry meat or poultry products condemned for human food and not requiring denaturing under the provisions of Chapter 3 (commencing with Section 24951) of Part 1 of Division 12 of the Agricultural Code and regulations relating thereto or the United States Department of Agriculture Poultry Products Inspection Act and regulations relating thereto, may be used for animal food providing it is properly decharacterized in accordance with inspection regulations and treated in such a manner as to render the product safe for animal feeding.

CHAPTER 500

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

June 30, 1967

I object to the following appropriations in Assembly Bill No. 303:

Item 54—For support of Department of Agriculture. I reduce this item from $12,197,451 to $12,132,451, by reducing paragraph (b) Operating Expenses and Equipment from $5,045,164 to $4,980,164.

Item 58—For support of California Museum of Science and Industry. I reduce this item from $978,046 to $912,849.

Item 59—For augmentation of California Museum of Science and Industry. I reduce this item from $527,603 to $462,406.

Item 67—For support of Institutions for Felons, Department of Corrections I reduce this item from $61,842,199 to $61,418,247 by reducing paragraph (a) Personal Services from $45,191,312 to $44,877,990, paragraph (b) Operating Expenses and Equipment from $18,598,186 to $18,487,556 and paragraph (c) Inmate Pay-Work Projects from $889,122 to $828,858 and less estimated reimbursements from $1,794,720 to $1,734,456.

Item 69—For support of Department of the Youth Authority. I reduce this item from $38,977,912 to $38,761,539 by reducing paragraph (a) Personal Services from $31,100,621 to $30,949,024, paragraph (b) Operating Expenses and Equipment from $8,578,974 to $8,522,778 and paragraph (c) Inmate Pay-Work Projects from $50,057 to $41,477.

Item 73—For support of Department of Education I reduce this item from $4,291,631 to $4,232,387 by reducing paragraph (a) Personal Services from $5,523,908 to $5,470,164 and paragraph (b) Operating Expenses and Equipment from $1,888,982 to $1,883,482.

Item 73 1—For support of Department of Education, for conversion of teacher certification procedure to an automatic data processing system. I eliminate this item

Item 75—For cooperation with the federal government for the improvement of instruction, National Defense Education, Title 3 I reduce this item from $540,305 to $327,813.

Item 77—For support of Office of Compensatory Education, Department of Education. I reduce this item from $264,615 to $249,315 by reducing paragraph (a) Personal Services from $876,612 to $861,312

Item 87—For support of Coordinating Council for Higher Education. I reduce this item from $515,970 to $495,970 by reducing paragraph (b) Operating Expenses and Equipment from $196,344 to $176,344

Item 89—For support of University of California I reduce this item from $235,046,415 to $229,107,288.

Item 91 1—For research in watershed management, University of California. I eliminate this item.

Item 95—For support of Trustees of the California State Colleges. I reduce this item from $189,094,216 to $187,380,344 by reducing paragraph (a) Personal Services from $198,121,809 to $196,943,833 as follows:

Chico State College	from	$8,624,273	to	$8,555,368
State College, Dominguez Hills	from	1,277,197	to	1,271,839
Fresno State College	from	11,886,253	to	11,823,592
State College at Fullerton	from	8,116,339	to	8,060,514
State College at Hayward	from	7,304,591	to	7,211,285
Humboldt State College	from	5,588,615	to	5,559,367
State College at Long Beach	from	19,260,735	to	19,179,939
State College at Los Angeles	from	20,012,932	to	19,907,203
Sacramento State College	from	11,096,597	to	11,047,478
State College at San Bernardino	from	2,231,448	to	2,182,754
San Diego State College	from	18,768,139	to	18,684,150
San Fernando Valley State College	from	14,273,122	to	14,186,327
San Francisco State College	from	20,345,009	to	20,240,529
San Jose State College	from	23,276,795	to	23,165,187
Sonoma State College	from	2,862,855	to	2,814,193
Stanislaus State College	from	1,914,274	to	1,887,661
California State Polytechnic College, Kellogg-Voorhis	from	7,852,350	to	7,793,891

California State Polytechnic College, San Luis Obispo from $11,087,500 to $11,029,771 and paragraph (b) Operating Expenses and Equipment from $29,173,834 to $28,637,938 as follows:

Chico State College	from	1,335,341	to	1,311,623
State College, Dominguez Hills	from	496,291	to	494,751
Fresno State College	from	1,642,357	to	1,614,274
State College at Fullerton	from	1,482,872	to	1,456,808
State College at Hayward	from	1,041,992	to	1,020,153
Humboldt State College	from	868,684	to	851,517
State College at Long Beach	from	2,837,051	to	2,784,868
State College at Los Angeles	from	2,128,073	to	2,070,746
Sacramento State College	from	1,584,294	to	1,556,532
State College at San Bernardino	from	456,331	to	449,188
San Diego State College	from	2,705,876	to	2,652,237
San Fernando Valley State College	from	2,061,362	to	2,017,762
San Francisco State College	from	2,824,030	to	2,782,290
San Jose State College	from	2,702,402	to	2,641,092
Sonoma State College	from	434,742	to	426,450
Stanislaus State College	from	398,120	to	389,689
California State Polytechnic College, Kellogg-Voorhis	from	1,207,771	to	1,184,385
California State Polytechnic College, San Luis Obispo	from	1,878,028	to	1,845,356

Item 95.5—For support of California State Colleges I reduce this item from $100,938 to $53,470 by eliminating paragraph (a) Quarter system operation—Humboldt State College for $47,468

Item 95.6—For support of the California State Colleges I reduce this item from $1,247,059 to $226,766 by eliminating paragraph (b) Teaching faculty sabbatical leave augmentation for $600,000 and (c) Special leaves for research and creative activity for $100,000, by reducing (d) Moving expense—faculty recruitment from $202,000 to $80,000 and (e) Recruitment interview expenses from $40,000 to $20,000, and by eliminating (h) New college for $147,116 and (i) DeBellis library collection for $22,177.

Item 95.8—For allocation by the Department of Finance to the Trustees of the California State Colleges and the California State Colleges in augmentation of their support appropriations for automatic data processing services I eliminate this item

Item 96—For support of California Maritime Academy I reduce this item from $644,494 to $618,291 by reducing paragraph (a) Personal Services from $743,359 to $735,256 and paragraph (b) Operating Expenses and Equipment from $304,609 to $286,509

Item 97—For support of State Scholarship and Loan Commission I reduce this item from $6,539,645 to $6,453,265 by reducing paragraph (a) Personal Services from $209,691 to $204,237 and paragraph (b) Operating Expenses and Equipment from $6,410,374 to $6,329,448.

Item 103—For support of Board of Control I reduce this item from $97,342 to $94,138.

Item 109—For support of State Board of Equalization I reduce this item from $19,952,693 to $19,925,343 by reducing paragraph (b) Operating Expenses and Equipment from $5,080,241 to $5,052,891

Item 116—For support of Franchise Tax Board I reduce this item from $12,925,198 to $12,915,198 by reducing paragraph (b) Operating Expenses and Equipment from $2,452,246 to $2,442,246

Item 123—For support of the Department of Mental Hygiene I reduce this item from $5,236,524 to $5,089,374 by reducing paragraph (a) Personal Services from $3,953,785 to $3,878,785 and paragraph (b) Operating Expenses and Equipment from $1,868,155 to $1,796,005

Item 126—For support of the hospitals for the mentally ill, Department of Mental Hygiene I reduce this item from $123,437,558 to $111,976,799 by reducing paragraph (a) Personal Services from $107,708,224 to $96,247,465

Item 194—For support of Public Utilities Commission I reduce this item from $5,551,694 to $5,541,590 by reducing paragraph (a) Personal Services from $8,573,730 to $8,557,004, paragraph (b) Operating Expenses and Equipment from $2,018,081 to $2,046,434 and paragraph (d) Amount payable from the Transportation Rate Fund (Item 195) from $4,980,117 to $4,971,848

Item 195—For support of Public Utilities Commission I reduce this item from $4,980,117 to $4,971,848.

Item 197—For support of Department of Conservation I reduce this item from $33,218,106 to $31,338,804 by reducing paragraph (a) Personal Services from $32,193,083 to $31,073,962, paragraph (b) Operating Expenses and Equipment from $10,251,269 to $9,422,605 and paragraph (d) Estimated reimbursements from $8,264,255 to $8,195,772

Item 200—For allotment, for prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation I reduce this item from $2,353,996 to $2,339,407 by reducing paragraph (a) Kern County from $590,626 to $576,037

Item 201—For direct allotment to the United States Forest Service for prevention and suppression of forest fires on private and state owned lands located within and adjacent to the boundaries of United States national

forests within this state, Department of Conservation. I reduce this item from $1,460,388 to $1,408,844

Item 216.4—For support of Department of Parks and Recreation to be allocated by the Department of Finance for a deferred maintenance program I reduce this item from $600,000 to $135,000

Item 217—For transfer to the Water Resources Revolving Fund I reduce this item from $10,474,430 to $10,438,430 by reducing paragraph (b) Water Development planning from $6,038,082 to $6,002,082

Item 241—For support of Service Center Program I reduce this item from $5,784,327 to $3,481,165 by reducing paragraph (a) General Fund from $5,364,140 to $3,243,731, and paragraph (b) Department of Employment Contingent Fund from $420,187 to $237,484

Item 243—For support of California Arts Commission I reduce this item from $158,270 to $145,728 by reducing paragraph (b) Operating Expenses and Equipment from $147,776 to $135,234

Item 253—For salary increases for graduate, registered and public health nursing classes and for psychiatric technician classes I reduce this item from $11,548,505 to $5,866,880 by reducing paragraph (a) salaries set by the State Personnel Board or other salary fixing authority from $11,128,359 to $5,538,034, paragraph (b) salaries set by the Regents of the University of California from $276,200 to $214,800 and paragraph (c) salaries set by the Trustees of the California State Colleges from $143,946 to $114,046.

Item 253.1—For university salary increases for faculty positions I reduce this item from $6,595,200 to $4,466,000

Item 253.2—For California State Colleges' salary increases for class and rank positions I reduce this item from $3,913,418 to $0 by reducing paragraph (a) for salary increase for class and rank positions from $9,878,673 to $5,766,916 and prior year appropriation applicable from $5,965,255 to $5,766,916

Item 253.3—For university salary increases for the 1968–69 fiscal year for faculty positions I eliminate this item

Item 253.4—For California State Colleges salary increases for the 1968–69 fiscal year for class and rank positions I eliminate this item

Item 253.5—For salary increases for employees in the state service other than academic and instructional positions I reduce this item from $32,149,277 to $32,066,608 by reducing paragraph (a) State Personnel Board or other salary fixing authority from $23,289,074 to $23,261,021 and paragraph (b) Regents of the University of California from $5,719,340 to $5,664,724

Item 253.6—For university salary increases for faculty-related positions I reduce this item from $2,375,717 to $2,361,636

Item 253.7—For California State Colleges' salary increases for instructional-related positions I reduce this item from $323,494 to $125,155.

Item 269—For support of Department of Education I reduce this item from $12,500,000 to $11,000,000

Item 274—For assistance to public libraries, Division of Libraries, Department of Education I reduce this item from $1,200,000 to $800,000

Item 284—For the cost of special social service programs, Department of Social Welfare I reduce this item from $16,239,265 to $16,138,770 by reducing paragraph (b) Specialized Services for children from $26,716,191 to $26,570,641, paragraph (e) Distressed Areas Rehabilitation Project from $267,320 to $40,000, and paragraph (f) Estimated grants from the federal government from $25,997,391 to $25,725,016

Item 286.5—To pay the state's share of the cost of local participation required and to make advances to meet the federal share in connection with the Orange County Beach Erosion Control Project, Department of Water Resources I eliminate this item

Item 292—For grants to soil conservation districts, Department of Conservation I reduce this item from $100,000 to $23,000

Item 296.5—For the purpose of a loan or grant to City of Crescent City to enable it to meet any payment or commitment necessary to carry out its responsibilities under any project carried out pursuant to the Community Redevelopment Financial Assistance and Disaster Project Law, State Allocation Board I eliminate this item

Item 298.5—For apportionment by the State Controller to cities and counties producing tideland revenues, in accordance with Section 6817 of the Public Resources Code I eliminate this item

Item 299—For capital outlay, Department of General Services I reduce this item from $1,400,506 to $1,300,506 by eliminating paragraph (d) Working drawings for office building—San Jose.

Item 299.5—For capital outlay, Department of General Services I eliminate this item

Item 300—For capital outlay, Department of General Services I reduce this item from $180,000 to $150,000 by eliminating the construction of a pedestrian mall at the Fresno State Building

Item 300.1—For capital outlay, Department of General Services. I eliminate this item.

Item 319—For capital outlay Department of California Highway Patrol. I reduce this item from $1,120,837 to $672,780 by eliminating paragraph (g) Contingency fund for property acquisition.

Item 329—For capital outlay Department of Parks and Recreation I reduce this item from $1,515,000 to $1,015,000 by eliminating paragraph (h) Plumas-Eureka State Park—for development $50,000, and by reducing paragraphs (g) Columbia State Historic Park—historic building restoration from $100,000 to $50,000 and (i) Pueblo de Los Angeles State Historical Monument—for restoration from $500,000 to $100,000

With respect to Section 19 6, it is my intention to limit any appropriation contained in the Budget Act of 1968 in the implementation of this section to the amount of $6,200,000 The State Scholarship Commission and other persons concerned in the awarding of scholarships and graduate fellowships should govern themselves accordingly.

With these reductions and deletions, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1967."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1967–68 fiscal year beginning July 1, 1967, and ending June 30, 1968. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$645,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,800
3—For expenses of Members of the Senate	180,000
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate to be transferred by the State Controller to the Senate Contingent Fund	3,322,983
5—For salaries of Assemblymen	1,290,000
6—For mileage of Assemblymen and statutory officers of the Assembly	3,600

Item		Amount
7—For expenses of Members of the Assembly		360,000
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly to be transferred by the State Controller to the Assembly Contingent Fund		9,022,512
8.5—For expenses of Joint Legislative Committee for the revision of the Penal Code		45,650
9—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.		1,000
10—For legislative printing, binding, mailing and other necessary expenses and in addition thereto, any amounts received from the sale of legislative publications		1,850,000
10.1—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to a fund, hereby created, the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution		2,978,000
11—For support of Legislative Counsel Bureau, in accordance with the following schedule		1,175,872
Schedule:		
(a) Personal Services	1,075,569	
(b) Operating Expenses and Equipment	120,303	
Total of schedule	1,195,872	
Less estimated reimbursements	20,000	
Net appropriation	1,175,872	
12—For support of California Law Revision Commission, in accordance with the following schedule		144,251
Schedule:		
(a) Personal Services	103,947	
(b) Operating Expenses and Equipment	40,304	
Total of schedule	144,251	
13—For support of California Commission on Uniform State Laws		11,500

Item	Amount
14—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code	510,000

JUDICIAL

15—For support of Supreme Court of California	1,335,217
16—For support of Judicial Council	479,006
17—For support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council	70,000
In addition, funds appropriated by this act for salaries of judges of any court which are unexpended, may be transferred by the Director of Finance for expenditure for salaries of judges assigned by the Chairman of the Judicial Council during the 1967–68 fiscal year, in such amounts as may be deemed necessary by the Director of Finance.	
18—For support of Commission on Judicial Qualifications	34,261
19—For support of Court of Appeal, First Appellate District	878,642
20—For support of Court of Appeal, Second Appellate District	1,282,979
21—For support of Court of Appeal, Third Appellate District	297,394
22—For support of Court of Appeal, Fourth Appellate District	516,579
23—For support of Court of Appeal, Fifth Appellate District	241,757

EXECUTIVE

24—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	1,449,963
25—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	17,400
26—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	15,000
27—For support of Office of Consumer Counsel, including the expenses of advisory committees appointed under Section 12057 of the Government Code	31,778

Item		Amount
28—For support of California Office of Economic Opportunity in the Governor's office, in accordance with the following schedule		63,330
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
Schedule:		
(a) Technical assistance program	490,424	
(b) Migrant program	142,880	
Total of schedule	633,304	
Less estimated grants from the federal government	569,974	
Net appropriation	63,330	
29—For allocation by the Department of Finance to the various state agencies as required for cooperation with the federal government in programs resulting from the Economic Opportunity Act of 1964, Pubic Law 88-452, in augmentation of their respective appropriations for support, Budget Act of 1967		200,000
30—For support of Office of Tourism and Visitor Service		79,641
31—For support of California Disaster Office, California State Disaster Council and advisory committees		1,000,000
and in addition, any amounts received from federal grants or other sources.		
32—For support of Intergovernmental Council on Urban Growth, as provided by Sections 34200 through 34212 of the Government Code		25,000
32.1—For support of Youth and Adult Corrections Agency, in accordance with the following schedule		92,073
Schedule:		
(a) Personal Services	65,670	
(b) Operating Expenses and Equipment	26,403	
Total of schedule	92,073	
32.2—For support of Health and Welfare Agency, in accordance with the following schedule		102,071
Schedule:		
(a) Personal Services	77,548	
(b) Operating Expenses and Equipment	27,358	
Total of schedule	104,906	

Item		Amount
Less estimated reimbursements	2,835	
Net appropriation	102,071	
32.3—For support of Resources Agency, in accordance with the following schedule		166,060
Schedule:		
(a) Personal Services	112,631	
(b) Operating Expenses and Equipment	53,429	
Total of schedule	166,060	
32.4—For support of Transportation Agency, payable from the Motor Vehicle Fund, in accordance with the following schedule		79,905
Schedule:		
(a) Personal Services	62,434	
(b) Operating Expenses and Equipment	17,471	
Total of schedule	79,905	
33—For support of Lieutenant Governor, in accordance with the following schedule		171,127
Schedule:		
(a) Personal Services	120,992	
(b) Operating Expenses and Equipment	50,135	
Total of schedule	171,127	

GENERAL ADMINISTRATION

34—For support of Board of Administration of the State Employees' Retirement System, to be transferred to Item 35, Budget Act of 1967, upon order of the Department of Finance		22,500
35—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code, in accordance with the following schedule		2,301,793
Schedule:		
(a) Personal Services	2,180,217	
(b) Operating Expenses and Equipment	835,935	
Total of schedule	3,016,152	
Less estimated amounts available from other sources:		
(c) Reimbursements	418,188	

Item		Amount
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 36)	273,671	
(e) Amount payable from General Fund (Item 34)	22,500	
Net appropriation	2,301,793	
36—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code		273,671
37—For support of Department of General Services, in accordance with the following schedule		5,129,525
Schedule:		
(a) Personal Services	14,969,542	
(b) Operating Expenses and Equipment	4,024,451	
Total of schedule	18,993,993	
Less estimated amounts available from other sources:		
(c) Reimbursements	12,882,257	
(d) Amount payable from the State School Building Aid Fund (Item 38)	967,742	
(e) Amount payable from the Street and Highway Disaster Fund	14,469	
Net appropriation	5,129,525	
38—For support of Department of General Services, payable from the State School Building Aid Fund		967,742
39—For payment of automobile liability claims and salaries and expenses incident to investigation, adjustment and defense thereof, or for premiums for automobile liability insurance, Department of General Services, in accordance with the following schedule		283,347
Schedule:		
(a) Expenses	994,200	
Total of schedule	994,200	
Less estimated reimbursements	710,853	
Net appropriation	283,347	
42—For augmentation of the Service Revolving Fund, to be transferred by the State Con-		

Item	Amount
troller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	
43—For expenditure by Office of State Printing, Department of General Services, including cost of a study of further improvement of the printing service function with approval of the Director of Finance. payable from the Service Revolving Fund, in accordance with the following schedule	19,175,104
Schedule:	
(a) Personal Services 8,868,721	
(b) Operating Expense and Equipment 10,306,383	
Total of schedule 19,175,104	
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	
44—For expenditure by Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing, in accordance with the following schedule	17,749,542
Schedule:	
(a) Personal Services 3,681,516	
(b) Operating Expenses and Equipment 14,068,026	
Total of schedule 17,749,542	
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	
45—For expenditures by Office of Architecture and Construction. Department of General Services, payable from the Architecture Revolving Fund. for the purposes specified in Section 14957 of the Government Code. in accordance with the following schedule	8,069,687

Item		Amount
Schedule:		
(a) Personal Services	7,604,504	
(b) Operating Expenses and Equipment	1,078,880	
Total of schedule	8,683,384	
Less estimated reimbursements	613,697	
Net appropriation	8,069,687	
provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation.		
46—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund, in accordance with the following schedule		1,475,991
Schedule:		
(a) Personal Services	1,195,575	
(b) Operating Expenses and Equipment	280,416	
Total of schedule	1,475,991	
47—For support of California State Fair and Exposition, Department of General Services, payable from the State Fair Fund		3,016,732
provided, that $83,840 of the amount appropriated by this item shall not be available for expenditures until allocated by executive order of the Director of Finance.		
48—For augmentation of the State Fair Fund to be transferred to the State Fair Fund by the State Controller provided, that $83,840 of the amount appropriated by this item shall not be available for expenditure until allocated by executive order of the Director of Finance.		175,668
And in addition, there is appropriated from the General Fund, not to exceed $250,000, to be made available upon order of the Department of Finance upon such terms and conditions for repayment as may be prescribed by the Department of Finance, for temporary loans to the State Fair Fund to meet cash needs.		
49—For support of Capitol Building and Planning Commission		2,250

Item		Amount
50—For support of Commission on California State Government Organization and Economy		49,490
51—For support of California Commission on Interstate Cooperation		74,620
51.1—For support of California Commission on Interstate Cooperation for the San Francisco Office of the Council of State Governments		10,000
52—For support of State Personnel Board, in accordance with the following schedule		4,575,269
Schedule:		
(a) Personal Services	4,174,869	
(b) Operating Expenses and Equipment	1,010,698	
Total of schedule	5,185,567	
Less estimated reimbursements	610,298	
Net appropriation	4,575,269	
53—For support of Secretary of State, in accordance with the following schedule		1,062,574
Schedule:		
(a) Personal Services	710,729	
(b) Operating Expenses and Equipment	357,885	
Total of schedule	1,068,614	
Less estimated reimbursements	6,040	
Net appropriation	1,062,574	

AGRICULTURE

54—For support of Department of Agriculture, in accordance with the following schedule		12,197,451
Schedule:		
(a) Personal Services	17,889,217	
(b) Operating Expenses and Equipment	5,045,164	
Total of schedule	22,934,381	
Less estimated amounts available from other sources:		
(c) Reimbursements	824,685	
(d) Amount payable from the Department of Agriculture Fund (Item 56)	9,672,022	
(e) Amount payable from the Fair and Exposition Fund (Item 57)	192,542	

Item	Amount
(f) Federal funds ---------- 47,681	
Net appropriation ----- 12,197,451 provided, that $65,000 of the amount appropriated for milk inspection services in this item shall be available for expenditure only upon enactment of AB 887 in the 1967 session of the Legislature.	
55—For cooperation with the federal government in marketing research under the provisions of Public Law 733, 79th Congress and Section 1286 of the Agricultural Code. Department of Agriculture ----------	68,113
56—For support of Department of Agriculture, payable from the Department of Agriculture Fund ----------	9,672,022
57—For support of Department of Agriculture, payable from the Fair and Exposition Fund-	192,542
57.1—The sum of $302,700 of the money appropriated by Section 19627 of the Business and Professions Code, for support of district agricultural fairs or combined county and district agricultural fairs. is hereby reappropriated from the Fair and Exposition Fund during the 1967–68 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	
57.2—The sum of $25,000 of the money appropriated by subdivision (c) of Section 19622 of the Business and Professions Code. for support of the 1-A District Agricultural Association, is hereby reappropriated from the Fair and Exposition Fund during the 1967–68 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	
57.3—The sum of $12,500 of the money appropriated by subdivision (d) of Section 19622 of the Business and Professions Code, for support of the 48th District Agricultural Association, is hereby reappropriated from the Fair and Exposition Fund during the 1967–68 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	
58—For support of California Museum of Science and Industry, Department of Agriculture, payable from the California Museum of Science and Industry Fund----------	978,046

Item		Amount
59—For augmentation of California Museum of Science and Industry Fund, to be transferred to the California Museum of Science and Industry Fund by the State Controller		527,603
60—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund		74,647

CORRECTIONS

63—For support of Departmental Administration, Adult Authority, California Women's Board of Terms and Parole and Board of Corrections, Department of Corrections, in accordance with the following schedule		10,496,016
Schedule:		
(a) Personal Services	8,470,458	
(b) Operating Expenses and Equipment	2,253,600	
Total of schedule	10,724,058	
Less estimated reimbursements	228,042	
Net appropriation	10,496,016	
64—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 6400 et seq. and 11190 et seq. of the Penal Code and Sections 3295 and 3297 of the Health and Safety Code, in accordance with the provisions of Section 26749 of the Government Code		112,500
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred.		
65—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code		315,000
66—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		202,500

Item		Amount
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month on which such court costs and county charges were incurred.		
66.5—For support of departmental administration and institutions for felons, Department of Corrections, to be transferred to and in augmentation of Items 63 and 67, Budget Act of 1967, upon order of the Department of Finance		1,041,701
67—For support of the institutions for felons, Department of Corrections, in accordance with the following schedule		61,842,199
Schedule:		
(a) Personal Services	45,191,312	
(b) Operating Expenses and Equipment	18,598,186	
(c) Inmate Pay—Work Projects	889,122	
Less unscheduled reduction	1,041,701	
Total of schedule	63,636,919	
Less estimated reimbursements	1,794,720	
Net appropriation	61,842,199	
68—For support of Rehabilitation Center, Department of Corrections, in accordance with the following schedule		5,858,169
Schedule:		
(a) Personal Services	4,593,523	
(b) Operating Expenses and Equipment	1,279,112	
(c) Inmate Pay—Work Projects	17,229	
Total of schedule	5,889,864	
Less estimated reimbursements	31,695	
Net appropriation	5,858,169	
69—For support of Department of the Youth Authority, in accordance with the following schedule		38,977,912
Schedule:		
(a) Personal Services	31,100,621	
(b) Operating Expenses and Equipment	8,578,974	
(c) Inmate Pay—Work Projects	50,057	
Total of schedule	39,729,652	
Less estimated reimbursements	751,740	
Net appropriation	38,977,912	

Item		Amount
70—For deportation of nonresidents committed to Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		35,490
71—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators		52,620

EDUCATION

72—For payment of the state's share of the operating costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education		22,800
73—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule		4,291,631
Schedule:		
(a) Personal Services	5,523,908	
(b) Operating Expenses and Equipment	1,888,982	
Total of schedule	7,412,890	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,189,998	
(d) Amount payable from State School Building Aid Fund (Item 74)	185,800	
(e) Federal funds	745,461	
Net appropriation	4,291,631	
73.1—For support of Department of Education for conversion of teacher certification procedure to an automatic data processing system		209,000
74—For support of Department of Education, payable from the State School Building Aid Fund, in accordance with the following schedule		200,900
Schedule:		
(a) Department of Education	185,800	
(b) Office of Compensatory Education	15,100	
Total of schedule	200,900	

75—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense

Item		Amount
Education Act of 1958, Department of Education		540,305
76—For cooperation with the federal government for the improvement of statistical services under the provisions of Title 10 of the National Defense Education Act of 1958, Department of Education		45,000
77—For support of Office of Compensatory Education, Department of Education, in accordance with the following schedule		264,615
Schedule:		
(a) Personal Services	876,612	
(b) Operating Expenses and Equipment	284,937	
Total of schedule	1,161,549	
Less estimated amounts available from other sources:		
(c) Reimbursements	94,953	
(d) Federal funds	786,881	
(e) Amount payable from State School Building Aid Fund (Item 74)	15,100	
Net appropriation	264,615	
78—For support of California School for the Blind, in accordance with the following schedule		882,293
Schedule:		
(a) Personal Services	797,157	
(b) Operating Expenses and Equipment	211,289	
Total of schedule	1,008,446	
Less estimated amounts available from other sources:		
(c) Reimbursements	89,200	
(d) Federal grants	36,953	
Net appropriation	882,293	
79—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule		601,977
Schedule:		
(a) Personal Services	537,314	
(b) Operating Expenses and Equipment	89,393	
Total of schedule	626,707	

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	16,230	
(d) Federal grants	8,500	
Net appropriation	601,977	
80—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		548,556
Schedule:		
(a) Personal Services	487,178	
(b) Operating Expenses and Equipment	81,042	
Total of schedule	568,220	
Less estimated amounts available from other sources:		
(c) Reimbursements	11,164	
(d) Federal grants	8,500	
Net appropriation	548,556	
81—For support of California School for the Deaf, Berkeley, in accordance with the following schedule		2,083,874
Schedule:		
(a) Personal Services	1,995,992	
(b) Operating Expenses and Equipment	400,301	
Total of schedule	2,396,293	
Less estimated amounts available from other sources:		
(c) Reimbursements	194,216	
(d) Federal grants	118,203	
Net appropriation	2,083,874	
82—For support of California School for the Deaf, Riverside, in accordance with the following schedule		2,219,626
Schedule:		
(a) Personal Services	2,136,068	
(b) Operating Expenses and Equipment	355,639	
Total of schedule	2,491,707	
Less estimated amounts available from other sources:		
(c) Reimbursements	146,772	
(d) Federal grants	125,309	
Net appropriation	2,219,626	

Item		Amount
83—For support of State Educational Agency for Surplus Property, payable from the Surplus Educational Property Revolving Fund, in accordance with the following schedule		3,029,302
Schedule:		
(a) Personal Services	1,600,878	
(b) Operating Expenses and Equipment	1,443,424	
Total of schedule	3,044,302	
Less estimated reimbursements	15,000	
Net appropriation	3,029,302	
84—For support of vocational education, Department of Education, in accordance with the following schedule		800,584
Schedule:		
(a) Personal Services	1,798,893	
(b) Operating Expenses and Equipment	1,098,614	
Total of schedule	2,897,507	
Less estimated amounts available from other sources:		
(c) Reimbursements	96,965	
(d) Federal grants	1,999,958	
Net appropriation	800,584	
85—For support of Division of Libraries, Department of Education, Public Library Development Board and Board of Library Examiners, in accordance with the following schedule		1,619,626
Schedule:		
(a) Personal Services	1,272,710	
(b) Operating Expenses and Equipment	4,582,756	
Total of schedule	5,855,466	
Less estimated amounts available from other sources:		
(c) Reimbursements	121,608	
(d) Federal funds	4,114,232	
Net appropriation	1,619,626	
86—For support of State Teachers' Retirement System, in accordance with the following schedule		1,259,679
Schedule:		
(a) Personal Services	1,023,596	

Item		Amount
(b) Operating Expenses and Equipment	236,083	
Total of schedule	1,259,679	

HIGHER EDUCATION

87—For support of Coordinating Council for Higher Education, in accordance with the following schedule		515,970
Schedule:		
(a) Personal Services	445,687	
(b) Operating Expenses and Equipment	196,344	
Total of schedule	642,031	
Less estimated amounts available from other sources:		
(c) Federal funds	126,061	
Net appropriation	515,970	
88—For payment of the state's share of the operating costs of the Western Interstate Commission for Higher Education, Coordinating Council for Higher Education		15,000
89—For support of University of California, exempt from Section 31 of this act		235,046,415

Agricultural extension shall propose a system of appropriate charges for the services it provides for the agricultural community and related industries which will reduce General Fund contributions in subsequent budgets.

Any state subsidy not required for teaching patient care at the university's teaching hospitals as a result of teaching patient income from Medi-Cal and Medicare shall be held in reserve to offset hospital subsidy requirements for 1968–69. This includes all funds received by the university teaching hospitals at UCLA and UCSF for Medi-Cal and Medicare teaching patients for 1967–68 above the estimated net amount of $2,567,580 available for subsidy use. This net amount shall not be calculated to be less than 64.6 percent of the gross income from these sources, estimated to be $3,976,900 for this period. Gross income from these sources shall be reported, and the method used in determining the net available for subsidy shall be approved by the Department of Finance and the Legislative Analyst.

General Fund support for agricultural research shall not be reduced by an amount

Item	Amount
more than its percentage of the total organized research budget including state and nonstate funds (24.7 percent, the latest actual three-year average).	
General Fund support in university extension shall be for the following programs: professional upgrading $283,000, radio and television $133,000, low density population $210,000.	
In 1968–69 the 50–50 sharing of federal overhead funds will be terminated and the entire amount will be applied to that year's budget.	
89.1—For Contingency Fund, University of California, to be expended for contingencies only on written authorization of the president of the university	1,000,000
provided, that each such authorization shall be filed with the Department of Finance and the Joint Legislative Budget Committee on October 1 and December 31 by the president of the university along with a detailed statement of the reasons and amount of each such authorization.	
90—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act	334,900
91—For research in dermatology, University of California, exempt from Section 31 of this act	100,000
91.1—For research in watershed management, University of California, exempt from Section 31 of this act	25,116
92—For support of Scripps Institution of Oceanography, University of California, exempt from Section 31 of this act	174,397
93—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund, in accordance with the following schedule	100,000
Schedule:	
(a) Organized research 200,000	
Total of schedule 200,000	
Less amounts available from other sources:	
(b) Reimbursements 100,000	
Net appropriation 100,000	

Item			Amount
94—For support of Hastings College of Law, in accordance with the following schedule			661,573
Schedule:			
(a) Personal Services		837,923	
(b) Operating Expenses and Equipment		194,535	
Total of schedule		1,032,458	
Less estimated amounts available from other sources:			
(c) Reimbursements		347,260	
(d) Federal grant		23,625	
Net appropriation		661,573	
95—For support of Trustees of the California State Colleges and the California State Colleges, in accordance with the following schedule			189,094,216
Schedule:			
(a) Personal Services			198,121,809
Trustees of the California State Colleges		2,019,261	
International Program		56,564	
Chico State College		8,624,273	
State College, Dominguez Hills		1,277,197	
Fresno State College		11,886,253	
State College at Fullerton		8,116,339	
State College at Hayward		7,304,591	
Humboldt State College		5,588,615	
Kern County State College		266,960	
State College at Long Beach		19,260,735	
State College at Los Angeles		20,012,932	
Sacramento State College		11,096,597	
State College at San Bernardino		2,231,448	
San Diego State College		18,768,139	
San Fernando Valley State College		14,273,122	
San Francisco State College		20,345,009	
San Jose State College		23,276,795	
Sonoma State College		2,862,855	
Stanislaus State College		1,914,274	
California State Polytechnic College, Kellogg-Voorhis		7,852,350	
California State Polytechnic College, San Luis Obispo		11,087,500	

Item	Amount
(b) Operating Expenses and Equipment	29,173,834
Trustees of the California State Colleges	683,034
International Program	277,930
Chico State College	1,335,341
State College, Dominguez Hills	496,291
Fresno State College	1,642,357
State College at Fullerton	1,482,872
State College at Hayward	1,041,992
Humboldt State College	868,684
Kern County State College	127,253
State College at Long Beach	2,837,051
State College at Los Angeles	2,128,073
Sacramento State College	1,584,294
State College at San Bernardino	456,331
San Diego State College	2,705,876
San Fernando Valley State College	2,061,362
San Francisco State College	2,824,030
San Jose State College	2,702,402
Sonoma State College	434,742
Stanislaus State College	398,120
California State Polytechnic College, Kellogg-Voorhis	1,207,771
California State Polytechnic College, San Luis Obispo	1,878,028
(c) National Defense Student Loans	529,860
(d) Student Nursing Loans	11,765
Total of schedule	227,837,268
Less estimated reimbursements	38,743,052
Trustees of the California State Colleges	143,293
International Program	20,520
Chico State College	1,286,453
State College, Dominguez Hills	125,146
Fresno State College	2,244,729
State College at Fullerton	1,331,478
State College at Hayward	1,133,113
Humboldt State College	684,003
State College at Long Beach	4,193,310
State College at Los Angeles	3,938,748

Item	Amount
Sacramento State College	2,089,513
State College at San Bernardino	195,505
San Diego State College	3,403,861
San Fernando Valley State College	3,147,673
San Francisco State College	5,769,105
San Jose State College	5,509,661
Sonoma State College	395,623
Stanislaus State College	243,219
California State Polytechnic College, Kellogg-Voorhis	920,287
California State Polytechnic College, San Luis Obispo	1,722,289
Unallocated federal overhead	245,523
Net appropriation	189,094,216
Trustees of the California State Colleges	2,559,002
International Program	313,974
Chico State College	8,673,161
State College, Dominguez Hills	1,648,342
Fresno State College	11,283,881
State College at Fullerton	8,267,733
State College at Hayward	7,213,470
Humboldt State College	5,773,296
Kern County State College	394,213
State College at Long Beach	17,904,476
State College at Los Angeles	18,202,257
Sacramento State College	10,591,378
State College at San Bernardino	2,492,274
San Diego State College	18,070,154
San Fernando Valley State College	13,186,811
San Francisco State College	17,399,934
San Jose State College	20,469,536
Sonoma State College	2,901,974
Stanislaus State College	2,069,175
California State Polytechnic College, Kellogg-Voorhis	8,139,834
California State Polytechnic College, San Luis Obispo	11,243,239

Item		Amount
National Defense Education Loans	529,860	
Student Nursing Loans	11,765	
Total of schedule	189,339,739	
Less unallocated federal overhead reimbursements	245,523	
Net appropriation	189,094,216	

provided that, the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance and the provisions of Section 31.5 of this act.

95.5—For support of California State Colleges, to be transferred to and in augmentation of their support appropriation, Budget Act of 1967, on order of the Trustees of the California State Colleges, in accordance with the following schedule 100,938

Schedule:

(a) Quarter system operation—Humboldt State College	47,468	
(b) Year-round operation—California State College at Hayward	53,470	
Total of schedule	100,938	

95.6—For support of California State Colleges, to be transferred to and in augmentation of their support appropriation, Budget Act of 1967, on order of the Trustees of the California State Colleges, in accordance with the following schedule 1,247,059

Schedule:

(b) Teaching faculty sabbatical leave augmentation	600,000	
(c) Special leaves for research and creative activity	100,000	
(d) Moving expense—faculty recruitment	202,000	
(e) Recruitment interview expense	49,000	
(h) New college	147,116	
(i) DeBellis library collection	22,177	
(*l*) Student Pay — Work-study program augmentation	111,766	

Item		Amount
(m) Placement records development plan	15,000	
Total of schedule	1,247,059	
provided, that the amount in (*l*) will be available only in the event the matching requirement changes from 10 percent to 25 percent as now provided in the Higher Education Act of 1965.		
95.7—For matching funds for federally supported research and other special federally supported projects, to be expended only on allocation to the California State Colleges		200,000
95.8—For allocation by executive order of the Department of Finance to the Trustees of the California State Colleges and the California State Colleges in augmentation of their support appropriations for automatic data processing services		606,802
96—For support of California Maritime Academy, in accordance with the following schedule		644,494
Schedule:		
(a) Personal Services	743,359	
(b) Operating Expenses and Equipment	304,609	
Total of schedule	1,047,968	
Less estimated amounts available from other sources:		
(c) Reimbursements	192,954	
(d) Federal grants	210,520	
Net appropriation	644,494	
97—For support of State Scholarship and Loan Commission, in accordance with the following schedule		6,539,645
Schedule:		
(a) Personal Services	209,691	
(b) Operating Expenses and Equipment	6,410,374	
Total of schedule	6,620,065	
Less estimated amounts available from other sources:		
(c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 98)	80,420	
Net appropriation	6,539,645	

Item	Amount
98—For support, State Scholarship and Loan Commission, payable from the State Guaranteed Loan Reserve Fund	80,420

EMPLOYMENT

99—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund, in accordance with the following schedule	11,407,770

Schedule:

(a) Personal Services	8,945,999
(b) Operating Expenses and Equipment	2,461,771
Total of schedule	11,407,770

100—For support of Department of Employment, payable from the Department of Employment Contingent Fund; and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance	499,644
101—For support of Department of Employment, for the payment of expenses incurred by the Department of Finance in examining the books of the Department of Employment, pursuant to Section 13294 of the Government Code, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended	22,528

provided that:

(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.

(b) No part of the money hereby appropriated may be obligated after the expiration of the one-year period beginning with the date of enactment of this act. For purposes of this item, "date of enactment" means July 1, 1967.

(c) The total amount obligated pursuant to this item during the 1967–68 fiscal

Item	Amount
year shall not exceed the amount by which (1) The aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the nine preceding fiscal years, exceeds (2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 10 fiscal years.	
101.5—For support of California Job Training and Placement Council, payable from the Department of Employment Contingent Fund ---- provided, that the appropriation made by this item shall be available for expenditure only if the California Job Training and Placement Council is created by law at the 1967 session of the Legislature.	48,215

FISCAL AFFAIRS

103—For support of State Board of Control------		97,342
104—For support of State Controller, in accordance with the following schedule ----------		4,944,985
Schedule:		
(a) Personal Services----------	5,044,796	
(b) Operating Expenses and Equipment ----------	1,546,091	
Total of schedule -------	6,590,887	
Less estimated amounts available from other sources:		
(c) Reimbursements ----------	312,435	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 105)--	133,078	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 106) ----------	951,728	
(f) Amount payable from the State School Building Aid Fund (Item 107)---------	198,661	
(g) Amount payable from the Aeronautics Fund (Item 108) ----------	50,000	
Net appropriation ------	4,944,985	

Item		Amount
105—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund		133,078
106—For support of State Controller, payable from the Motor Vehicle Fuel Fund		951,728
107—For support of State Controller, payable from the State School Building Aid Fund		198,661
108—For support of State Controller, payable from the Aeronautics Fund		50,000
109—For support of State Board of Equalization, in accordance with the following schedule		19,952,693
Schedule:		
(a) Personal Services	22,240,311	
(b) Operating Expenses and Equipment	5,080,241	
Total of schedule	27,320,552	
Less estimated amounts available from other sources:		
(c) Reimbursements	5,103,177	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 110)	1,098,737	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 111)	1,165,945	
Net appropriation	19.952,693	
110—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund		1,098,737
111—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund		1,165,945
112—For support of Department of Finance, in accordance with the following schedule		3,660,555
Schedule:		
(a) Personal Services	3,412,512	
(b) Operating Expenses and Equipment	580,590	
Total of schedule	3,993,102	
Less estimated amounts available from other sources:		
(c) Reimbursements	207,000	
(d) Amount payable from the Fair and Exposition Fund (Item 113)	125,547	
Net appropriation	3,660,555	
113—For support of Department of Finance, payable from the Fair and Exposition Fund		125,547

Item		Amount
114—For support of State Lands Division, State Lands Commission, Department of Finance, in accordance with the following schedule		1,390,988
Schedule:		
(a) Personal Services	1,772,934	
(b) Operating Expenses and Equipment	533,951	
Total of schedule	2,306,885	
Less estimated amounts available from other sources:		
(c) Reimbursements	46,243	
(d) Amounts payable under the provisions of Chapter 138, Statutes of 1964	869,654	
Net appropriation	1,390,988	
116—For support of Franchise Tax Board, in accordance with the following schedule		12,925,198
Schedule:		
(a) Personal Services	10,472,952	
(b) Operating Expenses and Equipment	2,452,246	
Total of schedule	12,925,198	
117—For support of Department of Housing and Community Development, in accordance with the following schedule		1,736,012
Schedule:		
(a) Personal Services	1,330,432	
(b) Operating Expenses and Equipment	405,580	
Total of schedule	1,736,012	
118—For support of State Treasurer, in accordance with the following schedule		563,415
Schedule:		
(a) Personal Services	459,485	
(b) Operating Expenses and Equipment	226,992	
Total of schedule	686,477	
Less estimated reimbursements	123,062	
Net appropriation	563,415	

HEALTH AND WELFARE

119—For support of Health and Welfare Agency, Mental Retardation Program Coordination		45,000
provided, that any rule or regulation adopted		

Item		Amount
by the Health and Welfare Agency Administrator during the 1967–68 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.		
120—For support of Health and Welfare Agency, Office of Health Care Services, for administration of the medical assistance program pursuant to the provision of Chapter 4, Statutes of 1965, Second Extraordinary Session, payable from the Health Care Deposit Fund ___ and in addition thereto, any amounts received from federal grants or other sources; provided, that any rule or regulation adopted by the Health and Welfare Agency Administrator during the 1967–68 fiscal year which adds to the cost of the medical assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.		4,781,354
121—For support of California Commission on Aging, in accordance with the following schedule _____		111,646
Schedule:		
(a) Personal Services _____	102,386	
(b) Operating Expenses and Equipment _____	410,810	
Total of schedule _____	513,196	
Less estimated amounts available from other sources:		
(c) Federal funds _____	401,550	
Net appropriation _____	111,646	
122—For support of Office of Atomic Energy Development and Radiation Protection, Departmental Coordinating Committee on Atomic Energy Development and Radiation Protection and the Advisory Council on Atomic Energy Development and Radiation Protection _____		54,008
123—For support of Department of Mental Hygiene, in accordance with the following schedule _____		5,236,524
Schedule:		
(a) Personal Services _____	3,953,785	
(b) Operating Expenses and Equipment _____	1,868,155	
Total of schedule _____	5,821,940	

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	89,292	
(d) Estimated grants from the federal government or agencies thereof	496,124	
Net appropriation	5,236,524	
124—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		1,169,989
And in addition, any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
125—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		8,619,175
Schedule:		
(a) Personal Services	6,970,080	
(b) Operating Expenses and Equipment	1,649,095	
Total of schedule	8,619,175	
126—For support of the hospitals for the mentally ill, Department of Mental Hygiene, in accordance with the following schedule		123,437,558
Schedule:		
(a) Personal Services	107,708,224	
(b) Operating Expenses and Equipment	16,279,483	
Total of schedule	123,987,707	
Less estimated amounts available from other sources:		
(c) Reimbursements	381,131	
(d) Federal grants	169,018	
Net appropriation	123,437,558	

provided, that any portion of the amounts included for (1) the San Francisco, Los Angeles or San Diego day treatment centers, (2) the San Francisco Geriatric Screening Unit, or (3) the Los Angeles (Long Beach and San Pedro), Sacramento, San Diego or Fresno aftercare and screening units may be trans-

Item	Amount
ferred to Item 276 of this act to provide for aftercare for patients discharged from state hospitals in order to facilitate the integration of the above clinics with the local Short-Doyle program during the 1967–68 fiscal year upon order of the Department of Finance. In addition, the Department of Mental Hygiene is directed to report to the Legislature by the fifth day of the 1968 session as to the feasibility of obtaining county participation in these clinic programs	
126.5—For support of hospitals for the mentally ill and hospitals for the mentally retarded, Department of Mental Hygiene, to be transferred to and in augmentation of Items 126 and 127, Budget Act of 1967, upon order of the Department of Finance	1,400,000
127—For support of the hospitals for the mentally retarded, Department of Mental Hygiene, in accordance with the following schedule	50,671,042
Schedule:	
(a) Personal Services ____ 43,719,541	
(b) Operating Expenses and Equipment ____ 7,059,633	
Total of schedule ____ 50,779,174	
Less estimated reimbursements ____ 108,132	
Net appropriation ____ 50,671,042	
128—For support of Department of Public Health, in accordance with the following schedule	11,259,297
Schedule:	
(a) Personal Services ____ 12,501,768	
(b) Operating Expenses and Equipment ____ 5,988,599	
Total of schedule ____ 18,490,367	
Less estimated amounts available from other sources:	
(c) Reimbursements ____ 3,504,048	
(d) Estimated grants from the federal government or agencies thereof ____ 3,727,022	
Net appropriation ____ 11,259,297	
provided, that expenditures for departmentally staffed special projects which are made from this appropriation shall be limited to $5,273,500 during the 1967–68 fiscal year, except that this limitation shall not apply to	

Item	Amount
funds that flow through the department to local agencies. Provided further, that the department limit its special project activity in 1968–69 to those projects presented in its budget and to annually thereafter present its program of special projects in the budget for approval or disapproval.	
129—For a pilot project for the purpose of determining the extent of the needs of severely handicapped persons of normal mentality for residential care, in accordance with Sections 310 through 311.1 of the Health and Safety Code, Department of Public Health ..... provided, that the sum appropriated by this section shall, however, be reduced by the amount of any appropriation which the federal government may make to the state for the pilot project authorized under such article.	159,559
130—For support of Regional Dialysis Centers, established pursuant to Article 7.7 (commencing with Section 417), Chapter 2, Part 1, Division 1, of the Health and Safety Code, Department of Public Health, in accordance with the following schedule	275,390
Schedule:	
(a) Personal Services 4,500	
(b) Operating Expenses and Equipment 270,890	
Total of schedule 275,390	
131—For support of Motor Vehicle Pollution Control Board, Department of Public Health, in accordance with the following schedule	469,152
Schedule:	
(a) Personal Services 190,035	
(b) Operating Expenses and Equipment 299,117	
Total of schedule 489,152	
Less estimated reimbursements 20,000	
Net appropriation 469,152	
132—For support of Department of Rehabilitation, in accordance with the following schedule	3,833,218
Schedule:	
(a) Personal Services 6,939,868	
(b) Operating Expenses and Equipment 11,590,132	

Item		Amount
(c) Cooperative Rehabilitation Services	9,797,000	
Total of schedule	28,327,000	
Less estimated amounts available from other sources:		
(d) Reimbursements	1,403,423	
(e) Federal grants	13,293,359	
(f) Grants from the federal government or agencies thereof for Cooperative Rehabilitation Services	9,797,000	
Net appropriation	3,833,218	

provided, that expenditures made from (c) in the above schedule shall be subject to allocation by the Department of Finance.

Provided further, that the department shall assign ten (10) vocational rehabilitation counselors to work with ten (10) aid to disabled application review teams in the Department of Social Welfare to assist that department in reviewing the eligibility of applicants for assistance and to report to the 1968 session of the Legislature, the result of such assistance on a comparative basis with review teams not being assisted by such vocational specialists.

133—For support of special rehabilitation services, Department of Rehabilitation, in accordance with the following schedule		1,202,941
Schedule:		
(a) Support	7,883,588	
Total of schedule	7,883,588	
Less estimated amounts available from other sources:		
(b) Federal grants	6,680,647	
Net appropriation	1,202,941	
134—For support of California Industries for the Blind, Department of Rehabilitation, in accordance with the following schedule		334,856
Schedule:		
(a) Personal Services	233,207	
(b) Operating Expenses and Equipment	146,982	
Total of schedule	380,189	
Less estimated reimbursements	45,333	
Net appropriation	334,856	

Item		Amount
135—For support of Orientation Center for the Blind, Department of Rehabilitation, in accordance with the following schedule		102,000
Schedule:		
(a) Personal Services	340,929	
(b) Operating Expenses and Equipment	71,893	
Total of schedule	412,822	
Less estimated amounts available from other sources:		
(c) Reimbursements	4,827	
(d) Federal grants	305,995	
Net appropriation	102,000	

provided, that all funds appropriated in this item shall be available for the support of the Orientation Center during the 1967–68 fiscal year; however, it is the intent of the Legislature that the expenditures from state and federal funds shall be limited to $4,100 for each student served.

136—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1967–68 fiscal year, shall be expended in accordance with the following schedule		4,944,554
Schedule:		
(a) Personal Services	6,882,067	
(b) Operating Expenses and Equipment	1,836,245	
Total of schedule	8,718,312	
Less estimated amounts available from other sources:		
(c) Reimbursements	195,400	
(d) Estimated grants from the federal government	3,578,358	
Net appropriation	4,944,554	

provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1967–68 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. All such additional costs shall

Item	Amount
be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly.	
Provided further, that the department shall utilize the services of ten (10) vocational rehabilitation counselors to be assigned to it by the Department of Rehabilitation to work with ten of its aid to disabled application review teams to assist them in determining the eligibility of applications for aid based on the factor of inability to "engage in a useful occupation, including homemaking, within his competence," and to report to the 1968 session of the Legislature on a comparative basis the results of determinations of eligibility made by teams assisted by the vocational rehabilitation counselors and those not so assisted.	
137—For support of Department of Social Welfare, to be transferred to and in augmentation of Item 136, Budget Act of 1967, in accordance with the following schedule	9,325,241
Schedule:	
(a) Personal Services 6,703,648	
(b) Operating Expenses and Equipment 6,554,512	
Total of schedule 13,258,160	
Less estimated amounts available from other sources:	
(c) Federal grants 3,932,919	
Net appropriation 9,325,241	
provided, that any portion of the amounts included for (1) the provision of care of patients paroled or on leave of absence from state mental hygiene institutions or (2) for prevention of commitment of persons to state mental hygiene institutions may be transferred to Item 284(a) of this act for provision of protective social services by county welfare departments upon order of the Department of Finance.	

INDUSTRIAL RELATIONS

138—For support of Department of Industrial Relations, in accordance with the following schedule	20,486,347
Schedule:	
(a) Personal Services 17,519,907	

Item			Amount
	(b) Operating Expenses and Equipment	3,766,324	
	Total of schedule	21,286,231	
	Less estimated amounts available from other sources:		
	(c) Reimbursements	55,274	
	(d) Amount payable from the Department of Employment Contingent Fund (Item 139)	55,228	
	(e) Federal funds	689,382	
	Net appropriation	20,486,347	
139—For support of Department of Industrial Relations, payable from the Department of Employment Contingent Fund provided, that with respect to any city in which there is located a youth opportunity center operated by the Department of Employment, funds appropriated by this item shall be expended only for support of an apprenticeship information center located in the youth opportunity center.			55,228
140—For support of State Fire Marshal, in accordance with the following schedule			847,216
	Schedule:		
	(a) Personal Services	874,599	
	(b) Operating Expenses and Equipment	187,617	
	Total of schedule	1,062,216	
	Less estimated amounts available from other sources:		
	(c) Reimbursements	102,500	
	(d) Amount payable from Dry Cleaners' Fund (Item 141)	112,500	
	Net appropriation	847,216	
141—For support of State Fire Marshal, payable from the Dry Cleaners' Fund to be transferred to and in augmentation of Item 140, Budget Act of 1967.			112,500

JUSTICE

142—For support of Department of Justice, in accordance with the following schedule			15,406,075
	Schedule:		
	(a) Personal Services	13,469,264	

Item		Amount
(b) Operating Expenses and Equipment	3,975,867	
Total of schedule	17,445,131	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,928,498	
(d) Federal funds	110,558	
Net appropriation	15,406,075	
143—For support of Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund, in accordance with the following schedule		108,175
Schedule:		
(a) Personal Services	81,875	
(b) Operating Expenses and Equipment	26,300	
Total of schedule	108,175	

MILITARY AFFAIRS

144—For support of Military Department, in accordance with the following schedule		3,381,293
Schedule:		
(a) Personal Services	2,860,870	
(b) Operating Expenses and Equipment	1,184,058	
Total of schedule	4,044,928	
Less estimated amounts available from other sources:		
(c) Reimbursements	42,422	
(d) Estimated grants from the federal government	621,213	
Net appropriations	3,381,293	

provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the federal government.

145—For payment of military retirements in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department		96,387

Item		Amount
146—For allocation by executive order of the Department of Finance to state agencies, in augmentation of their support appropriations, for maintenance of Camp San Luis Obispo		161,722
146.5—For support of California Cadet Corps, in accordance with the following schedule		83,780
Schedule:		
(a) Personal Services	44,349	
(b) Operating Expenses and Equipment	39,431	
Total of schedule	83,780	

REGULATION AND LICENSING

147—For support of Department of Alcoholic Beverage Control, in accordance with the following schedule		5,162,826
Schedule:		
(a) Personal Services	4,102,420	
(b) Operating Expenses and Equipment	1,080,406	
Total of schedule	5,182,826	
Less estimated reimbursements	20,000	
Net appropriation	5,162,826	
148—For support of Alcoholic Beverage Control Appeals Board, in accordance with the following schedule		125,565
Schedule:		
(a) Personal Services	100,876	
(b) Operating Expenses and Equipment	24,689	
Total of schedule	125,565	
149—For support of California Districts Securities Commission, in accordance with the following schedule		173,724
Schedule:		
(a) Personal Services	162,153	
(b) Operating Expenses and Equipment	48,586	
Total of schedule	210,739	
Less estimated reimbursements	37,015	
Net appropriation	173,724	

Item		Amount
150—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		234,567
Schedule:		
(a) Personal Services	167,969	
(b) Operating Expenses and Equipment	66,598	
Total of schedule	234,567	
151—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		1,254,939
Schedule:		
(a) Personal Services	1,015,658	
(b) Operating Expenses and Equipment	239,281	
Total of schedule	1,254,939	
152—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		3,475,293
Schedule:		
(a) Personal Services	3,858,796	
(b) Operating Expenses and Equipment	544,707	
Total of schedule	4,403,503	
Less estimated reimbursements	928,210	
Net appropriation	3,475,293	
153—For support of Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		3,770,840
Schedule:		
(a) Personal Services	3,149,061	
(b) Operating Expenses and Equipment	671,779	
Total of schedule	3,820,840	
Less estimated reimbursements	50 000	
Net appropriation	3,770,840	
154—For augmentation of the Insurance Fund to be transferred to the Insurance Fund by the State Controller.		103,500
155—For support of Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule		3,039,768

Item		Amount
Schedule:		
(a) Personal Services	2,325,747	
(b) Operating Expenses and Equipment	1,126,215	
Total of schedule	3,451,962	
Less estimated amounts available from other sources:		
(c) Reimbursements	3,400	
(d) Amount payable from the Real Estate Education, Research and Recovery Fund—Education Research (Item 156(a)	312,064	
(e) Amount payable from the Real Estate Education, Research and Recovery Fund—Recovery Act (Item 156(b))	96,730	
Net appropriation	3,039,768	
156—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund, in accordance with the following schedule		575,294
Schedule:		
(a) Education Research	478,564	
(b) Recovery Act	96,730	
Total of schedule	575,294	
to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act, and to the Division of Real Estate, Department of Investment, to carry out the provisions of Section 10451.5 of the Business and Professions Code.		
157—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule		2,699,710
Schedule:		
(a) Personal Services	2,092,872	
(b) Operating Expenses and Equipment	656,838	
Total of schedule	2,749,710	
Less estimated reimbursements	50,000	
Net appropriation	2,699,710	

Item		Amount
158—For support of Board of Pilot Commissioners for the Harbor of San Diego		1,248
159—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule		25,287
Schedule:		
(a) Personal Services	18,182	
(b) Operating Expenses and Equipment	7,105	
Total of schedule	25,287	
160—For support of Department of Professional and Vocational Standards, payable from the Professional and Vocational Standards' Fund, pursuant to the provisions of Sections 203 and 405 of the Business and Professions Code, in accordance with the following schedule		2,922,873
Schedule:		
(a) Personal Services	2,023,076	
(b) Operating Expenses and Equipment	944,329	
Total of schedule	2,967,405	
Less estimated reimbursements	44,532	
Net appropriation	2,922,873	
161—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule		360,441
Schedule:		
(a) Personal Services	121,264	
(b) Operating Expenses and Equipment	239,177	
Total of schedule	360,441	
162—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund, in accordance with the following schedule		159,864
Schedule:		
(a) Personal Services	79,229	
(b) Operating Expenses and Equipment	80,635	
Total of schedule	159,864	
163—For support of State Athletic Commission		90,000

Item		Amount
164—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule		365,769
Schedule:		
(a) Personal Services	106,403	
(b) Operating Expenses and Equipment	259,366	
Total of schedule	365,769	
165—For support of Cemetery Board, payable from the Cemetery Fund, in accordance with the following schedule		72,790
Schedule:		
(a) Personal Services	43,902	
(b) Operating Expenses and Equipment	28,888	
Total of schedule	72,790	
166—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		109,449
Schedule:		
(a) Personal Services	46,423	
(b) Operating Expenses and Equipment	65,126	
Total of schedule	111,549	
Less estimated reimbursements	2,100	
Net appropriation	109,449	
167—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		573,465
Schedule:		
(a) Personal Services	376,383	
(b) Operating Expenses and Equipment	197,082	
Total of schedule	573,465	
168—For support of Collection Agency Licensing Bureau. Department of Professional and Vocational Standards, payable from the Collection Agency Fund, in accordance with the following schedule		161,737
Schedule:		
(a) Personal Services	76,509	

Item		Amount
(b) Operating Expenses and Equipment	85,228	
Total of schedule	161,737	
169—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		2,286,627
Schedule:		
(a) Personal Services	1,427,370	
(b) Operating Expenses and Equipment	859,257	
Total of schedule	2,286,627	
170—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		694,668
Schedule:		
(a) Personal Services	227,576	
(b) Operating Expenses and Equipment	467,092	
Total of schedule	694,668	
171—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule		211,217
Schedule:		
(a) Personal Services	132,100	
(b) Operating Expenses and Equipment	79,117	
Total of schedule	211,217	
172—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule		327,276
Schedule:		
(a) Personal Services	89,426	
(b) Operating Expenses and Equipment	237,850	
Total of schedule	327,276	
173—For support of Bureau of Electronic Repair Dealer Registration, Department of Professional and Vocational Standards, payable from the Electronic Repair Dealer Registration Fund, in accordance with the following schedule		279,985

Item		Amount
Schedule:		
(a) Personal Services	106,086	
(b) Operating Expenses and Equipment	173,899	
Total of schedule	279,985	
174—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund, in accordance with the following schedule		107,397
Schedule:		
(a) Personal Services	67,175	
(b) Operating Expenses and Equipment	40,222	
Total of schedule	107,397	
175—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund		300,000
176—For support of State Board of Guide Dogs for the Blind		1,000
177—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund, in accordance with the following schedule		30,083
Schedule:		
(a) Personal Services	11,441	
(b) Operating Expenses and Equipment	18,642	
Total of schedule	30,083	
178—For support of Bureau of Marriage Counselors, Department of Professional and Vocational Standards, payable from the Marriage Counselors Fund		11,565
179—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule		912,074
Schedule:		
(a) Personal Services	280,778	
(b) Operating Expenses and Equipment	636,777	
Total of schedule	917,555	
Less estimated reimbursements	5,481	
Net appropriation	912,074	

Item		Amount
180—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		17,965
Schedule:		
(a) Personal Services	1,213	
(b) Operating Expenses and Equipment	16,752	
Total of schedule	17,965	
181—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund, in accordance with the following schedule		14,640
Schedule:		
(a) Personal Services	1,277	
(b) Operating Expenses and Equipment	13,363	
Total of schedule	14,640	
182—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund, in accordance with the following schedule		612,430
Schedule:		
(a) Personal Services	292,720	
(b) Operating Expenses and Equipment	339,710	
Total of schedule	632,430	
Less amounts available from other sources:		
(c) Federal grant	20,000	
Net appropriation	612,430	
183—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		69,415
Schedule:		
(a) Personal Services	31,578	
(b) Operating Expenses and Equipment	37,837	
Total of schedule	69,415	

Item		Amount
184—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule		8,652
Schedule:		
(a) Personal Services	170	
(b) Operating Expenses and Equipment	8,482	
Total of schedule	8,652	
185—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		540,636
Schedule:		
(a) Personal Services	273,749	
(b) Operating Expenses and Equipment	266,887	
Total of schedule	540,636	
186—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule		118,908
Schedule:		
(a) Personal Services	25,804	
(b) Operating Expenses and Equipment	93,104	
Total of schedule	118,908	
187—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule		30,624
Schedule:		
(a) Personal Services	10,075	
(b) Operating Expenses and Equipment	20,549	
Total of schedule	30,624	
188—For support of Board of Social Work, Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule		31,898
Schedule:		
(a) Personal Services	27,063	

Item		Amount
(b) Operating Expenses and Equipment	10,425	
Total of schedule	37,488	
Less estimated reimbursements	5,590	
Net appropriation	31,898	
189—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule		468,736
Schedule:		
(a) Personal Services	136,217	
(b) Operating Expenses and Equipment	332,519	
Total of schedule	468,736	
190—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule		56,894
Schedule:		
(a) Personal Services	7,908	
(b) Operating Expenses and Equipment	48,986	
Total of schedule	56,894	
191—For support of Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners' Fund, in accordance with the following schedule		175,895
Schedule:		
(a) Personal Services	91,820	
(b) Operating Expenses and Equipment	91,355	
Total of schedule	183,175	
Less estimated reimbursements	7,280	
Net appropriation	175,895	
192—For support of Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code, in accordance with the following schedule		52,465
Schedule:		
(a) Personal Services	24,714	

Item		Amount
(b) Operating Expenses and Equipment	27,751	
Total of schedule	52,465	
193—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers' Fund in accordance with the following schedule		27,948
Schedule:		
(a) Personal Services	26,092	
(b) Operating Expenses and Equipment	16,658	
Total of schedule	42,750	
Less estimated reimbursements	14,802	
Net appropriation	27,948	
194—For support of Public Utilities Commission, in accordance with the following schedule		5,551,694
Schedule:		
(a) Personal Services	8,573,730	
(b) Operating Expenses and Equipment	2,048,081	
Total of schedule	10,621,811	
Less estimated amounts available from other sources:		
(c) Reimbursements	90,000	
(d) Amount payable from the Transportation Rate Fund (Item 195)	4,980,117	
Net appropriation	5,551,694	
195—For support of Public Utilities Commission, payable from the Transportation Rate Fund		4,980,117

RESOURCES

197—For support of Department of Conservation, in accordance with the following schedule		33,218,106
Schedule:		
(a) Personal Services	32,193,083	
(b) Operating Expenses and Equipment	10,251,269	
(c) Emergency Fire Suppression and Detection	200,000	
Total of schedule	42,644,352	
Less estimated amounts available from other sources:		
(d) Estimated reimbursements	8,264,255	

Item		Amount
(e) Amount payable from Petroleum and Gas Fund (Item 198)	1,054,602	
(f) Amount payable from Subsidence Abatement Fund (Item 199)	107,389	
Net appropriation	33,218,106	
198—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund		1,054,602
199—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund		107,389
200—For allotment, pursuant to Section 4006 of the Public Resources Code, for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation, in accordance with the following schedule		2,353,996
Schedule:		
(a) Kern County	590,626	
(b) Los Angeles County	916,640	
(c) Marin County	188,946	
(d) Santa Barbara County	320,820	
(e) Ventura County	336,964	
Total of schedule	2,353,996	
201—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States national forests within this state, Department of Conservation		1,460,388
202.5—For expenditure by the Department of Conservation, in accordance with the following schedule		317,552
Schedule:		
(a) White pine blister rust control	40,000	
(b) Wild land vegetation and soil mapping	131,391	
(c) Forest and fire research	143,911	
(d) Geological exploration	2,250	
Total of schedule	317,552	

Item		Amount
provided that, any amount withdrawn from item (d) above must be matched by an expenditure of a like amount by the federal government in this state for this purpose.		
208—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		12,319,882
Schedule:		
(a) Personal Services	9,627,651	
(b) Operating Expenses and Equipment	4,720,043	
Total of schedule	14,347,694	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,699,417	
(d) Amount payable from Fish and Game Preservation Fund (Item 211)	74,599	
(e) Amount payable from federal funds	238,796	
(f) Amount payable from the Fish and Game Preservation Fund (Item 211.5)	15,000	
Net appropriation	12,319,882	
209—To pay for the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, and in fish restoration and management projects under the provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, in accordance with the following schedule		1,636,884

Item	Amount
Schedule:	
(a) Pittman-Robertson program 1,129,375	
(b) Dingell-Johnson program 507,509	
Total of schedule 1,636,884	
provided, that any moneys received from the federal government in reimbursement of expenditures from this item shall be credited to this appropriation and reverted to the unappropriated balance of the Fish and Game Preservation Fund.	
210—For state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item	13,300
211—To pay the state's share of cooperation with the federal government in commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act, Department of Fish and Game, payable from the Fish and Game Preservation Fund, from revenues derived under the provisions of Section 8046 of the Fish and Game Code	74,599
211.5—To pay the costs for a research program on marketing and marketing development of fresh and frozen fish and seafood, payable from the Fish and Game Preservation Fund, from revenues derived under the provisions of Section 8046 of the Fish and Game Code	15,000
212—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code	87,190
provided, that $65,000 of the amount appropriated by this item may be allocated by order of the Department of Finance when sufficient revenues derived under the provisions of Section 8046 of the Fish and Game Code are available in the Fish and Game Preservation Fund.	

Item		Amount
213—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund, in accordance with the following schedule		100,217
Schedule:		
(a) Personal Services	72,890	
(b) Operating Expenses and Equipment	33,585	
Total of schedule	106,475	
Less estimated reimbursements	6,258	
Net appropriation	100,217	
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
214—For support of Department of Harbors and Watercraft, to be transferred to and in augmentation of Item 215, Budget Act of 1967, upon order of the Department of Finance		5,202
215—For support of Department of Harbors and Watercraft, and in addition thereto, any amounts received from sale of registration lists, payable from the Harbor and Watercraft Revolving Fund, in accordance with the following schedule		881,377
Schedule:		
(a) Personal Services	559,804	
(b) Operating Expenses and Equipment	348,237	
Total of schedule	908,041	
Less estimated amounts available from other sources:		
(c) Reimbursements	21,462	
(d) Amount payable from General Fund (Item 214)	5,202	
Net appropriation	881,377	
216—For support of Department of Parks and Recreation, in accordance with the following schedule		14,838,552
Schedule:		
(a) Personal Services	12,366,625	
(b) Operating Expenses and Equipment	4,071,002	
Total of schedule	16,437,627	

Item		Amount
Less estimated reimbursements	1,599,075	
Net appropriation	14,838,552	
216.4—For support of Department of Parks and Recreation, to be allocated by the Department of Finance for a deferred maintenance program		600,000
216.5—For support of the National California Coastal Scenic Redwood Road Committee created by Chapter 1.8 (commencing with Section 5098), Division 5 of the Public Resources Code, for continuation of its activities toward the development and submission of its final report as required by that chapter		10,000
217—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies, in accordance with the following schedule		10,474,430
Schedule:		
(a) General management	5,004,584	
(b) Water development planning	6,038,082	
(c) Water development implementation	2,248,519	
(d) Operations	2,187,829	
Total of schedule	15,479,014	
Less estimated reimbursements from programs:		
1. General Fund	690,633	
2. Other	4,313,951	
Net appropriation	10,474,430	

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1968, and any unencumbered balances shall be returned to the General Fund as of June 30, 1968; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this state for this purpose.

217.1—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department

Item	Amount
of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies, for the continuation of the North Coastal Action Study, in augmentation of the appropriation made by Item 273.5(b) of the Budget Act of 1966	70,000
provided, that the appropriation made by this item is for the continuation of the action program of investigation to enable the department to present to the Legislature for review specific recommendations as to all necessary local, as well as other, flood control and water conservation and development facilities, primarily on the Smith, Mad, and Van Duzen Rivers, and the South Fork of the Eel River, which the department determines must be constructed to accomplish overall basin development of such rivers, taking into full consideration the necessity for flood control, the preservation and enhancement of fish and wildlife, and all other evaluations as pertain to the preservation and enhancement of other natural resources in the basins.	
217.5—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize. for ground water investigation in Kern County, Department of Water Resources	70,000
provided, that any amount withdrawn from this item and expended for such investigation shall be matched by an expenditure of like amount by a local agency or agencies in Kern County for this purpose.	
218—For support of State Water Rights Board, and in addition, any amounts received from filing fees for recordation of wells shall be expended in accordance with the following schedule	1,060,636

Schedule:

(a) Personal Services	925,172
(b) Operating Expenses and Equipment	183,464
Total of schedule	1,108,636
Less estimated reimbursements	48,000
Net appropriation	1,060,636

Item		Amount
218.5—For support of State Water Resources Control Board; provided, that the appropriation made by this item shall become operative only if Assembly Bill No. 163 of the 1967 Regular Session is enacted into law		41,000
219—For support of Reclamation Board, in accordance with the following schedule		0
Schedule:		
(a) Personal Services	977,489	
(b) Operating Expenses and Equipment	264,219	
Total of schedule	1,241,708	
Less estimated reimbursements	1,241,708	
Net appropriation	0	
220—For support of Colorado River Board of California, in accordance with the following schedule		256,736
Schedule:		
(a) Personal Services	207,127	
(b) Operating Expenses and Equipment	49,609	
Total of schedule	256,736	
221—For support of State Water Quality Control Board and the regional water quality control boards, in accordance with the following schedule		1,309,553
Schedule:		
(a) Personal Services	1,072,525	
(b) Operating Expenses and Equipment	531,228	
Total of schedule	1,603,753	
Less estimated amounts available from other sources:		
(c) Estimated grants from the federal government or agencies thereof	294,200	
Net appropriation	1,309,553	
222—For comprehensive study of water quality control in San Francisco, San Pablo, and Suisun Bays and in Sacramento-San Joaquin Delta and development of comprehensive plan for control of water quality pursuant to Water Pollution Control Law of 1965, Chapter 1351, Statutes of 1965, State Water Quality Control Board		1,324,800

Item		Amount
provided, that the sum of forty thousand dollars ($40,000) from the appropriation made by this item shall be available for transfer by the State Controller to the Joint Committee on Bay Area Regional Organization for expenditure by said committee pursuant to Senate Concurrent Resolution No. 41 of the 1967 Regular Session, if said resolution is adopted, and the expenditure of such money shall not be subject to any other provisos to this item.		
223—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee		6,075
224—For support of California-Nevada Interstate Compact Commission		13,434
225—For support of San Francisco Bay Conservation and Development Commission, in accordance with the following schedule		230,997
Schedule:		
(a) Personal Services	130,397	
(b) Operating Expenses and Equipment	100,600	
Total of schedule	230,997	

TRANSPORTATION

228—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule		83,901,568
Schedule:		
(a) Personal Services	65,562,002	
(b) Operating Expenses and Equipment	19,635,493	
Total of schedule	85,197,495	
Less estimated reimbursements	1,295,927	
Net appropriation	83,901,568	
228.5—For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Fund		8,835
229—For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the		

Item	Amount
Governor, pursuant to Section 11006 of the Government Code, the sum of $250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.	
230—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, to be transferred to and in augmentation of Item 231, Budget Act of 1967, upon order of the Department of Finance	2,163,693
231—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule	45,543,420
Schedule:	
(a) Personal Services ---------- 45,068,281	
(b) Operating Expenses and Equipment ---------- 10,026,494	
Total of schedule ---------- 55,094,775	
Less estimated amounts available from other sources:	
(c) Reimbursements ---------- 3,115,400	
(d) Amount payable from Motor Vehicle License Fee Fund (Item 232) ---------- 6,435,955	
Net appropriation ---------- 45,543,420	
232—For support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund ---------- to be transferred to the Motor Vehicle Fund in augmentation of Item 231 of this act, as provided by Section 11003 of the Revenue and Taxation Code.	6,435,955
232.5—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund ---------- to be transferred to the Motor Vehicle Fund, in augmentation of Item 231, Budget Act of 1967, as provided by Section 11003 of the Revenue and Taxation Code.	190,919
233—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant	

Item		Amount
to Section 11006 of the Government Code, the sum of $500,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.		
234—For transfer by the State Controller to the State Highway Fund from the Motor Vehicle Transportation Tax Fund and for expenditure by Department of Public Works for research on highway safety		250,000
and in addition, any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item; provided, such research is to be conducted jointly by Division of Highways, Department of Public Works, the Department of Motor Vehicles and the Department of the California Highway Patrol.		
235—For support of Division of Aeronautics, Department of Public Works, payable from the Aeronautics Fund, in accordance with the following schedule		273,628
Schedule:		
(a) Personal Services	187,903	
(b) Operating Expenses and Equipment	85,725	
Total of schedule	273,628	

VETERANS AFFAIRS

236—For support of Department of Veterans Affairs, in accordance with the following schedule		721,705
Schedule:		
(a) Personal Services	705,683	
(b) Operating Expenses and Equipment	160,452	
Total of schedule	866,135	
Less estimated amounts available from other sources:		
(c) From Veterans' Farm and Home Building Fund of 1943 (Item 237)	144,430	
Net appropriation	721,705	

Item		Amount
237—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 to be transferred to the General Fund in augmentation of Item 236 of this act.		144,430
238—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code		2,352,900
239—For support of Veterans' Home of California, in accordance with the following schedule		4,531,264
Schedule:		
(a) Personal Services	4,973,286	
(b) Operating Expenses and Equipment	1,075,528	
Total of schedule	6,048,814	
Less estimated amounts available from other sources:		
(c) Reimbursements	76,925	
(d) Estimated grants from the federal government	1,440,625	
Net appropriation	4,531,264	
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.		
240—For support of United Spanish War Veterans Commission		3,600

POVERTY REDUCTION

241—For allocation by executive order of the Department of Finance to the executive office of the Service Center Program at Sacramento for state administrative expenditures for the operation of the program throughout the state, and to state agencies to be transferred to, and in augmentation of, their support and local assistance appropriations as provided for in the Budget Act of 1967, for expenditure for the Service Center Program to be paid from the several funds, in accordance with the following schedule		5,784,327
Schedule:		
(a) General Fund	5,364,140	
(b) Department of Employment Contingent Fund	420,187	
Total of schedule	5,784,327	

Item		Amount
Such amounts shall be available for expenditure only in the principal pockets of poverty in the state, and for state administrative expenditures for the operation of the program throughout the state. The principal pockets of poverty in the state shall be determined by the Governor upon the advice of the Administrator of the Health and Welfare Agency, and of the Directors of the Departments of Finance, Social Welfare, Rehabilitation, Employment, and Industrial Relations, and of the Director, Service Center Program.		
Nothing herein contained shall be construed to require or permit the allocation for such expenditure of moneys provided by the federal government, in amounts exceeding or in any other way in contravention of the requirements, limitations, and restrictions imposed by or under the authority of federal law.		
MISCELLANEOUS		
242—For support of State Advisory Commission on Indian Affairs, including the expenses of the advisory committee		44,427
243—For support of California Arts Commission in accordance with the following schedule		158,270
Schedule:		
(a) Personal Services	60,494	
(b) Operating Expenses and Equipment	147,776	
Total of schedule	208,270	
Less estimated amounts available from other sources:		
(a) Estimated grants from the federal government or agencies thereof	50,000	
Net appropriation	158,270	
244—For support of the Commission of the Californias		29,385
245—For support of Board of Harbor Commissioners for Humboldt Bay		2,520
246—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation		1,082,999

Item		Amount
247—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code-- provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.		20,000
248—For support of California World Trade Authorities Coordinating Council, San Francisco World Trade Center Authority and Southern California World Trade Center Authority, to be expended only upon authorization of the California World Trade Center Authorities Coordinating Council, in accordance with the following schedule		275,967
Schedule:		
(a) California World Trade Authorities Coordinating Council	146,585	
(b) San Francisco World Trade Center Authority	79,114	
(c) Southern California World Trade Center Authority	50,268	
Total of schedule	275,967	
251—For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan in cooperation with the federal government programs, resulting from the Economic Opportunity Act, Department of Finance, in accordance with the following schedule		249,735
Schedule:		
(a) Shelter construction	1,237,500	
(b) Management, day care, education and sanitation programs	2,497,351	
Total of schedule	3,734,851	
Less amounts available from other sources:		
(c) Estimated grants from federal government or other sources	3,485,116	
Net appropriation	249,735	

Item	Amount
251.1—For payment to the Colorado River Boundary Commission for the purpose of an investigation and report to the Legislature on the necessity and desirability of, and the means and methods of accomplishing as well as the estimated cost of, mapping all of the state-owned bed of the Colorado River, resetting any missing section corners on both sides of the Colorado River from the Nevada-Arizona line to the international boundary line between California and the United Mexican States, installing visible boundary markers along the Colorado River, and locating, identifying, surveying and providing legal descriptions of all state-owned lands adjacent to the Colorado River	1,000

DEBT SERVICE

252—For payment of interest, on order of the Director of Finance, on transfers of money from any fund or account subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Pooled Money Investment Board to be a rate of interest prescribed by Section 16310.5 of the Government Code	15,865,241

UNALLOCATED

253—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after November 1, 1966, by the State Personnel Board or other salary-fixing authority for graduate, registered and public health nursing classes and for psychiatric technician classes, in accordance with the following schedule	11,548,505

Item	Amount
Schedule:	
(a) For increases in compensation for graduate, registered and public health nursing classes and for psychiatric technician classes set by the State Personnel Board or other salary-fixing authority exclusive of the Regents of the University of California and the Trustees of the California State Colleges	11,128,359
(b) For increases in compensation for graduate, registered and public health nursing classes established by the Regents of the University of California	276,200
(c) For increases in compensation for graduate, registered and public health nursing classes established by the Trustees of the California State Colleges	143,946
Total of schedule	11,548,505

For graduate, registered and public health nursing classes and for psychiatric technician classes whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the 1967–68 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

Item	Amount
253.1—For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1967, for the 1967–68 fiscal year by the regents of the university for faculty positions provided, that increase in compensation provided by increased salary ranges for faculty positions established for the 1967–68 fiscal year shall not result in total annual salary increases including staff benefits of more than $6.661,152.	6,595,200
Before the Regents of the University of California establish any increased salary range or rate for the 1967–68 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.	
253.2—For California State Colleges' salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1967, for the 1967–68 fiscal year by the Trustees of the California State Colleges for class and rank positions, in accordance with the following schedule	3,913,418

Schedule:

(a) For salary increase for class and rank positions	9,878,673
Total of schedule	9,878,673
Less prior year appropriation	5,965,255
Net appropriation	3,913,418

provided, that increases in compensation provided by this item as well as Item 315.5, Chapter 2, Statutes of 1966, for increased salary ranges for class and rank positions

Item	Amount
established for the 1967–68 fiscal year shall not result in total annual salary increases including staff benefits of more than $9,977,460.	
Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1967–68 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.	
Provided further, that this item together with Item 315.5, Chapter 2, Statutes of 1966, provides the amount of $804,015 for staff benefits to be available only for the purposes specified.	
253.3—For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1968, for the 1968–69 fiscal year by the regents of the university for faculty positions	4,798,700
provided, that increase in compensation provided by increased salary ranges for faculty positions established for the 1968–69 fiscal year shall not result in total annual salary increases including staff benefits of more than $4,846,700.	
Before the Regents of the University of California establish any increased salary range or rate for the 1968–69 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.	
253.4—For California State Colleges' salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, includ-	

Item	Amount
ing staff benefits of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1968, for the 1968–69 fiscal year by the Trustees of the California State Colleges for class and rank positions	6,859,398
provided, that increases in compensation provided by increased salary ranges for class and rank positions established for the 1968–69 fiscal year shall not result in total annual salary increases including staff benefits of more than $6,927,992.	
Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1968–69 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.	
Provided further, that the amount of $548,702 is available for staff benefits and $117,667 for fringe benefits and for no other purpose and shall not be available for expenditure until July 1, 1968.	
253.5—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service other than personnel in academic classifications in the University of California and instructional and instructional-related positions in the California State Colleges whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1967, by the State Personnel Board or other salary-fixing authority, in accordance with the following schedule	32,149,277
Schedule:	
(a) For increase in compensation set by the State Personnel Board or other salary-fixing authority exclusive of	

Item	Amount
the Regents of the University of California and the Trustees of the California State Colleges	23,289,074
(b) For increases in compensation for nonacademic positions established by the Regents of the University of California	5,719,340
(c) For increases in compensation for administrative and noninstructional positions established by the Trustees of the California State Colleges	3,140,863
Total of schedule	32,149,277

For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the 1967–68 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

253.6—For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1967, for the 1967–68 fiscal year by the regents of the university for faculty-related positions 2,375,717

provided, that increase in compensation provided by increased salary ranges for faculty-related positions established for the 1967–68

Item	Amount
fiscal year shall not result in total annual salary increases including staff benefits of more than $2,399,474. Before the Regents of the University of California establish any increased salary range or rate for the 1967–68 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.	
253.7—For California State Colleges' salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1967, for the 1967–68 fiscal year by the Trustees of the California State Colleges for instructional-related positions	323,494
provided, that increases in compensation provided by this item as well as Item 315.5, Chapter 2, Statutes of 1966, for increased salary ranges for instructional related positions established for the 1967–68 fiscal year shall not result in total annual salary increases including staff benefits of more than $326,728. Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1967–68 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.	
254—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies	1,000,000
and in addition, $750,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be pre-	

Item Amount

scribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $100,000 of this item may be expended for emergencies for which no such prior authorization exists.

Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations.

Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1967–68 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.

255—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions

Item	Amount
supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance	671,548
and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.	
256—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule	125,684

Schedule:

(a) General Fund	99,190
(b) Department of Agriculture Fund	10
(c) Fish and Game Preservation Fund	640
(d) Highway Fund	3,151
(e) Motor Vehicle Fund	8,104
(f) Motor Vehicle Fuel Fund	6,345
(g) Real Estate Fund	220
(h) Insurance Fund	50
(i) Water Resources Revolving Fund	1,954
(j) Unemployment Compensation Disability Fund	526
(*l*) Unemployment Fund	88
(m) Motor Vehicle Dealer Cash Bond Deposit Account	85

Item		Amount
(n) Unemployment Administration Fund	61	
(o) Collection Agency Fund	220	
(p) State Fair Fund	1,478	
(q) California Water Fund	3,562	
Total of schedule	125,684	
256.1—For claim of the secretary of the State Board of Control, to be paid from the General Fund upon a determination by the State Board of Control that such claim is proper and just		4,334
256.5—For the payment of claims pursuant to Chapter 2 (commencing with Section 13620) of Title 5 of Part 4 of the Penal Code, State Board of Control and in addition thereto, any amount which becomes available in the Indemnity Fund provided, that this item shall be operative only if Senate Bill No. 563 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 563 takes effect.		67,500
257—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations		1,150,000
258—For temporary transfers to the General Fund, in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.		

LOCAL ASSISTANCE SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1967–68 fiscal year beginning July 1, 1967, and ending June 30, 1968. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated

herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

AGRICULTURE

Item	Amount
258.1—The sum of $142,900 of the money appropriated by Section 19627 of the Business and Professions Code for support of county agricultural fairs is hereby reappropriated from the Fair and Exposition Fund during the 1967–68 fiscal year for transfer to the General Fund by the State Controller, upon order of the Director of Finance.	
258.2—The sum of $25,000 of the money appropriated by subdivision (b) of Section 19622 of the Business and Professions Code for support of the Los Angeles County Fair is hereby reappropriated from the Fair and Exposition Fund during the 1967–68 fiscal year for transfer to the General Fund by the State Controller, upon order of the Director of Finance.	
258.3—The sum of $15,000 of the money appropriated by subdivision (a) and allocated by subdivision (b) of Section 19626 of the Business and Professions Code is hereby reappropriated from the Fair and Exposition Fund during the 1967–68 fiscal year for transfer to the General Fund; and further provided, the sum of $3,000 of the money appropriated by subdivision (a) and allocated by subdivision (c) of Section 19626 of the Business and Professions Code is hereby reappropriated from the Fair and Exposition Fund during the 1967–68 fiscal year for transfer to the General Fund; and further provided, such transfers shall be made by the State Controller upon order of the Director of Finance.	
259—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 63.5 of the Agricultural Code	171,600
260—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1967–68 fiscal year, Department of Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code	10,000

CORRECTIONS

Item	Amount
261—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	705,800
262—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,342,000
263—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	45,500
264—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code	20,000
265—For assistance to counties in their operation of special probation supervision programs in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority	4,750,000

provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1966–67 fiscal year. Moneys appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965–66 fiscal year.

EDUCATION

266—For transfer to the State School Fund, to the extent needed as certified by the Superintendent of Public Instruction to the State Controller, to reimburse school districts and

Item	Amount
county superintendents of schools in accordance with the provisions of Article 13.1 (commencing with Section 18221) and Article 16 (commencing with Section 18351) of Division 14 of the Education Code, for the excess expense incurred by school districts and county superintendents of schools, and for the foundation program amounts to be allowed to county superintendents of schools, for educating educationally handicapped minors	9,250,000
267—For support of special elementary school reading instruction programs, Department of Education, to be expended in accordance with the provisions of Sections 7770 through 7825 of the Education Code	4,000,000
268—For support of instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code	650,000
269—For support of Department of Education	12,500,000
provided, that the appropriation made by this item is limited to carrying out the provisions of Sections 6450 through 6474, 6481 through 6486, and 6490 through 6498 of the Education Code.	
270—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Chapter 5, Division 12 of the Education Code, to school districts maintaining child care centers pursuant to Sections 16601 through 16645.29 of the Education Code, in accordance with the following schedule	7,833,702
Schedule:	
(a) Children's Centers 6,977,202	
(b) Development Centers for Handicapped Minors 856,500	
Total of schedule 7,833,702	
271—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System, to be paid in monthly installments in July, August, September, October, May and June, but deferring the installments for the six-month period beginning with November to be paid in lump sum in April	52,000,000

Item		Amount
272—For grants to teachers of physically handicapped minors, Department of Education, to be expended in accordance with the provisions of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code		150,000
273—For publishing, purchasing and shipping free textbooks, Department of Education, in accordance with the following schedule		21,485,649
Schedule:		
(a) Personal Services	111,926	
(b) Operating Expenses and Equipment	21,423,723	
Total of schedule	21,535,649	
Less estimated reimbursements	50,000	
Net appropriation	21,485,649	

provided, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Education during the 1966–67 or 1967–68 fiscal years in which the total price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds by more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the state or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that the book submitted on a finished-book basis is clearly superior in quality and utility to others submitted on a leased-plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of

Item	Amount
such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks. Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1966–67 or 1967–68 fiscal years in which the unit price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the state on a leased-plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished-book basis. For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased-plate basis and textbooks includes teachers' manuals or editions. However, this appropriation shall be available, without regard to the foregoing conditions, to finance contracts for textbooks adopted as supplementary textbooks by the State Board of Education during the 1966–67 or 1967–68 fiscal year for which offers were received on both a leased-plate and finished-book basis if the State Board of Education accepts the lesser of the two offers. The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing or purchase orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to August 1, 1968.	

Item	Amount
274—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code	1,200,000
275—For vocational education programs in public school districts, conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education, in accordance with the following schedule	1,430,271

Schedule:

(a) Payments to public school district	26,352,148
Total of schedule	26,352,148
Less estimated amounts available from other sources:	
(b) Federal grants	24,921,877
Net appropriation	1,430,271

provided, that $1,200,000 of the net appropriation will be allocated by executive order of the Department of Finance to the Department of Education, if the matching requirements for the Manpower Development and Training Act cannot be met with state and/or local in-kind services.

HEALTH AND WELFARE

276—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 8 of the Welfare and Institutions Code	23,901,030
277—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria, in accordance with provisions of Sections 249 through 271 of the Health and Safety Code, Department of Public Health, in accordance with the following schedule	9,740,763

Schedule:

(a) State Basic	7,298,995
(b) State Matching	739,328
(c) Administrative Allowance	875,000
(d) Diagnosis	1,910,600
(e) Nonresident Care	45,000
Total of schedule	10,868,923

Item	Amount
Less estimated amounts available from other sources:	
(f) Estimated grants from the federal government -------	1,128,160
Net appropriation ------	9,740,763

provided, that the Department of Public Health shall have the authority to transfer funds between items in the schedule above to meet program needs with the approval of the Department of Finance; and provided further, that this appropriation shall be made available to the several counties as follows:

(a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided and approved by the county or city and county pursuant to Section 270 of the Health and Safety Code, not to exceed twenty thousand dollars ($20,000), whichever is the greater.

(b) All funds received by cities or cities and counties as reimbursement for services rendered in this program under the provisions of the Health and Safety Code governing this program shall be used to reduce the cities or cities and counties appropriation to support this program. The respective share of reimbursements between the state basic share and the cities or cities and counties basic share will be the same as is provided for in the Health and Safety Code Section 270 for sharing in the appropriation for support of this program.

(c) For the purpose of administration by independent counties, there shall be allocated an amount equal to two-thirds of the expenditures for the local administration of each independent county's program, made in accordance with a budget approved by the Department of Public Health; provided, however, that such amount shall not exceed $6\frac{2}{3}$ percent of the gross total expenditures for diagnosis and treatment by that county in the preceding fiscal year.

(d) No funds may be allocated to any county with a population of 200,000 or more

Item Amount

as of the first day of the fiscal year specified in Section 2.1 of this act, unless such county is independently administering the program; provided, however, during the first six months of the first fiscal year in which any county is affected by this provision, and after notification to the Department of Public Health by a county that action is being taken to assume independent administration of the program, payments may continue to be made on behalf of such county by the state.

(e) The allocations of funds provided for in (a), (b), (c), and (d) of this section shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1967–68 within the limits of this appropriation.

(f) Expenditures made under this item to reimburse counties and cities and counties for the state's share of the cost of such services shall be charged to the fiscal year in which the county or city and county issues its warrant in payment of such services and shall not exceed the amount appropriated for each fiscal year. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.

278—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health ---- 3,019,549
including an additional amount of three dollars and sixteen cents ($3.16) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.

279—For assistance to counties by the establishment of local health services, in accordance with Section 1157 of the Health and Safety Code, Department of Public Health-------- 476,282
provided, that the Department of Public Health shall make a report to the Legislature, not later than the 15th legislative day of the 1968 Regular Session of the Legislature, proposing a plan or plans whereby those counties receiving local health services from the State

Item	Amount
Department of Public Health on a contractual basis pursuant to Section 1157 of the Health and Safety Code can secure local health services as of July 1, 1968, on a different basis than is provided in that section. The report may include, but need not be limited to, proposals such as contractual arrangements with proximate counties which support local health departments as defined in Section 1102 of the Health and Safety Code or joint county support of multicounty health departments.	
280—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	4,605,777
281—For assistance to local agencies for the treatment of physically handicapped minors by physical and occupational therapy to be provided in special schools and classes with assignment of therapists based on the number of children requiring therapy. Department of Public Health	2,469,608
provided, that all therapists will be employed by local agencies; and provided further, that the allocation of funds to be expended under this item shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1967–68 within the limits of this appropriation.	
281.1—For assistance to local agencies for community alcoholism control services including program planning, inventorying and development of resources, coordination of programs and activities, and program evaluation and measurement, in accordance with the provisions of Sections 427 through 427.13 of the Health and Safety Code, Department of Public Health	150,000
282—For assistance to local agencies in the establishment and operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded in accordance with the provisions of Section 415 through 416.2 of the Health and Safety Code, Department of Public Health	1,513,000

Item	Amount
283—For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act	18,863,865
and in addition thereto, any amounts remaining unexpended on June 30, 1967, in the appropriation made by Item 350, Budget Act of 1966; provided, that no money will be expended for any hospital facility which refuses to admit persons certified as eligible for benefits under the provisions of Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of the Welfare and Institutions Code.	
Provided further, that no allocation shall be made to a hospital until the local share of construction costs is assured, as determined by the Hospital Advisory Council.	
284—For the cost of special social service programs for which federal grants-in-aid are made to the state; for cost of release or prevention of commitment of mentally impaired persons to state hospitals; for costs of pilot or experimental social service programs designed to improve public assistance programs; for costs of preschool compensatory education services at child care centers; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for costs incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 16004 and 16202 of the Welfare and Institutions Code; for in-service training and educational leave stipends to increase the supply of trained welfare personnel for county welfare departments; for the cost of local projects in the administration of public assistance and social services for children; and for the costs of statewide social services' administration-improvement programs, Department of Social Welfare	16,239,265

Item	Amount
Such appropriation, together with any grants made available by the federal government for this purpose, shall be expended in accordance with the following schedule.	
Schedule:	
(a) Specialized Social Service Programs in Public Assistance	10,778,563
(b) Specialized Services for Children	26,716,191
(c) Local Inspection and Licensure	1,956,294
(d) Social Services' Administration—Improvement Programs	2,547,025
(e) Distressed Areas Rehabilitation Project	267,320
Total of schedule	42,265,393
Less estimated amounts available from other sources:	
(e) Reimbursements	28,737
(f) Estimated grants from the federal government	25,997,391
Net appropriation	16,239,265

provided, that all or any portion of the amounts included in section (b) for administration of adoptions may be transferred to Item 136 of this act, for support of Department of Social Welfare, upon order of the Department of Finance; and provided further, that the expenditure of funds for the Tutorial Program for Children in Distressed Areas shall be contingent upon enactment of related enabling legislation.

284.1—For transfer to the Health Care Deposit Fund upon order of the Director of Finance to provide for Medical Assistance Program expenditures in excess of the statutory limitation as required by Sections 14150 and 14150.2 of the Welfare and Institutions Code 25,789,369

provided, that additional amounts may be transferred to the Health Care Deposit Fund from the General Fund upon certification by the Department of Finance that such amounts are necessary to provide for Medical Assistance Program expenditure in excess of the statutory limitation as required by Section 14150 and 14150.2 of the Welfare and Institu-

Item Amount

tions Code resulting from the enactment of Assembly Bill 2392, 1967 Regular Session, or by virtue of the reimbursement of the state hospitals for the mentally retarded for medical and health care provided to California Medical Assistance Program beneficiaries.

284.5—Notwithstanding any limitation or condition imposed in this act, it is the intention of the Legislature that the State Department of Social Welfare establish a special need allowance of four dollars ($4) for recipients of old age assistance to enable such recipients to purchase personal and sundry items for which they have need, or, in the discretion of the department, to increase existing special need allowances to make such allowances more realistic to the market prices of the items to which such allowances relate.

RESOURCES

285—For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code ---------- 11,250,000

provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project; provided further, that $665,000 of the money appropriated by this item may be expended on the Klamath River Flood Control Project as authorized by Section 12737 of the Water Code, as proposed by Assembly Bill No. 356 of the 1967 Regular Session, for state coopera-

Item	Amount
tion, to be available from time to time, for expenditure as funds for carrying out said project are appropriated by Congress.	
286—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1, Sections 12648 through 12654, and Sections 12656 5 and 12828 of the Water Code; for the construction costs in lieu thereof as authorized by Section 8621 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto including determining the boundaries and appropriate assessments of the Lower San Joaquin River Levee District within the area benefited by the San Joaquin River Flood Control Project, the Reclamation Board, in accordance with the following schedule	4,608,731

Schedule:

(a) Sacramento River and Tributaries Flood Control Project	1,516,935
(b) San Joaquin River and Tributaries Flood Control Project	460,000
(c) Fresno River Flood Control Project	51,000
(d) Chowchilla River Flood Control Project	24,000
(e) Mormon Slough Flood Control Project	1,160,000
(f) Sacramento River Bank Protection Project	1,396,796
Total of schedule	4,608,731

Item	Amount
286.5—To pay the state's share of the cost of local participation required and to make advances to meet the federal share in connection with the Orange County Beach Erosion Control Project, in accordance with Section 335.5 of the Water Code, as added by Chapter 108 of the 1967 Regular Session, Department of Water Resources, in accordance with the following schedule	439,445
Schedule:	
(a) State's share 104,445	
(b) Advance for federal share 335,000	
Total of schedule 439,445	
287—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund provided, that none of this money shall be expended for a construction loan to the City of Avalon for any project unless the Harbors and Watercraft Commission determines that such project will provide berthing facilities for commercial seagoing common carriers which will at least be equal to the existing facilities in Avalon Harbor currently being used by commercial seagoing common carriers in providing a safe landing for ships and passengers.	4,850,000
288—For grants for construction and development of small craft launching facilities to cities, counties, or districts pursuant to Section 83 of the Harbors and Navigation Code, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund	651,500
289—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 83 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms, as may be authorized by the Director of Finance, with the consent of the Governor, the sum of $100,000, or as much thereof as may be necessary, payable from the Harbors and Watercraft Revolving Fund.	
290—For transfer to the General Fund as an advance of the amount required to be paid to the state by the County of Los Angeles, State Controller, payable from the Harbors and Watercraft Revolving Fund	2,564,500

Item	Amount
provided, that all amounts paid to the state by the County of Los Angeles, pursuant to Chapter 2305, Statutes of 1957, shall be deposited in the Harbors and Watercraft Revolving Fund; and provided further, that the transfer and appropriation made by this item shall not change in any way the loan repayment obligation of the County of Los Angeles as provided for in said Chapter 2305 nor shall it subject the small craft harbor known as Marina del Rey to the provisions of Article 3, of Chapter 2 of Division 1 of the Harbors and Navigation Code as added thereto by Chapter 61, Statutes of 1966, First Extraordinary Session.	
291—For transfer to the General Fund as an advance of the amount required to be paid to the General Fund from the Small Craft Harbor Improvement Fund in repayment of advances made from the General Fund pursuant to Part 4 (commencing with Section 3900), Division 6, Harbors and Navigation Code, State Controller, payable from the Harbors and Watercraft Revolving Fund	1,456,663
provided, that the money required to be repaid to the General Fund pursuant to Part 4 (commencing with Section 3900), Division 6, Harbors and Navigation Code shall be deposited in the Harbors and Watercraft Revolving Fund.	
292—For grants to soil conservation districts, Division of Soil Conservation, Department of Conservation	100,000
TRANSPORTATION	
293—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund	550,000
The appropriation made by this item shall be available without regard to fiscal years.	
OTHER PURPOSES	
294—For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	5,924,000

Item	Amount
294.5—For transfer by State Controller to the Judges' Retirement Fund	700,000
295—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code, payable from the surplus of the Veterans' Farm and Home Building Fund of 1943	500,000
296—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, California State Disaster Office	62,000

The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.

296.5—For the purpose of a loan or grant to City of Crescent City to enable it to meet any payment or commitment necessary to carry out its responsibilities under any project carried out pursuant to the Community Redevelopment Financial Assistance and Disaster Project Law, State Allocation Board, to be available in accordance with the following schedule 400,000

Schedule:

(a) Fiscal year 1967–68	200,000
(b) Fiscal year 1968–69	200,000
Total of schedule	400,000

provided, that any loan made shall be repaid in the manner and shall be subject to the

Item	Amount
terms and conditions provided for redevelopment agency loans by Section 34011 of the Health and Safety Code.	
297—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund	995,200
298—For contribution to counties for providing legal assistance to indigents charged with violation of state criminal law, in accordance with Section 987b of the Penal Code	600,000
298.5—For apportionment by the State Controller to cities and counties producing tideland revenues, in accordance with Section 6817 of the Public Resources Code, representing the 1-percent increase made in such apportionment by Assembly Bill No. 433 or Senate Bill No. 1022 of the 1967 Regular Session	68,000
provided, that such increase in the apportionment to such cities and counties shall only take effect if Assembly Bill No. 433 or Senate Bill No. 1022 of the 1967 Regular Session is enacted into law.	

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1967–68, 1968–69 and 1969–70 fiscal years, provided, that any funds appropriated specifically for minor projects shall be available only for the 1967–68 fiscal year. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

STATE BUILDING PROGRAM

GENERAL ADMINISTRATION

299—For capital outlay, Department of General Services, in accordance with the following schedule		1,400,506
Schedule:		
(a) Equip central heating and cooling plant	50,506	
(b) Partitions of office buildings Nos. 8 and 9	1,050,000	
(c) Alterations—various locations, available until June 30, 1968	200,000	

Item		Amount
(d) Working drawings for office building—San Jose	100,000	
Total of schedule	1,400,506	
299.5—For capital outlay, Department of General Services, in accordance with the following schedule		750,000
Schedule:		
(a) Construct Governor's Mansion	750,000	
Total of schedule	750,000	
300—For capital outlay, Department of General Services, minor projects, including the construction of a pedestrian mall at the Fresno State Building		180,000
300.1—For capital outlay, Department of General Services, for site clearance and improvement in Van Nuys		50,000

AGRICULTURE

301—For capital outlay, California Museum of Science and Industry, minor projects		35,810

CORRECTIONS

302—For capital outlay, Department of Corrections, in accordance with the following schedule		200,000
Schedule:		
California State Prison at San Quentin:		
(a) Modify sewage plant	200,000	
Total of schedule	200,000	
303—For capital outlay, Department of Corrections, statewide minor projects		475,191
304—For capital outlay, Department of the Youth Authority, in accordance with the following schedule		102,000
Schedule:		
Fricot Ranch School for Boys:		
(a) Site acquisition for pumphouse and water line	2,000	
Fred C. Nelles School for Boys:		
(b) Replace boilers	100,000	
Total of schedule	102,000	

Item	Amount
305—For capital outlay, Department of the Youth Authority, statewide minor projects	471,215

EDUCATION

306—For capital outlay, School for the Blind, minor projects	3,000
307—For capital outlay, School for Cerebral Palsied Children, Northern California, minor projects	28,300
308—For capital outlay, School for the Deaf, Berkeley, in accordance with the following schedule	48,600
Schedule:	
(a) Addition to vocational education building (auto body shop) 48,600	
Total of schedule 48,600	
309—For capital outlay, School for the Deaf, Berkeley, minor projects	6,500
310—For capital outlay, School for the Deaf, Riverside, minor projects	12,500

HIGHER EDUCATION

311—For capital outlay, University of California, minor projects, payable from the Capital Outlay Fund for Public Higher Education	1,794,738
311.5—For capital outlay, University of California, to be allocated by executive order of the Director of Finance to the Regents of the University of California, in such amounts as are required under the terms of the study, not to exceed the amount of this appropriation; and provided, that no funds be released to the University of California until such time as matching federal funds for that portion to be released have been received by the University of California, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education	200,000
Schedule:	
(a) Academic Building Systems study 200,000	
Total of schedule 200,000	
311.6—For capital outlay, University of California, in accordance with the following schedule, payable from the Capital Outlay Fund for	

Item		Amount
Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California		425,000
Schedule:		
California College of Medicine, Irvine Campus:		
(a) Construct facilities to accommodate interim operation	425,000	
Total of schedule	425,000	
312—For capital outlay, minor projects in the California State Colleges, in accordance with the following schedule, without regard to the projects specified in the Governor's Budget and provided, that no transfers may be made between the items in the schedule, payable from the Capital Outlay Fund for Public Higher Education		1,399,466
Schedule:		
(a) Chico	39,900	
(b) Fresno	99,970	
(c) Fullerton	109,500	
(d) Hayward	92,330	
(e) Humboldt	78,770	
(f) California State Polytechnic College, Kellogg-Voorhis	66,200	
(g) Long Beach	100,266	
(h) Los Angeles	18,120	
(i) Sacramento	45,300	
(j) San Bernardino	80,550	
(k) San Diego	70,810	
(l) San Fernando Valley	137,770	
(m) San Francisco	107,360	
(n) San Jose	234,500	
(o) California State Polytechnic College, San Luis Obispo	66,360	
(p) Sonoma	51,760	
Total of schedule	1,399,466	
312.5—For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the trustees to the California State Colleges for expenditures by said colleges, not to exceed the amount set forth in the following schedule, payable from the Capital Outlay Fund for Public Higher Education		185,000
Schedule:		
(a) Master planning	185,000	
Total of schedule	185,000	

Item		Amount
313—For capital outlay, California Maritime Academy, minor projects		7,500

HEALTH AND WELFARE

314—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule		184,600
Schedule:		
Neuropsychiatric Institute at Los Angeles:		
(a) Equip mental retardation addition	117,000	
Napa State Hospital:		
(b) Improvements to storm and sanitary sewer systems	67,600	
Total of schedule	184,600	
315—For capital outlay, Department of Mental Hygiene, minor projects		1,497,595
315.5—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule		700,000
Schedule:		
Camarillo State Hospital:		
(a) Remodel ward space	500,000	
Fairview State Hospital:		
(b) Improvements to wards	100,000	
Pacific State Hospital:		
(c) Improvements to wards	100,000	
Total of schedule	700,000	

provided, that it is the intent of the Legislature to transfer 500 mentally retarded patients to Camarillo State Hospital in order to provide more suitable space for 500 mentally retarded patients to be admitted from the waiting list at Fairview and Pacific State Hospitals.

MILITARY AFFAIRS

316—For capital outlay, Military Department, minor projects	202,580

RESOURCES

317—For capital outlay, Department of Conservation, minor projects	400,000

Item		Amount
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure during the 1967–68 and 1968–69 fiscal years.		
318—For capital outlay, Department of Water Resources, minor projects		6,800

TRANSPORTATION

319—For capital outlay, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund		1,120,837
Schedule:		
(b) Construct office building—Yreka	337,600	
(e) Preliminary planning	50,000	
(f) Radio communications equipment—statewide	235,180	
(g) Contingency fund for property acquisition	448,057	
(h) Alterations to headquarters office building—Sacramento	50,000	
Total of schedule	1,120,837	
320—For capital outlay, Department of the California Highway Patrol, minor projects, payable from the Motor Vehicle Fund		74,620
321—For capital outlay, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund		1,981,825
Schedule:		
(a) Land acquisition for office building and parking facilities—Winnetka	361,500	
(c) Preliminary Planning	30,000	
(d) Working drawings for office building—San Mateo	16,000	
(e) Working drawings for office building—Inglewood	20,500	
(f) Working drawings for office building—Hayward	16,550	
(g) Working drawings for office building—Westside-Los Angeles	20,400	
(h) Land acquisition for office building and parking facilities—Daly City	583,000	

Item		Amount
(i) Land acquisition and working drawings for additional office building and parking facilities—San Jose	167,615	
(j) Land acquisition and construction of additional office building and parking facilities—Santa Ana	591,700	
(k) Construction of additional office space—Glendale	174,560	
Total of schedule	1,981,825	

VETERANS AFFAIRS

323—For capital outlay, Veterans' Home of California, minor projects 58,920

UNALLOCATED

324—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies 300,000
the amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.

325—For augmentation of, and in accordance with, the provisions of Section 16409 of the Government Code 1,000,000

326—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance, upon approval of the State Public Works Board 50,000
provided, the amount appropriated in this item shall be available only for the 1967–68 fiscal year.

WILDLIFE CONSERVATION PROGRAM

327—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be ex-

Item		Amount
pended in accordance with the following schedule		1,575,000
Schedule:		
(a) Construct replacement of M. V. Scofield	1,575,000	
Total of schedule	1,575,000	
328—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, minor projects		216,500

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

329—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		1,515,000
Schedule:		
(a) Land acquisition—statewide	100,000	
(b) Statewide—preliminary planning reservoir development	235,300	
(d) Natural Bridges State Beach, roads and parking—assessment district participation	100,000	
(e) Castaic Reservoir, tree maintenance	30,000	
(f) Minor projects	399,700	
(g) Columbia State Historic Park—historic building restoration	100,000	
(h) Plumas-Eureka State Park—for development	50,000	
(i) Pueblo de Los Angeles State Historical Monument—for restoration	500,000	
Total of schedule	1,515,000	
329.1—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		75,000
Schedule:		
(a) Monterey State Historical Monument, for development of Custom House Plaza	75,000	
Total of schedule	75,000	

Item		Amount

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.3. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1967–68, 1968–69 and 1969–70 fiscal years for expenditure only for the programs contemplated by the State Construction Program Bond Act of 1955, the State Construction Program Bond Act of 1958, the State Construction Program Bond Act of 1962 and the State Construction Program Bond Act of 1964. All such appropriations shall be paid out of the State Construction Program Fund.

STATE BUILDING PROGRAM

CORRECTIONS

330—For capital outlay, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		50,000
Schedule:		
Correctional Training Facility:		
(a) Equip new construction	30,000	
California Institution for Men:		
(b) Equip barracks	20,000	
Total of schedule	50,000	
331—For capital outlay, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		675,984
Schedule:		
Northern California Youth Center:		
(b) Equip surgery addition	10,000	
(c) Equip DeWitt Nelson Youth Conservation Training Center	555,984	
Ventura School for Girls:		
(d) Construct additional water storage facilities	110,000	
Total of schedule	675,984	

HIGHER EDUCATION

Item		Amount
332—For capital outlay, Department of Education, to be allocated to the junior college districts for expenditure by said junior college districts, in accordance with and not to exceed the amounts set forth in the following schedule, to be allocated by executive order of the Director of Finance to the Department of Education, upon agreement between the Department of Finance and the Department of Education as to the proper scope and estimate of cost of each project to be financed from the funds appropriated by this item, payable from the State Construction Program Fund		19,617,030
Schedule:		
(a) Cabrillo	78,062	
(b) Cerritos	850,681	
(bx) Citrus	99,361	
(c) Compton	6,702	
(d) El Camino	579,998	
(e) Foothill	1,707,607	
(f) Gavlan	449,266	
(g) Lassen	109,643	
(h) Long Beach	601,780	
(i) Los Angeles	715,337	
(j) Marin	461,693	
(k) Merced	360,947	
(*l*) Monterey	193,364	
(m) Mt. San Antonio	432,828	
(n) Napa	205,018	
(o) North Orange	3,897,229	
(p) Palomar	128,566	
(q) Palo Verde	54,056	
(r) Pasadena	190,045	
(s) Peralta	678,387	
(t) Redwoods	445,429	
(u) Riverside	371,706	
(v) San Bernardino	763,717	
(w) San Diego	920,671	
(x) San Jose	857,305	
(y) San Mateo	635,300	
(z) Santa Ana	382,965	
(aa) Santa Barbara	561,369	
(bb) Santa Monica	12,581	
(cc) Shasta	171,924	
(dd) Siskiyou	188,977	
(ee) Sonoma	120,629	
(ff) Sweetwater	204,688	
(gg) Ventura	788,047	

Item		Amount
(hh) Victor Valley	61,499	
(ii) West Valley	786,482	
(jj) Yuba	543,171	
Total of schedule	19,617,030	

VETERANS AFFAIRS

333—For capital outlay, Veterans' Home of California, in accordance with the following schedule, payable from the State Construction Program Fund		81,700
Schedule:		
(a) Repair broken sewage effluent line	81,700	
Total of schedule	81,700	

UNALLOCATED

333.5—For augmentation of, and in accordance with, the provisions of Section 16354 of the Government Code	2,000,000

STATE HIGHER EDUCATION
CONSTRUCTION BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1967–68, 1968–69 and 1969–70 fiscal years for expenditure only for the programs contemplated by the State Higher Education Construction Program Bond Act of 1966. All such appropriations shall be paid out of the State Construction Program Fund. Where the estimate for any capital outlay project described in any item set forth under this section exceeds the amount appropriated in such item or the bids received therefor are in excess of the estimate, there is hereby appropriated, in augmentation of the amount appropriated by such item for the specific purpose set forth in that item, an amount sufficient to provide for the payment of such capital outlay project.

334—For capital outlay, University of California, in accordance with the following schedule, payable from the State Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law	43,342,501

Item	Amount
Schedule:	
Universitywide:	
(a) Preliminary planning	1,000,000
(b) General planning studies	100,000
(c) Advance planning studies	300,000
Berkeley Campus:	
(d) Construct utilities	520,000
Davis Campus:	
(e) Construct utilities and site development	1,033,000
(f) Construct irrigation water system on campus	229,000
(g) Construct biological sciences unit 4	5,184,000
(h) Construct physics unit 1	4,805,000
Irvine Campus:	
(i) Sewage disposal contract	504,000
(j) Construct utilities and site development	3,125,000
(k) Construct central plant unit 2	908,000
(*l*) Construct fine arts unit 1	4,000,000
(m) Construct engineering unit 1	5,600,000
(n) Construct library unit 2	1,914,000
(o) Working drawings for social sciences unit 1	125,000
Los Angeles Campus:	
(p) Construct Dickson Art Center alterations	522,000
(q) Working drawings for old public health building alterations, step 2	20,000
Los Angeles Medical:	
(r) Construct hospital and clinics unit 1 alterations, step 2	2,767,000
(s) Construct basic sciences unit 1 alterations	746,365
Riverside Campus:	
(t) Construct physical education building alterations	182,000
(u) Construct life sciences unit 1 alterations	172,000

Item	Amount
San Diego Campus:	
(v) Construct central emergency power generation equipment and central control system	474,000
(w) Construct utilities and site development	450,000
(x) Construct on-site utilities and site improvement for second college	430,000
(y) Construct second college—building 2B	3,045,000
(z) Construct second college—building 2C	2,852,000
(aa) Construct second college—academic areas for building 2E	200,000
(bb) Construct central university library building, step 1	4,716,000
(cc) Construct alterations in Revelle College building B, step 3	133,000
(dd) Working drawings for second college—building 2D	100,000
San Diego Medical:	
(ee) Construct addition to central utilities building, step 1	2,586,000
Santa Barbara Campus:	
(ff) Construct utilities and site development	1,750,000
(gg) Working drawings for South Hall addition	133,000
Santa Cruz Campus:	
(hh) Construct utilities and site development	1,175,000
(ii) Construct engineering unit 1	3,981,000
(jj) Working drawings for performing arts building	80,000
(kk) Construct alterations to existing facilities	113,500
(*ll*) Working drawings for college 5	26,000
Hastings College of the Law:	
(mm) Construct addition	1,600,000
(nn) Working drawings for alterations	12,000
Total of schedule	57,612,865

Item Amount

Less anticipated federal reimbursements 14,270,364

Net appropriation 43,342,501

provided, that the University of California having made applications for federal grant funds for projects in Item 335, Budget Act of 1967, any state appropriated funds thereby released, equal in amount to the federal grants, notwithstanding any other provisions of law, shall be used as a source of funding for this item.

335—For capital outlay, University of California, to be allocated by executive order of the Director of Finance to the Regents of the University of California upon agreement between the Department of Finance and the University of California as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund 8,119,000

Schedule:

	San Francisco Medical:	
(a)	Construct clinics expansion	6,279,000
	Davis Campus:	
(b)	Renovations to county hospital	240,000
(c)	Construct medical-surgery unit	1,157,000
	San Diego Campus:	
(d)	Construct improvements, county/U.C. hospital	398,000
	San Francisco Campus:	
(e)	Working drawings for the School of Nursing building	45,000
	Total of schedule	8,119,000

336—For capital outlay, University of California, in accordance with the following schedule, payable from the State Construction Program Fund and notwithstanding any of the other provisions of Section 2.4 are hereby appropriated for expenditure only during the 1967–68 fiscal year; provided, that withdrawals shall be as required to meet current obligations as certified by the University of Califor-

Item		Amount
nia notwithstanding any other provision of law		4,360,100
Schedule:		
Davis Campus:		
(a) Equip engineering building	820,000	
(b) Equip biological sciences unit 3	450,000	
Los Angeles Campus:		
(c) Equip theater arts unit 2	390,000	
(d) Equip Franz Hall addition, step 2	324,000	
(e) Equip mathematical sciences addition	436,000	
Los Angeles Medical:		
(f) Equip school of public health building	245,000	
Riverside Campus:		
(g) Equip physical education building alterations	15,000	
(h) Equip life sciences unit 1 alterations	21,000	
San Diego Campus:		
(i) Equip physical education building and playing fields for cluster 1	64,000	
San Diego Medical:		
(j) Equip basic science building	228,600	
Santa Barbara Campus:		
(k) Equip biological sciences unit 2	900,000	
(*l*) Equip music unit 2	147,000	
(m) Equip classroom and office unit 4	20,000	
Santa Cruz Campus:		
(n) Equip fine arts and communications building	295,000	
(o) Equip alterations to existing facilities	4,500	
Total of schedule	4,360,100	
337—For project planning, Trustees of the California State Colleges, in accordance with the following schedule, payable from the State Construction Program Fund		1,000,000

Item		Amount
Schedule:		
(a) Project planning for the 1968–69 fiscal year	800,000	
(b) General studies	200,000	
Total of schedule	1,000,000	
338—For capital outlay, Trustees of the California State Colleges, to be allocated by executive order of the Director of Finance to the Trustees of the California State Colleges, in accordance with the following schedule, payable from the State Construction Program Fund		250,000
Schedule:		
(a) Land acquisition	250,000	
Total of schedule	250,000	
The amount appropriated by this item is subject to the approval of the State Public Works Board for the acquisition of land at any of the state colleges; and provided, that the land to be acquired is within the boundaries of the master plan of that particular college and that this master plan has been approved by the Trustees of the California State Colleges; and provided further, that these funds will be used only for purchases of an opportunity or emergency nature.		
339—For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the Trustees to the California State Colleges for expenditures by said colleges, not to exceed the amounts set forth in the following schedules, payable from the State Construction Program Fund		54,447,697
Schedule:		
Chico State College:		
(a) Construct life science building	4,800,000	
(b) Construct physical science building	2,286,000	
(c) Construct boiler plant	1,219,000	
(d) Working drawing for classroom-office building	100,000	
(e) Working drawing for library building addition	206,000	
(f) Working drawing for applied arts unit II	160,000	
(g) Construct farm building III	575,000	
(h) Air conditioning science-music-speech building	262,000	

Item	Amount
(i) Working drawings utilities development	14,000
(j) Land acquisition	800,000
(k) Working drawings for building modernization	43,000
State College, Dominguez Hills:	
(*l*) Construct social science building	2,126,000
(m) Construct initial physical education facilities	406,000
(n) Construct outdoor physical education facilities	338,000
(o) Utilities and site development—1967	700,000
(p) Construct corporation yard No. 1	342,000
(px) Construct initial buildings, phase II	126,000
Fresno State College:	
(q) Construct art building	1,279,000
(r) Working drawings for engineering addition	58,000
(s) Utilities and site development—1967	513,000
State College at Fullerton:	
(t) Construct art building	2,270,000
(u) Working drawings for engineering building	226,000
(v) Working drawings for administration—business building	143,000
(w) Construct convert science building III	93,000
State College at Hayward:	
(x) Construct speech-drama building	2,164,000
(y) Working drawings for library building	272,000
(z) Working drawings for administration-classroom building	149,000
(aa) Site development—1967	475,000

Item	Amount
Humboldt State College:	
(bb) Construct remodel founders' hall	631,000
(cc) Working drawings for natural resources building	64,000
(dd) Modernize college elementary school	194,000
(ee) Working drawings for physical education facilities	71,000
(ff) Land acquisition	655,000
State College in Kern County:	
(gg) Initial complement of library books	187,000
(hh) Working drawing for initial buildings	70,000
(ii) Working drawings for utilities and site development—1967	25,000
State College at Long Beach:	
(jj) Construct engineering building II	3,385,000
(kk) Construct psychology building	2,661,000
(*ll*) Construct library building —phase II	5,158,000
(mm) Working drawings for lecture classroom building	18,000
(nn) Working drawings for home economics building II	34,000
(oo) Working drawings for drama building	83,000
(pp) Site development—1967	589,000
State College at Los Angeles:	
(qq) Construct physical science building and garage	9,577,000
(rr) Site development—utilities	942,000
(ss) Working drawings for utilities and site development—Berridge	66,000
(tt) Land acquisition—1967	1,650,000
Sacramento State College:	
(uu) Construct teacher education building	1,839,000

Item	Amount
(vv) Working drawings for remodel speech-drama building —phase II and addition	20,000
(ww) Working drawings for psychology classroom building	78,000
(xx) Working drawings for library building	198,000
(yy) Construct air-condition Douglas Hall and education building	150,000
(zz) Construct boiler plant utilities	353,000
(aaa) Site development—1967	351,000
San Bernardino State College:	
(bbb) Construct library-classroom building	4,589,000
(ccc) Utilities and site development—1967	585,000
(ddd) Working drawings for cafeteria	57,000
San Diego State College:	
(eee) Construct art classroom building	2,574,000
(fff) Construct fire alarm system	84,000
(ggg) Working drawings for utilities and site development —1967	17,000
(hhh) Land acquisition	590,000
(hhhx) Mall repairs	220,000
San Fernando Valley State College:	
(iii) Working drawings for library building	320,000
(jjj) Utilities and site development	314,000
San Francisco State College:	
(kkk) Construct complete music-speech building	292,000
(*lll*) Working drawings for administration addition	145,000
(mmm) Utilities and site development—1967	350,000

Item	Amount
San Jose State College:	
(nnn) Working drawings for central library building	325,000
(ooo) Construct remodeling centennial hall	177,000
(ppp) Construct boiler—air-condition plant	3,065,000
(qqq) Site development—1967	134,000
(qqqx) Remodel corporation yard	200,000
Sonoma State College:	
(rrr) Working drawings for remodel classroom building No. 1	14,000
(ttt) Utilities and site development—1967	1,000,000
(uuu) Construct central control system	85,000
Stanislaus State College:	
(vvv) Construct performing arts complex	2,144,000
(www) Site development—1967	565,000
(xxx) Working drawings for administration building	45,000
California State Polytechnic College—San Luis Obispo Campus:	
(yyy) Working drawings for library addition	120,000
(zzz) Working drawings for women's physical education facilities	57,000
(aaaa) Relocate track	278,000
(cccc) Utilities and site development—1967	748,000
(dddd) Utilities and site development—1967 (roads)	800,000
California State Polytechnic College—Kellogg-Voorhis Campus:	
(eeee) Working drawings for agriculture classroom addition	72,000
(ffff) Construct field laboratories	134,500

Item		Amount
(gggg) Construct air-conditioning aerospace—industrial engineering building	152,000	
(hhhh) Site development—1967	124,000	
Total of schedule	71,570,500	
Less anticipated federal reimbursements	17,122,803	
Net appropriation	54,447,697	

339.5—For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the trustees to the California State Colleges for expenditures by said colleges, not to exceed the amount set forth in the following schedule, payable from the State Construction Program Fund 500,000

Schedule:

San Jose State College:		
(a) Land acquisition — corporation yard	500,000	
Total of schedule	500,000	

provided, that the amount of assignable square feet of building area to be used by the college will not exceed that masterplanned for ultimate campus corporation yard use as agreed upon by the Trustees of the California State Colleges and the Department of Finance; and provided further, that a suitable leasing program be undertaken for the excess area either by transfer to or in cooperation with the Department of General Services.

340—For capital outlay, Trustees of the California State Colleges, in accordance with the following schedule, payable from the State Construction Program Fund; and notwithstanding any other provision of Section 2.4 are hereby appropriated for expenditure only during the 1967–68 fiscal year 3,901,837

Schedule:

Chico State College:		
(a) Equip applied arts building	91,000	
(b) Equip engineering building	284,000	
State College, Dominguez Hills:		
(c) Equip initial buildings	34,000	

Item	Amount
State College at Fullerton:	
(d) Equip convert science building—phase II	89,000
(e) Equip engineering	187,000
(f) Equip cafeteria	59,000
(g) Equip library and audiovisual buildings	324,000
(h) Equip convert science building—phase I, part II	249,000
(i) Equip convert science building—phase III	60,000
Hayward State College:	
(j) Equip classroom building No. 1	210,000
(k) Equip science building	88,000
Humboldt State College:	
(*l*) Equip art-music building	156,000
State College at Long Beach:	
(m) Equip nursing building	7,000
(n) Equip corporation yard	12,000
State College at Los Angeles:	
(o) Equip engineering building	400,000
Sacramento State College:	
(p) Equip remodel existing science buildings	18,000
(q) Equip physical education classroom-locker facility	22,000
(r) Equip science building	325,000
San Bernardino State College:	
(s) Equip corporation yard I	49,000
(t) Equip biological science building	147,000
(u) Equip physical science building	112,000
San Jose State College:	
(v) Equip science building 2—phase I	486,000
Sonoma State College:	
(w) Equip science building	243,337
(x) Equip boiler plant	13,000

Item		Amount
California State Polytechnic College—San Luis Obispo Campus:		
(y) Equip engineering-mathematics building	218,000	
(z) Equip relocate track	5,000	
California State Polytechnic College—Kellogg-Voorhis Campus:		
(bb) Equip field laboratories	13,500	
Total of schedule	3,901,837	

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

SEC. 2.5. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1967–68 fiscal year beginning July 1, 1967, and ending June 30, 1968. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury. Any money received from the federal government as reimbursement for expenditures made with money appropriated pursuant to this section shall be deposited in the State Beach, Park, Recreational and Historical Facilities Fund and shall be available for expenditure pursuant to the provisions of the Cameron-Unruh Beach, Park, Recreational and Historical Facilities Bond Act of 1964.

LOCAL ASSISTANCE

341—For grants to counties, cities or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		9,588,868
Schedule:		
(a) County of Alpine, Turtle Rock Park, for acquisition and development	75,000	
(b) City of Chico, Hooker Oak-Five Mile Dam Lake and Recreation Area, development	192,150	

Item	Amount
(c) East Bay Regional Park District, Los Trampas Ridge Regional Park, acquisition and development	404,450
(d) County of Fresno, Kings River Green Belt Recreation Area, for acquisition	606,750
(e) County of Los Angeles, Rose Hills Regional Park, for development	900,000
(f) County of Los Angeles, Otterbein Regional Park, for acquisition	239,000
(g) County of Los Angeles, South Torrance Beach, for acquisition	150,000
(h) City of Monrovia, Monrovia Canyon Park, for acquisition and development	48,050
(i) City of Santa Monica, Santa Monica State Beach parking area, for acquisition and development	120,000
(j) County of Marin, Deer Park-Phoenix Lake County Park, for development	69,650
(k) County of Marin, Stafford Lake County Park, for acquisition	124,750
(*l*) County of Marin, Bolinas Lagoon Tidelands, for acquisition	172,500
(m) County of Mendocino, Faulkner County Park, for development	10,000
(n) County of Merced, Lake Yosemite Park, for acquisition and development	82,600
(o) County of Modoc, Modoc County Community Parks, for development	75,000
(p) City of St. Helena, St. Helena Recreation Park, for development	27,000
(q) Napa County, Fiesta Center, for development	25,350
(r) Orange County, Sycamore Flat Regional Park, for development	103,250

Item	Amount
(s) County of Orange, Fullerton Dam Regional Park, for acquisition and development	590,000
(t) County of Orange, Mile Square Regional Park, for development	274,688
(u) County of Orange, Villa Park Dam Regional Park, for acquisition	517,500
(v) County of Riverside. McCall Memorial Park, for acquisition	80,000
(w) County of Sacramento, Ancil Hoffman Park, for development	63,000
(x) County of Sacramento, Southside American River Parkway, for development	120,000
(y) City of Folsom, Folsom City Park, for development	10,125
(z) City of Sacramento, Reichmuth Park, for acquisition and development	265,800
(aa) Citrus Heights Recreation and Park District, Rusch Park, for development	30,375
(bb) Fair Oaks Recreation and Park District, Sailor Bar Park, for development	28,875
(cc) County of San Benito, Bolado Park, for acquisition	75,000
(dd) County of San Bernardino, Copper Mountain Regional Park, for development	70,000
(ee) County of San Bernardino, Warm Creek Regional Park, for acquisition and development	225,000
(ff) County of San Bernardino, Yucaipa Regional Park, for development	150,000
(gg) County of San Bernardino, Prado Regional Park, for development	300,000
(hh) County of San Bernardino, Glen Helen Regional Park, for development	146,000
(ii) County of San Luis Obispo, Lopez Reservoir Recreational Area, for development	100,000

Item	Amount
(jj) City of San Luis Obispo, Laguna Lake Park, for development	50,000
(kk) County of Santa Barbara, Nojoqui Falls Park, for development	40,000
(*ll*) County of Santa Barbara, Los Alamos Regional Park, for acquisition	24,750
(mm) County of Santa Barbara, Santa Maria Dunes Regional Park, for acquisition	60,900
(nn) County of Santa Barbara, Lompoc Valley Park, for development	46,650
(oo) City of Lompoc, Santa Ynez River Park, for acquisition	51,000
(pp) County of Santa Barbara, Carpinteria Valley Park, for acquisition and development	20,000
(qq) County of Santa Clara, Coyote River Parkway, for acquisition and development	1,515,150
(rr) City of Watsonville, Pinto Lake Park, for development	92,200
(ss) Santa Cruz Port District, Santa Cruz Small Craft Harbor, for acquisition	125,000
(tt) City of Oakdale, W. T. Kerr Regional Park, for acquisition	14,500
(ttx) County of Stanislaus, Woodward Reservoir Recreation Area, for acquisition	155.000
(uu) County of Trinity, Hayfork Community Park, for development	15,000
(vv) County of Trinity, Trinity County Historical Park, for development	60,000
(ww) County of Tulare, Bartlett Park, for development	35,625
(xx) County of Tulare, Tulare Airpark, for acquisition	86,500
(yy) County of Tulare, Kings River Park, for acquisition	103,000
(zz) City of Visalia, Plaza Regional Park, for development	100,000

Item		Amount
(aaa) County of Ventura, Santa Rosa Valley Park, for acquisition	242,250	
(bbb) County of Ventura, Tapo Canyon Park, for acquisition	279,480	
Total of schedule	9,588,868	
342—For project review, Department of Parks and Recreation, for purposes set forth in Section 5096.15(d) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund		51,665
342.5—For grants to counties, cities, or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code Department of Parks and Recreation, for expenditure during the 1967–68, 1968–69 and 1969–70 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		1,706,595
Schedule:		
(a) City of Los Angeles, Hansen Dam Recreation Area, for development	161,187	
(b) City of San Francisco, John McClaren Park, for development	290,135	
(c) County of Los Angeles, South Torrance Beach, for acquisition	147,969	
(d) County of Marin, Deer Park, for development	36,750	
(e) County of Merced, Lake Yosemite Park, for acquisition and development	82,600	
(f) County of Orange, Sycamore Flat Regional Park, for development	199,710	
(g) County of San Bernardino, Glen Helen Park, for development	146,000	
(h) County of San Luis Obispo, Lopez Reservoir, for development	100,000	
(i) County of Santa Barbara, Santa Maria Dunes Park, for acquisition	60,058	
(j) County of Santa Barbara, Carpinteria Valley Park, for development	20,000	

Item	Amount
(k) County of Stanislaus, Modesto Reservoir Regional Park, for acquisition	90,000
(*l*) County of Tehama, Mill Creek Recreational Area, for development	17,756
(m) County of Tulare, Bartlett Park, for development	35,166
(n) County of Ventura, Santa Rosa Park, for acquisition	234,285
(o) Fair Oaks Recreation and Park District, Sailor Bar Park, for development	28,875
(p) Project Administration for reimbursement to the Special Deposit Fund, "Land and Water Conservation Trust," of the Department of Parks and Recreation for expenses incurred in the administration of the Land and Water Conservation Fund program, a federal grant program created with the enactment of Public Law 77-578	56,104
Total of schedule	1,706,595

provided, that none of the funds appropriated for the individual projects in this item shall be available for expenditure until the state has been notified in writing by the federal government that the project has been approved and that federal funds are available to the state for expenditure and are deposited to the credit of the State Beach, Park, Recreational, and Historical Facilities Fund, pursuant to Section 5096.26 of the Public Resources Code; provided further, that this appropriation is not to commit the Legislature to the distribution in a similar manner of other Land and Water Conservation Fund grants received from the federal government hereafter.

CAPITAL OUTLAY

343—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15 of the Public Resources Code, in ac-

Item		Amount
cordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		137,541
Schedule:		
(a) For project planning under provisions of Section 5096.15 (a) of the Public Resources Code	34,385	
(b) For project planning under provisions of Section 5096.15 (b) of the Public Resources Code	103,156	
Total of schedule	137,541	
343.1—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(b) of the Public Resources Code, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		100,000
Schedule:		
(a) San Diego "Old Town" development	100,000	
Total of schedule	100,000	
343.2—For capital outlay, Department of Parks and Recreation, pursuant to Section 5096.15 (a) of the Public Resources Code for expenditure during the 1967–68, 1968–69 and 1969–70 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		500,000
Schedule:		
(a) For augmentation of the Pepperwood Grove — Humboldt Redwoods as authorized by Item 423(n), Budget Act of 1966	500,000	
Total of schedule	500,000	

provided, that $425,000 in opportunity purchase funds in Item 326(a), Budget Act of 1964 may be expended in further augmentation of this project, and further provided that no more than $1,925,000 of state funds may be expended on this project.

343.3—On the effective date of this act, the appropriation for the Gaviota-Refugio State Beaches Expansion made by Item 423(f), Budget Act of 1966, is hereby reappropriated for the same

Item		Amount
purpose; and in addition, shall be available for increased shoreline and upland acquisitions; provided, that no more than four million five hundred forty thousand dollars ($4,540,000) shall be available for expenditure and shall be available for expenditure until June 30, 1969.		
343.5—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(a) of the Public Resources Code, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		125,000
Schedule:		
(a) Land acquisition	115,000	
(b) Augmentation (Section 5096.23, Public Resources Code)	7,000	
(c) Acquisition costs	3,000	
Total of schedule	125,000	
The funds appropriated above shall be restricted to expenditure for the following projects:		
Drum Barracks		
343 6—For capital outlay, Department of Parks and Recreation, pursuant to Section 5096.15(a) of the Public Resources Code, for expenditure during the 1967–68, 1968–69, and 1969–70 fiscal years, in accordance with the following schedule		3,775,000
Schedule:		
(a) Land acquisition, augmentation and acquisition costs for Torrey Pines State Park expansion	900,000	
provided, that no more than nine hundred thousand dollars ($900,000) shall be available for expenditure on this project; and provided further, that none of the money appropriated for this project shall be available for expenditure unless and until an agreement or agreements is entered into between the Department of Parks and Recreation and some local organization which provides for a contribution to the		

Item		Amount
	project, in the form of funds or property, which in the opinion of the Director of Parks and Recreation will be sufficient to assure that the project will substantially conform to the report on the project dated February, 1966 by the Department of Parks and Recreation with the exception that commercial lands along Highway 101 shall be excluded from acquisition except for a strip of land necessary for project access.	
	(b) Land acquisition, augmentation and acquisition costs for the Salt Point Project ----- 2,875,000	
	Total of schedule ------- 3,775,000	
343.7—For capital outlay, Department of Parks and Recreation, pursuant to Section 5096.15(a) of the Public Resources Code, for expenditure during the 1967–68, 1968–69, and 1969–70 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund--		2,796,500
Schedule:		
	(a) Augmentation for Point Mugu as authorized by Item 362, Budget Act of 1965---- 1,770,000	
	(b) Augmentation for Delta Meadows as authorized by Item 362, Budget Act of 1965 320,000	
	(c) Augmentation for Pfeiffer Big Sur, as authorized by Item 362, Budget Act of 1965 100,000	
	(d) Augmentation for Marin Headlands, as authorized by Item 362, Budget Act of 1965 541,000	
	(e) Augmentation for Montgomery Woods, as authorized by Item 423, Budget Act of 1966 65,500	
	Total of schedule ------- 2,796,500	

provided, that the augmentation for Pfeiffer Big Sur in subsection (c) shall be available only for escalation of land values and for legal fees incurred by the Nature Conservancy; and provided further, that the augmentation for Marin Headlands in subsection

Item	Amount
(d) shall be available only for the 1967–68 fiscal year and that it is the intention of the Legislature that the project lands be acquired by purchase only if determined by the Resources Agency Administrator that the project lands cannot be acquired by exchange of lands with the federal government.	
343.8—For capital outlay, Department of Parks and Recreation, pursuant to Section 5096.15(a) of the Public Resources Code, for expenditure during the 1967–68, 1968–69 and 1969–70 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund	500,000
Schedule:	
(a) Land acquisition—Pepperwood Grove, Humboldt Redwoods State Park 500,000	
Total of schedule 500,000	
provided, that none of the funds appropriated in this item shall be available for expenditure until the state has been notified in writing by the federal government that the project has been approved and that federal funds are available to the state in equal amount for expenditure and are deposited to the credit of the State Beach, Park, Recreational and Historical Facilities Fund, pursuant to Section 5096.26 of the Public Resources Code.	
343.9—On the effective date of this act, the $1,217,000 appropriation for Pfeiffer Big Sur made in Item 362, Budget Act of 1965, is hereby reappropriated for the same project including financing an agreement with the Nature Conservancy and shall be available without regard to fiscal years.	
344—For capital outlay, Wildlife Conservation Board and Department of Fish and Game for purposes set forth in Section 5096.15(c) of the Public Resources Code, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund	6,258
Schedule:	
(a) For project assistance under provisions of Section 5096.15 (c) of the Public Resources Code 6,258	
Total of schedule 6,258	

UNALLOCATED

Item	Amount
345—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, pursuant to Section 5096.15 of the Public Resources Code, for expenditure during the 1967–68, 1968–69 and 1969–70 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund.. The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	50,000

REVERSIONS

346—As of June 30, 1967, the amounts set forth opposite the appropriations for the Cima Dome, Whipple Mountains and Marin Headlands Projects provided in the following citations shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.

Department of Parks and Recreation:

Item 423(b), Budget Act of 1966	316,000
Item 423 (q), Budget Act of 1966	80,000
Item 423(r), Budget Act of 1966	56,000
Item 423(s), Budget Act of 1966	790,000

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1967–68 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1967, by incurring obligations to be paid after June 30, 1967.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1968–69 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not ex-

ceed a total of one million five hundred thousand dollars ($1,500,000) in estimated cost.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund or the State Highway Fund or appropriations to the Department of Education for allocation to the junior colleges shall be subject to the provisions of the Property Acquisition Law.

Nothing contained in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for acquisition of land or other real property for the use, development or enlargement of the University of California.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amount needed for equipment, preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for capital outlay for the use, development or enlargement of the University of California.

Nothing in this section shall be construed to limit or control the Department of Public Works in the expenditure of State Highway Fund money appropriated for capital outlay purposes.

The Regents of the University of California and the Department of Public Works shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for the various federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects not otherwise authorized by legislative appropriation or by allocation by the State Public Works Board. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

A report shall be submitted to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this section.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1968:

Department of General Services:
- Item 306(a), Budget Act of 1964
- Item 333, Budget Act of 1964

State Allocation Board
- Chapter 69, Statutes of 1964, First Extraordinary Session

Department of Agriculture:
- California Museum of Science and Industry, Item 361.1 and Item 361.2, Budget Act of 1956

University of California:
- Item 361(fff), Budget Act of 1962
- Item 376(hhh), Budget Act of 1963

Item 376 (iii), Budget Act of 1963
Item 376(ffff), Budget Act of 1963
Item 348(k), Budget Act of 1964
Item 348(*l*), Budget Act of 1964
Item 348(m), Budget Act of 1964
Item 348(p), Budget Act of 1964
Item 348(ddd), Budget Act of 1964
Item 348(fff), Budget Act of 1964
Item 348(ppp), Budget Act of 1964
Item 348(vvv), Budget Act of 1964
Item 348(zzz), Budget Act of 1964
Item 349(c), Budget Act of 1964
State Colleges:
Chico State College
Item 353(a), Budget Act of 1964
State College at Hayward
Item 353(*l*), Budget Act of 1964
State College, Dominguez Hills
Item 377(a), Budget Act of 1962
Item 392(a), Budget Act of 1963
Item 354(e), Budget Act of 1964
Item 354(f), Budget Act of 1964
Item 354(g), Budget Act of 1964
Item 354(h), Budget Act of 1964
Humboldt State College
Item 366(a), Budget Act of 1962
Item 381(b), Budget Act of 1963
State College at Los Angeles
Item 383(e), Budget Act of 1963
Item 353(z), Budget Act of 1964
Item 353(y), Budget Act of 1964
Item 353(x), Budget Act of 1964
State College at San Bernardino
Item 353(rr), Budget Act of 1964
Sonoma State College
Item 353(ttt), Budget Act of 1964
Item 353(uuu), Budget Act of 1964
Department of Conservation:
Item 383(c), Budget Act of 1961
Item 343(b), Budget Act of 1962
Item 359(c), Budget Act of 1963
Item 404(s), Budget Act of 1963
Item 404(u), Budget Act of 1963
Item 404(v), Budget Act of 1963
Item 324(b), Budget Act of 1964
Item 366(o), Budget Act of 1964
Item 366(s), Budget Act of 1964
Item 366(t), Budget Act of 1964
Item 366(u), Budget Act of 1964
Item 366(v), Budget Act of 1964
Item 366(y), Budget Act of 1964

Item 366(z), Budget Act of 1964
Department of Parks and Recreation:
Item 400(x), Budget Act of 1956
Item 339(e), Budget Act of 1961
Item 345(b), Budget Act of 1962
Item 361(a), Budget Act of 1963
Item 406.8(a), Budget Act of 1963
Item 406.8(b), Budget Act of 1963
Item 406.8(f), Budget Act of 1963
Item 406.8(i), Budget Act of 1963
Item 406.8(m), Budget Act of 1963
Item 406.8(n), Budget Act of 1963
Item 406.8(q), Budget Act of 1963
Item 406.8(r), Budget Act of 1963
Item 406.8(v), Budget Act of 1963
Chapter 1758, Statutes of 1963
Item 326(a), Budget Act of 1964
Item 326(b)(1), Budget Act of 1964
Item 326(b)(2), Budget Act of 1964
Item 326(b)(3), Budget Act of 1964
Item 326(b)(6), Budget Act of 1964
Item 326(b)(10), Budget Act of 1964
Item 326(b)(11), Budget Act of 1964
Item 326(b)(13), Budget Act of 1964
Item 326(b)(15), Budget Act of 1964
Item 326(b)(18), Budget Act of 1964
Item 326(b)(19), Budget Act of 1964
Item 326(c), Budget Act of 1964
Item 327(a), Budget Act of 1964
Item 327(b), Budget Act of 1964
Item 327(c), Budget Act of 1964
Item 365(a), Budget Act of 1965
Department of Water Resources:
Item 434(h), Budget Act of 1957, as amended by Section 14, Budget Act of 1961, and Section 10.6, Budget Act of 1963
Item 397(f), Budget Act of 1964
Item 397(g), Budget Act of 1964

SEC. 10.1. As of June 30, 1967, the unexpended balance of the appropriation made by Item 316, Budget Act of 1966, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1967, the amount reverted as of June 30, 1967, for Item 316, Budget Act of 1966, is reappropriated and shall be available until June 30, 1968, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1966–67 fiscal year.

SEC. 10.2. The unexpended balance of the appropriation made by Item 412(f) of the Budget Act of 1966 for project planning and partial working drawings to master plan a com-

plex to provide for approximately 300 mentally ill patients in one unit, 400 mentally retarded patients in a second unit, and 500 geriatric patients in a third unit is reappropriated for the same purpose and shall be available for expenditure until June 30, 1970.

SEC. 10.3. The unexpended balance, on the effective date of this act, of the appropriation made by Item 354(e), Budget Act of 1964, is reappropriated for the same purpose; and in addition, shall be available for construction of a sewer line tie-in beyond the campus boundaries of the State College, Dominguez Hills.

SEC. 10.4. The unexpended balance, on the effective date of this act, of the appropriation made by Item 409(d), Budget Act of 1966, is reappropriated for the same purpose; and in addition, shall be available for construction of streets off state property at Fresno State College.

SEC. 10.5. Notwithstanding any other provision of law, on the effective date of this act, the appropriations provided in the following citations and in the following amounts, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1968:

Item	Amount
Department of General Services:	
Item 45, Budget Act of 1966	22,000
Department of Corrections:	
Item 73(b), Budget Act of 1966	1,352
Item 308(a), Budget Act of 1964	2,496
Item 334(a), Budget Act of 1964	2,400
State Colleges:	
Sacramento State College	
Item 127(b), Budget Act of 1966	2,172
California State Polytechnic College, Kellogg-Voorhis Campus	
Item 135.5(b), Budget Act of 1966	481
Department of Justice:	
Item 190(b), Budget Act of 1966	25,400
Department of Conservation:	
Item 254(b), Budget Act of 1966	233,000
Department of Parks and Recreation:	
Item 271(b), Budget Act of 1966	71,385
Department of the California Highway Patrol:	
Item 285(b), Budget Act of 1966	25,400

SEC. 10.6. As of June 30, 1967, the unexpended balance of the appropriation made by Chapter 170, Statutes of 1967, is reappropriated for the same purpose and shall be available until June 30, 1968; and in addition, shall be transferred to and in augmentation of Item 54, Budget Act of 1967, upon written authorization of the Department of Finance.

SEC. 10.7. The unexpended balances, on the effective date of this act, of the appropriations made by Item 350.1, Budget

Act of 1965, Item 403(c) and Item 403(d), Budget Act of 1966, are reappropriated for the purposes provided in said appropriations for the California College of Medicine, Irvine Campus, University of California; and provided further, that the appropriation made by Item 403(d), Budget Act of 1966, shall be available for expenditure at affiliated hospitals and that this appropriation shall also be available for construction of new facilities to accommodate interim operation.

SEC. 10.8. The unexpended balance, on the effective date of this act, of the appropriation made by Item 398(x), Budget Act of 1966, is reappropriated for the same purpose and shall be available until June 30, 1968; and in addition shall be available for expenditure for day-use area development—Moonlight Beach.

SEC. 10.9. On the effective date of this act, $10,500 of the appropriation made by Item 125(b), Budget Act of 1966, is reappropriated for the same purpose and shall be available until June 30, 1968.

SEC. 11. As of June 30, 1967, the unencumbered balance of the appropriations, provided in the following citations shall revert to the unappropriated balance of the General Fund:

Legislature:
- Chapter 83, Statutes of 1966 (First Extraordinary Session)

Department of General Services:
- Item 367(d), Budget Act of 1966

Department of Agriculture:
- Item 368(b), Budget Act of 1966
- Item 368(d), Budget Act of 1966

Department of Finance:
- Chapter 1080, Statutes of 1957

Department of Education:
- Chapter 160, Statutes of 1966, First Extraordinary Session

Department of Public Health:
- Chapter 1242, Statutes of 1965

Department of Social Welfare:
- Chapter 1248, Statutes of 1965

Department of Parks and Recreation:
- Chapter 2420, Statutes of 1957
- Chapter 2089, Statutes of 1963
- Item 338(d), Budget Act of 1965
- Item 338(h), Budget Act of 1965
- Item 338(q), Budget Act of 1965
- Item 338(t), Budget Act of 1965
- Item 338(v), Budget Act of 1965
- Item 338(x), Budget Act of 1965
- Item 338(dd), Budget Act of 1965
- Item 338(gg), Budget Act of 1965
- Item 398(e), Budget Act of 1966
- Item 398(r), Budget Act of 1966

Item	Amount
Item 398(s), Budget Act of 1966	
Item 398(w), Budget Act of 1966	
Reclamation Board:	
Item 353(a), Budget Act of 1966	
Item 353(b), Budget Act of 1966	
Item 353(c), Budget Act of 1966	
Item 353(e), Budget Act of 1966	
Item 353(f), Budget Act of 1966	
Item 353(g), Budget Act of 1966	
Item 353(i), Budget Act of 1966	
Unallocated—Increased Cost of Construction:	
Item 392, Budget Act of 1966	

SEC. 11.1. As of June 30, 1967, the amounts set forth opposite the appropriations provided in the following citations shall revert to the unappropriated balance in the General Fund:

Department of General Services:	
Item 367.2, Budget Act of 1966	200,000
Department of Corrections:	
Departmental Administration	
Item 370(a), Budget Act of 1966	35,000
California Conservation Center	
Item 322(c), Budget Act of 1965	2,828
Item 370(h), Budget Act of 1966	12,000
Southern Conservation Center	
Item 322(c), Budget Act of 1965	700
Item 370(h), Budget Act of 1966	900
Correctional Training Facility	
Item 322(c), Budget Act of 1965	14
Item 370(h), Budget Act of 1966	5,693
Deuel Vocational Institution	
Item 322(c), Budget Act of 1965	341
State Prison at Folsom	
Item 322(c), Budget Act of 1965	3,082
Item 370(h), Budget Act of 1966	5,752
California Institution for Men	
Item 322(c), Budget Act of 1965	3,289
Item 370(h), Budget Act of 1966	6,240
California Medical Facility	
Item 322(c), Budget Act of 1965	36
Men's Colony—West Facility	
Item 322(c), Budget Act of 1965	944
Item 370(h), Budget Act of 1966	4,056
State Prison at San Quentin	
Item 322(c), Budget Act of 1965	589
California Institution for Women	
Item 370(h), Budget Act of 1966	1,831
Department of the Youth Authority:	
Northern California Reception Center and Clinic	
Item 371(c), Budget Act of 1966	155

Item	Amount
Fricot Ranch School for Boys	
Item 323, Budget Act of 1965	3,160
Fred C. Nelles School for Boys	
Item 371(c), Budget Act of 1966	10,175
Paso Robles School for Boys	
Item 323, Budget Act of 1965	1,666
Item 371(c), Budget Act of 1966	1,410
Preston School of Industry	
Item 323, Budget Act of 1965	7,400
Item 371(c), Budget Act of 1966	5,300
Youth Training School	
Item 323, Budget Act of 1965	3,109
Los Guilucos School for Girls	
Item 323, Budget Act of 1965	15,000
Item 371(c), Budget Act of 1966	1,305
University of California:	
Item 326, Budget Act of 1965	18,666
Item 376, Budget Act of 1966	136,904
California State Colleges:	
Fresno State College	
Item 327, Budget Act of 1965	12,170
State College at Fullerton	
Item 327, Budget Act of 1965	220
State College at Hayward	
Item 327, Budget Act of 1965	7,370
Humboldt State College	
Item 327, Budget Act of 1965	2,062
State College at Long Beach	
Item 327, Budget Act of 1965	43,962
State College at Los Angeles	
Item 327, Budget Act of 1965	332
Sacramento State College	
Item 327, Budget Act of 1965	266
State College at San Bernardino	
Item 377, Budget Act of 1966	260
San Diego State College	
Item 327, Budget Act of 1965	582
San Fernando Valley State College	
Item 327, Budget Act of 1965	513
Item 377, Budget Act of 1966	38,500
San Francisco State College	
Item 327, Budget Act of 1965	13,223
Item 377, Budget Act of 1966	19,000
San Jose State College	
Item 327, Budget Act of 1965	1,370
Stanislaus State College	
Item 377, Budget Act of 1966	10,000
California State Polytechnic College—San Luis Obispo Campus	
Item 327, Budget Act of 1965	342

Item	Amount
California State Polytechnic College—	
Kellogg-Voorhis Campus	
Item 327, Budget Act of 1965	6,700
Item 377, Budget Act of 1966	11,200
Department of Mental Hygiene:	
Neuropsychiatric Institute at Los Angeles	
Item 330(e), Budget Act of 1965	2,400
Camarillo State Hospital	
Item 330(e), Budget Act of 1965	8,046
Item 382, Budget Act of 1966	15,516
DeWitt State Hospital	
Item 382, Budget Act of 1966	41,911
Mendocino State Hospital	
Item 330(e), Budget Act of 1965	3,010
Item 382, Budget Act of 1966	8,939
Metropolitan State Hospital	
Item 330(e), Budget Act of 1965	3,281
Modesto State Hospital	
Item 330(e), Budget Act of 1965	24,109
Napa State Hospital	
Item 330(e), Budget Act of 1965	19,162
Patton State Hospital	
Item 330(e), Budget Act of 1965	11,438
Stockton State Hospital	
Item 330(e), Budget Act of 1965	12,531
Fairview State Hospital	
Item 330(e), Budget Act of 1965	7,645
Item 382, Budget Act of 1966	5,608
Pacific State Hospital	
Item 330(e), Budget Act of 1965	1,237
Item 382, Budget Act of 1966	2,665
Sonoma State Hospital	
Item 330(e), Budget Act of 1965	2,151
Item 382, Budget Act of 1966	45,000
Porterville State Hospital	
Item 330(e), Budget Act of 1965	2,396
Department of Rehabilitation:	
Item 331, Budget Act of 1965	1,472
Military Department:	
Item 334(c), Budget Act of 1965	204,232
Item 384(a), Budget Act of 1966	100,000
Item 384(b), Budget Act of 1966	32,300
Department of Conservation:	
Item 336(q), Budget Act of 1965	14,968
Veterans' Home of California:	
Item 390(b), Budget Act of 1966	27,000
Item 390(c), Budget Act of 1966	10,000
Department of Parks and Recreation:	
Item 406.8(i), Budget Act of 1963	1,000
Chapter 1758, Statutes of 1963	80,000

Item	Amount
Item 326(c), Budget Act of 1964	152,884
Item 338(ff), Budget Act of 1965	219,255
Item 398(ee), Budget Act of 1966	59,957

SEC. 11.2. As of June 30, 1967, the amounts set forth opposite the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

Department of General Services:	
Item 416.5, Budget Act of 1966	15,000,000
University of California:	
Item 403.5, Budget Act of 1966	500,000
Item 404(e), Budget Act of 1966	75,000
State Colleges:	
San Jose State College	
Item 352(zz), Budget Act of 1965	233,800
Item 409(y), Budget Act of 1966	563,000

SEC. 11.3. As of June 30, 1967, the amounts set forth opposite the appropriations provided in the following citations shall revert to the unappropriated balance of the Motor Vehicle Fund:

Department of the California Highway Patrol:	
Item 388(a), Budget Act of 1966	385,000
Item 388(c), Budget Act of 1966	20,000
Item 388(d), Budget Act of 1966	20,000
Item 388(j), Budget Act of 1966	Unencumbered balance
Department of Motor Vehicles:	
Item 389(j), Budget Act of 1966	Unencumbered balance

SEC. 11.4. Notwithstanding the provisions of Chapter 8, Statutes of 1967, as of November 1, 1967, the unencumbered balance of the two million dollar ($2,000,000) appropriation from the General Fund made by Chapter 20, Statutes of 1965, shall revert to the unappropriated balance of the General Fund; provided, that such reversion shall not occur until the Director of Finance determines that there are sufficient funds available to pay the estimated state share for claims filed with the Department of Finance pursuant to Chapter 8, Statutes of 1967 Provided further, that notwithstanding any other provisions of this section the unexpended balance of the appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, shall remain available for expenditure for the purposes of the Emergency Flood Relief Law until June 30, 1968.

SEC. 11.5. As of June 30, 1967, the unexpended balance of the appropriation made by Item 401(g), Budget Act of 1966, shall revert to the unappropriated balance of the State Construction Program Fund.

SEC. 11.6. As of June 30, 1967, $2,531,847 of the appropriation provided in Item 398(t), Budget Act of 1966, Oroville

Reservoir State Recreation Area—Initial Development—Loafer Creek Area, shall revert to the unappropriated balance of the General Fund; provided, that the remaining unexpended balance shall continue to be available under the Budget Act of 1966 for (a) the same purpose of Item 398(t) of the Budget Act of 1966; and (b) in addition shall be available for advances to local governmental entities which cooperate with the state in providing utility services.

SEC. 12. All amounts which for the 1967–1968 fiscal year will be in excess of 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 and 17303.5 of the Education Code, and which will not be required to be transferred to the State School Fund under subdivision (c) of Section 17301 of the Education Code, shall revert to the General Fund on June 30, 1968, and shall be available for any appropriations made from that fund.

SEC. 13.6. Notwithstanding any other provisions of this act, the Director of Finance may from time to time direct that any appropriation made in Section 2.4 of this act shall be payable from the Capital Outlay Fund for Public Higher Education instead of the State Construction Program Fund.

SEC. 13.7. Where the estimate for any capital outlay project described in any item of this act for which money is appropriated by this act from the Capital Outlay Fund for Public Higher Education, exceeds the amount appropriated in such item or the bids received therefor are in excess of the estimate, there is hereby appropriated from such fund, in augmentation of the amount appropriated by such item for the specific purpose set forth in that item, an amount sufficient to provide for the payment of such capital outlay project, which amount may be expended with the approval of the State Public Works Board.

SEC. 19. On or before September 30, 1967, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of $6,472,197 as of June 30, 1967.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1967–68 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1968–69 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.1. The unencumbered balance of the Department of Employment Contingent Fund, which at any time during the 1967–68 fiscal year exceeds $1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.2. The unencumbered balance of the funds which during the period between July 1, 1948, and June 30, 1957 were appropriated from the General Fund for flood control project maintenance and transferred to the former Flood Control Project Maintenance Revolving Fund, and which were subsequently transferred to the Water Resources Revolving Fund pursuant to Chapter 1800, Statutes of 1957, is hereby appropriated for transfer to the General Fund by the State Controller.

SEC. 19.6. Since the State Scholarship Commission must announce in the spring of 1968, those individuals to whom state scholarship awards will be granted for the following fall semester of 1968 and, since the Budget Act of 1968 may not be enacted in adequate time, the State Scholarship Commission is authorized to incur scholarship obligations and graduate fellowship obligations for the maximum number of awards authorized by Sections 31204 and 31240 of the Education Code in an amount not to exceed $7,150,000 during the 1967–68 fiscal year for awards to be in effect during the 1968–69 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships, the recipients of which have already been notified of their award. It is necessary that the State Scholarship Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1966, and July 1, 1967, except with the specific approval of the Department of Finance, subsequent to July 1, 1967.

The Department of Finance, not later than 30 days prior to the convening of the 1968 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report of all positions as of July 1, 1967, which were vacant or continuously unfilled during the period between October 1, 1966, and July 1, 1967, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and the faculty-student ratios and to meet the immediately foreseeable

needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an annual basis, therefore, the University of California and the California State Colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of academic staff members during the 1967–68 fiscal year for services beginning in the 1968–69 fiscal year.

The intent of this authorization is to assist in maintaining current academic standards in relationship to expanding student enrollments.

SEC. 21.2. Since newly appointed faculty members of the California State Colleges who are recruited from other states ordinarily move to the state college to which they were appointed during the fiscal year following the acceptance of such appointment, the California State Colleges are authorized to incur obligations to pay the travel and moving expenses of such newly appointed faculty members in an aggregate amount not to exceed $100,000, by appointments and authorizations during the 1967–68 and 1968–69 fiscal years, to pay such travel and moving expenses during the 1968–69 fiscal year.

SEC. 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more effectively and economically on an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed $1,500,000 during the 1967–68 fiscal year for delivery beginning in the 1968–69 fiscal year, and the sum of $1,500,000 is hereby appropriated from the Motor Vehicle Fund to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1968.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the

State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the president of a state college, and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act,

does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, the state's contributions to the Employees' Retirement Fund, the Teachers' Retirement Fund, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract, or payments into a private fund as authorized by Section 18853.5 of the Government Code;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Support and Local Assistance Budget for the Fiscal Year July 1, 1967, to June 30, 1968," and "State of California Capital Outlay Budget for the Fiscal Year July 1, 1967, to June 30, 1968," submitted by the Governor to the Legislature at the 1967 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency,

there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the State Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the State Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the State Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Director of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1967–68 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made

by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28 5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the Joint Legislative Budget Committee within 10 days after approval stating the reasons for and amount of such authorization.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an existing position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages

chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1966, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 31.5. All appropriations under this act for the support of the state colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section 13320 of the Government Code and Section 31 of this act, with the following exceptions:

(a) The Trustees of the California State Colleges may approve any transfer of funds within the major budgetary functions of general administration, instruction, library, student services, plant operation, student pay—work-study, year-round operation, educational television, reimbursed activities, and reimbursements, as provided in fiscal year budgets of the state colleges approved by the Department of Finance. The Trustees of the California State Colleges may approve any transfer of funds between the chancellor's office and any state college, or between any state college and any other state college The Trustees of the California State Colleges may authorize the augmentation of the amount available for a category designated in any schedule set forth for such appropriation by transfer from any of the other designated categories within the same schedule within the major budgetary functions and shall furnish the Joint Legislative Budget Committee a re-

port of such authorizations given during the preceding quarter;

(b) The trustees may approve the substitution of one item of equipment for another within such aforementioned budgetary functions and the use of savings in equipment allotments;

(c) The trustees may approve travel, both within and outside the state, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated by this act for this purpose;

(d) The trustees may, within funds appropriated by this act, establish new positions both full-time and blanket on a provisional basis, make changes in grade or class of an existing position on the basis of work program and organization, provided such new positions and changes in grade or class shall be shown as administrative adjustments in the subsequent budgetary submissions and shall be subject to review during the legislative budget process.

Nothing in this section shall be construed as exempting the state colleges and the trustees of the state colleges from the provisions of Section 31 pertaining to salary savings reserve.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing

The Department of Finance shall submit copies of certificates approved by it under this section to the Joint Legislative Budget Committee quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the public assistance programs, expenditures of state

funds for those programs for the fiscal year ending June 30, 1968, shall not exceed, in the aggregate, the sum of four hundred six million six hundred thirty-eight thousand two hundred dollars ($406,638,200).

The Department of Social Welfare, subject to the limit placed on aggregate expenditures by this section, may transfer funds between categorical aid programs.

The Department of Social Welfare shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1967–68 fiscal year.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 136.

Provided further, that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, unrelated to any change in rule or regulation adopted during the current fiscal year which are in excess of Budget Bill estimates for 1967–68. Not later than the fifth legislative day following the submission of the Governor's Budget in the 1968 Regular Session of the Legislature, the Director of Finance shall report to the Legislature the amount, if any, by which the then current estimate of expenditures for public assistance programs in the fiscal year ending June 30, 1968, will exceed the limitation on aggregate expenditure in this section. If such report is not required following submission of the Governor's Budget but the Director of Finance determines during the third quarter that the estimate of expenditures will exceed the authorized expenditure in this section, he shall so report to the Legislature prior to the end of the third quarter. At such time as a report is made, the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

SEC. 32.6. Notwithstanding any other provision of law, the Office of Health Care Services shall, by administrative action, provide that during the fiscal year 1967–68, none of the funds in the Health Care Deposit Fund shall be used to pay for professional medical services performed by persons who are compensated on a salary or contract basis by a hospital or other facility for performing the same or similar medical services in such hospital or facility, if the funds used to pay such salary or to discharge the obligation of such contract are derived in whole or in part from the General Fund of the

State of California or from taxes or assessments paid to any of its subdivisions.

SEC. 32.7. The fees and revenues specifically declared by the Legislature, in any bill enacted at the 1965 or 1967 Regular Session, not to be available for expenditure until appropriated, are hereby specifically appropriated, without regard to fiscal years, for the purposes set forth in such bill or in statutory provisions otherwise appropriating and governing the expenditure thereof.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1967, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 501

An act to amend Sections 37721, 38701 and 38703 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to dairy products.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 37721 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

37721. As used in this article:

(a) "Milk" means sweet milk of cows.

(b) "Skim milk" means milk from which the milk fat has been separated.

(c) "Partially creamed cottage cheese" includes low-fat cottage cheese.

SEC. 2. Section 38701 of the Agricultural Code, proposed by Senate Bill No. 1, is amended to read:

38701. Sour cream dressing is a product which is made from pasteurized cream with added milk solids to which any strain, or two or more strains, of lactic acid producing organisms has been added to give it a distinct lactic acid flavor. It shall contain not less than 16 percent of milk fat and not less than 24 percent of total milk solids. It may contain salt and a harmless edible stabilizer not to exceed six-tenths of 1 percent.

SEC. 3. Section 38703 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

38703. At the time of sale to consumers, sour cream dressing shall be in containers of at least ½-gallon or 4-pound capacity, except that sour cream dressing which contains a distinctive flavoring such as seasoning, fruit, vegetable, seafood, meat, cheese or spice may be sold to consumers in containers of any size. If sour cream dressing contains any such distinctive flavoring the label shall clearly identify the flavoring.

SEC. 4. Notwithstanding Section 36637 of the Agricultural Code, as proposed by Senate Bill No. 1, Sections 407 to 407.6, inclusive, and 407.9 to 407.11, inclusive, of Title 3 of the California Administrative Code shall be in effect until the 61st day after the final adjournment of the 1969 Regular Session of the Legislature; however, the Director of Agriculture may amend such regulations as he deems necessary.

CHAPTER 502

An act to amend Section 11 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), relating to Kings River Conservation District.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 11 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Sec. 11. The board shall act only by ordinance, resolution or motion, and, except where action shall be taken by the unanimous vote of all directors present and voting, the ayes and noes taken upon the passage of all ordinances, resolutions and motions shall be entered upon the minutes of the board. No ordinance, resolution or motion shall be passed or become effective without the affirmative vote of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the Board of Directors of Kings River Conservation District as follows:". All ordinances shall be signed by the president and attested by the secretary.

Each director shall receive the sum of thirty-five dollars ($35) for each meeting of the board attended by him, not exceeding five meetings in any calendar month, and such additional compensation as shall be fixed and allowed by the board for his services while otherwise employed by the authority of the board in the business of the district. He shall also be allowed, with the approval of the board, all traveling and other expenses reasonably incurred by him in such employment.

CHAPTER 503

An act to amend Section 1915 of, and to add Chapter 2 (commencing with Section 1713) to Title 11, Part 3 of, the Code of Civil Procedure, relating to the recognition of foreign money-judgments.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Chapter 2 (commencing with Section 1713) is added to Title 11, Part 3 of the Code of Civil Procedure, to read:

CHAPTER 2. FOREIGN MONEY-JUDGMENTS

1713. This chapter may be cited as the Uniform Foreign Money-Judgments Recognition Act.

1713.1. As used in this chapter:

(1) "Foreign state" means any governmental unit other than the United States, or any state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands;

(2) "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.

1713.2. This chapter applies to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal.

1713.3 Except as provided in Section 1713.4, a foreign judgment meeting the requirements of Section 1713.2 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit.

1713.4. (a) A foreign judgment is not conclusive if

(1) The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(2) The foreign court did not have personal jurisdiction over the defendant; or

(3) The foreign court did not have jurisdiction over the subject matter.

(b) A foreign judgment need not be recognized if

(1) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

(2) The judgment was obtained by extrinsic fraud;

(3) The cause of action or defense on which the judgment is based is repugnant to the public policy of this state;

(4) The judgment conflicts with another final and conclusive judgment;

(5) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or

(6) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

1713.5. (a) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if

(1) The defendant was served personally in the foreign state;

(2) The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;

(3) The defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(4) The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;

(5) The defendant had a business office in the foreign state and the proceedings in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign state; or

(6) The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of such operation.

(b) The courts of this state may recognize other bases of jurisdiction.

1713.6. If the defendant satisfies the court either that an appeal is pending or that he is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

1713.7. This chapter does not prevent the recognition or nonrecognition of a foreign judgment in situations not covered by this chapter.

1713.8. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SEC. 2. Section 1915 of the Code of Civil Procedure is amended to read:

1915. Except as provided in Chapter 2 (commencing with Section 1713) of Title 11 of Part 3 of this code, a final judgment of any other tribunal of a foreign country having jurisdiction, according to the laws of such country, to pronounce the judgment, shall have the same effect as in the country where rendered, and also the same effect as final judgments rendered in this state.

CHAPTER 504

An act to amend Section 1194.95 of the Insurance Code, relating to insurance.

[Approved by Governor June 30, 1967. Filed with Secretary of State June 30, 1967.]

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

SECTION 1. Section 1194.95 of the Insurance Code is amended to read:

1194.95. Excess funds investments may be made in an electronic computer or data processing machine or system to be used in connection with the business of the insurer; provided, however, that such machine or system shall have an original cost of at least fifty thousand dollars ($50,000) and shall be amortized in full over a period not to exceed 10 full calendar years.

CHAPTER 505

An act to amend Sections 16474, 16475 and 16480.6 of the Government Code, relating to state finances, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1967. Filed with Secretary of State July 1, 1967.]

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

SECTION 1. Section 16474 of the Government Code is amended to read:

16474. The money in the Surplus Money Investment Fund, shall be invested and reinvested by the State Treasurer as a part of the Pooled Money Investment Account.

SEC. 2. Section 16475 of the Government Code is amended to read:

16475. As of December 31 and June 30 all interest earned and other increment derived from investments made pursuant to this article shall, on order of the State Controller, be deposited in the Surplus Money Investment Fund. The State Controller, after deducting expenses incurred under this article by the State Treasurer in investing in securities or time bank deposits and in collecting bonds and bond coupons, shall apportion as of December 31st and June 30th of each year to the following funds in the State Treasury all interest earned or increment derived from the investments authorized by this article for the six calendar months ending with such dates:

(a) The General Fund;

(b) Each fund into which are deposited or which contains moneys collected from any tax now or hereafter imposed by the state upon the manufacture, sale, distribution, or use of motor vehicle fuel, for use in motor vehicles upon the public streets and highways;

(c) Each fund into which are deposited or which contains moneys collected from motor vehicle and other vehicle registration license fees or from any other tax or license fee now or hereafter imposed by the state upon vehicles, motor vehicles or the operation thereof, except those taxes and license fees which, by the provisions of Section 4 of Article XXVI of the Constitution of this state are exempted from the provisions of Section 2 of said Article XXVI;

(d) Each fund into which are deposited or which contains moneys collected under the provisions of any law of this state relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans, and fines imposed by any court for the violation of any such law;

(e) Every other fund in respect to which the Board of Control determines that interest received under this article and allocated on the basis of amounts in such fund would become available for use for a purpose for which the fund is established; provided, that this shall not apply to funds composed primarily of moneys derived from the General Fund.

Such apportionments shall be made by the State Controller in the following manner:

(1) All money not apportioned to the funds referred to in (b), (c), (d), and (e) herein shall be apportioned to the General Fund.

(2) There shall be apportioned to each of the funds referred to in (b), (c), (d), and (e) herein an amount directly proportionate to the respective amounts transferred from such funds to the Surplus Money Investment Fund and the length of time such amounts remained therein.

SEC. 3. Section 16480.6 of the Government Code is amended to read:

16480.6. As of December 31 and June 30 each year all interest earned and increment derived from investments in securities, time deposits and loans made pursuant to this article shall upon order of the State Controller be distributed to the General Fund and the Surplus Money Investment Fund. The basis for distribution to the Surplus Money Investment Fund shall be the ratio that the total dollar day designated surplus balance in the Surplus Money Investment Fund bears to the total dollar day investments of the Pooled Money Investment Account.

On the effective date of the amendment of this section at the 1967 Regular Session, the Controller shall exchange the securities held as investments in the Surplus Money Investment Fund for money available for investment under Article 4.5 of Chapter 3, Part 2, Division 4, Title 2, Government Code (commencing with Section 16480), such securities to be exchanged at their values as they appear on the accounts of the Surplus Money Investment Fund at the time of exchange. Upon order of the Controller, the Treasurer shall make the corresponding transfers of the securities.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: This act permits the State Treasurer to invest and reinvest money in the Surplus Money Investment Fund in a wider range of securities in order to obtain maximum interest return

consistent with safe and prudent investment. In order to maximize this interest return as soon as possible this act must take effect immediately.

CHAPTER 506

An act to amend Section 658 of the Welfare and Institutions Code, relating to juvenile offenders.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 658 of the Welfare and Institutions Code is amended to read:

658. Upon the filing of the petition, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he shall cause the same to be served upon the minor, if the minor is 14 or more years of age, and upon each of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth in said petition and thereafter before the hearing upon all such persons whose residence addresses become known to the clerk. If the petition alleges that the minor comes within the provisions of Section 602 in that there has been a violation of any law of this state, the clerk shall send a copy of the petition to the district attorney containing the time, date, and place of the hearing, if the district attorney has notified the clerk of the court that he wishes to receive such petition.

CHAPTER 507

An act to amend Section 664 of, and to add Sections 630.1 and 681 to, the Welfare and Institutions Code, relating to juvenile court proceedings.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 630.1 is added to the Welfare and Institutions Code, to read:

630.1. Upon reasonable notification by counsel representing the minor, his parents or guardian, the clerk of the court shall notify such counsel of the hearings in the manner provided for notice to the parent or guardian of the minor under this chapter.

SEC. 2. Section 664 of the Welfare and Institutions Code is amended to read:

664. Upon request of the probation officer, district attorney, the minor or the minor's parent, guardian, or custodian, the court or the clerk of the court shall issue, and, on the court's own motion, it may issue subpoenas requiring attendance and testimony of witnesses and production of papers at any hearing under the provisions of this chapter. When a person attends a juvenile court hearing as a witness upon a subpoena at its discretion, the court may by an order on its minutes, direct the county auditor to draw his warrant upon the county treasurer in favor of such witness for witness fees in the amount and manner prescribed by Section 68093 of the Government Code. The fees are county charges.

SEC. 3. Section 681 is added to the Welfare and Institutions Code, to read:

681. In a juvenile court hearing, including those hearings which are the result of cases certified pursuant to Section 604, where there is either (1) a contested issue of fact or law and the minor who is the subject of the hearing is represented by counsel, and it is alleged in the petition that the minor is a person who has violated any law of this state, or (2) an issue as to whether criminal proceedings should be resumed or instituted against the minor because he is not a fit and proper subject to be dealt with under this chapter, the district attorney may, with the consent or at the request of the juvenile court judge, appear and participate in the hearing to assist in the ascertaining and presenting of the evidence. Where the petition in a juvenile court proceeding alleges that a minor is a person described in either subdivision (a) or subdivision (b) of Section 600, and either of the parents, or the guardian, or other person having care or custody of the minor, or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the district attorney may represent the minor in the interest of the state at the juvenile court proceeding with the consent or at the request of the juvenile court judge. The terms and conditions of such representation shall be with the consent or approval of the judge of the juvenile court.

CHAPTER 508

An act to amend Section 1065 of the Education Code, relating to agreements for practice teaching.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1065 of the Education Code is amended to read:

1065. The governing board of any school district or the county board of education of any county may enter into

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

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

CHAPTER 509

An act to add Section 15403.5 to, and to amend Sections 10009, 10012, and 15712 of, the Elections Code, relating to sample ballots.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 10009 of the Elections Code is amended to read:

10009. At least 25 days before the direct primary or before the presidential primary, each county clerk shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in Article 3 (commencing at Section 10290) of Chapter 2 of Division 7 of this code, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or have been certified to him by the Secretary of State to be voted for in his county at the primary election. The sample ballot shall be identical to the official ballots, except as otherwise provided

by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot. One sample ballot of the party to which the voter belongs, as evidenced by his registration, shall be mailed to each voter entitled to vote at the direct primary or the presidential primary, as the case may be, not more than 40 nor less than 5 days before the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election.

SEC. 2. Section 10012 of the Elections Code is amended to read:

10012. Each county clerk or, in case of separate city elections, the clerk or secretary of the legislative body of the city, for each election other than a direct primary or a presidential primary, shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face and shall be identical to the official ballots used in the election, except as otherwise provided by law. The county clerk or clerk or secretary shall commence to mail one sample ballot, postage prepaid, to each voter not more than 40 nor less than 15 days before the day fixed by law for the election. The mailing of the sample ballots shall be completed at least 10 whole days before the election.

For any general election the number of sample ballots printed shall not exceed the total registration by more than 15 percent. The county clerk, or clerk or secretary shall also enclose in the envelope with each of the ballots a card stating the location of the precinct polling place of each voter or, in lieu of a card, the county clerk, in any county except a city and county in which voting machines are used, may cause that information to be printed on the left-hand side of the face of the envelope. Only official matter shall be sent in the envelope.

SEC. 3. Section 15403.5 is added to the Elections Code, to read:

15403.5. The sample ballot provided in Chapter 1 (commencing with Section 10000) of Division 7 of this code shall be a substantial facsimile of the official ballot, including instructions to voters.

SEC. 4. Section 15712 of the Elections Code is amended to read:

15712. The sample ballot provided in Chapter 1 (commencing with Section 10000) of Division 7 of this code shall be printed in a booklet on white or tinted paper and shall be a substantial facsimile of the ballot, including instructions to voters.