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# STATUTES OF CALIFORNIA

FOURTH EXTRA SESSION OF THE  
FIFTY-FIFTH LEGISLATURE

1944

BEGAN ON MONDAY, JUNE FIFTH, NINETEEN  
HUNDRED FORTY-FOUR, AND ADJOURNED  
TUESDAY, JUNE THIRTEENTH, NINETEEN  
HUNDRED FORTY-FOUR

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## PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now, therefore

I, EARL WARREN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Monday, the fifth day of June, 1944, at 11 o'clock a. m. of said day for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation relating to the retirement of teachers of the public school system, and making an appropriation to carry out such legislation.

2. To consider and act upon legislation relating to the financial support of the public schools

3. To consider and act upon legislation relating to the times at which meetings of State conventions, State central committees, and county central committees of political parties are held

4. To consider and act upon legislation to make an appropriation to the Postwar Employment Reserve.

5. To consider and act upon legislation to make an appropriation from the Postwar Employment Reserve to the Division of Architecture, Department of Public Works, for surveys, preparation of plans and specifications and other preliminary work preparatory to the State building program contemplated by Chapter 572, Statutes of 1943.

6. To consider and act upon legislation to make an appropriation from the Postwar Employment Reserve to The Regents of the University of California for surveys, preparation of plans and specifications and other preliminary work preparatory to the construction of additional buildings for the University of California.

7. To consider and act upon legislation to provide for the acquisition of real property as sites for buildings and grounds for State purposes, to prescribe the manner of their acquisition and to appropriate money therefor.

8. To consider and act upon legislation to appropriate \$1,000,000 for repairs, improvements and minor construction upon State owned public buildings and structures

9. To consider and act upon legislation to appropriate money for allocation to cities, counties, and cities and counties on a matching basis to develop a Postwar public works program.

10. To consider and act upon legislation to appropriate money to effectuate the purposes of the California Food and Fiber Production Act.

11. To consider and act upon legislation to make an appropriation for the support of the Colorado River Board.

12. To consider and act upon legislation to make an appropriation to carry out the purposes of the State Reconstruction and Reemployment Act.

13. To consider and act upon legislation to provide for the acquisition of additional real property for the industrial workshops for the blind at Los Angeles and at San Diego.

14. To consider and act upon legislation to make an appropriation for the discovery, control, and eradication of oriental fruit moth.

15. To consider and act upon legislation to reappropriate the unexpended balance of the money appropriated to the Department of Employment by Item 81 of the Budget Act of 1941

16. To consider and act upon legislation to reappropriate the moneys appropriated to The Regents of the University of California, by Chapter 939, Statutes of 1941.

17. To consider and act upon legislation to appropriate the moneys deposited in the State Beach Fund, created by Chapter 967, Statutes 1943.

18. To consider and act upon legislation to revise and amend the California War Powers Act.

19. To consider and act upon legislation relating to the method of determining the surplus in the State treasury and providing for the investment thereof

20. To consider and act upon legislation making it a crime to buy or sell rationed commodities without giving or receiving ration stamps, coupons, tokens, or other ration documents, and making it a crime to forge, counterfeit, or unlawfully acquire ration stamps, coupons, tokens, or other ration documents, or to buy, sell, or otherwise transfer or acquire forged or counterfeited ration stamps, coupons, tokens, or other ration documents.

21. To consider and act upon legislation relating to the valuation of motor vehicles for the purposes of the Vehicle License Fee Law.

22. To consider and act upon legislation authorizing the extension of the period of time within which registrations of motor vehicles must be renewed.

23. To consider and act upon legislation to amend the law relating to the taxation of gifts to relieve persons serving outside the United States in the armed forces or auxiliaries thereof from penalties for failure to comply with the provisions of said law at the times required and to extend the time for such compliance.

24. To consider and act upon legislation to provide for and regulate the sale of grain without change of possession

25. To consider and act upon an act or concurrent resolution relating to the investigation and study of, and report on organization, rules, and procedure of the Legislature and to establish an interim committee for that purpose.

26. To consider and act upon legislation relating to the amount of the tax that may be levied under the Los Angeles County Flood Control Act.

27. To consider and act upon legislation providing for employment by or on behalf of the United States of persons committed to the Youth Authority.

28. To consider and act upon a Constitutional Amendment to authorize the Legislature to suspend, during the war emergency, the provisions of Section 5 of Article XI of the State Constitution which prohibits the increase of the compensation of a county, township, or municipal officer after his election or during his term of office.

29. To consider and act upon legislation to establish and provide for the government and operation of a flood control district in Ventura County to control, conserve, and provide for the utilization of water.

30. To consider and act upon legislation relating to drainage in sanitary districts and the issuance of bonds by such districts.

31. To consider and act upon legislation relating to the forfeiture of vehicles used in the transportation of narcotics

32. To approve or reject charters and charter amendments of cities, counties, or cities and counties, ratified by the electors pursuant to the Constitution of the State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-third day of May, 1944.

EARL WARREN, Governor of California

ATTEST: Frank M. Jordan, Secretary of State

## PROCLAMATION

WHEREAS, An extraordinary session of the Legislature of the State of California has been called under authority of Article V, Section 9, of the Constitution of the State of California to meet and assemble at Sacramento, California, on Monday, the fifth day of June, 1944, at 11 o'clock a. m. of said day : now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby, and prior to the time set for the convening of the Legislature on June 5, 1944, do issue this, my Proclamation, supplementing my Proclamation dated May 23, 1944, convening the Legislature to meet and assemble on June 5, 1944, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to wit:

33. To consider and act upon legislation regulating the manufacture and sale of cheese in order to prevent the transmission of disease by improperly manufactured cheese.

34. To consider and act upon legislation relating to the sale, transfer or disposal of property, assets and franchises of street railroad or street railway corporations.

35. To consider and act upon legislation to authorize agreements relating to veterans education by school districts, schools, colleges, and State agencies, with agencies of the United States, and to provide for the administration of the State-Federal relationship arising from such agreements

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fifth day of June, 1944

EARL WARREN, Governor of California

ATTEST: Frank M. Jordan, Secretary of State

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## PROCLAMATION

WHEREAS, An extraordinary session of the Legislature of the State of California has been called under authority of Article V, Section 9, of the Constitution of the State of California to meet and assemble at Sacramento, California, on Monday, the fifth day of June, 1944, at 11 o'clock a. m. of said day : now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby, and prior to the time set for the convening of the Legislature on June 5, 1944, do issue this, my Proclamation, supplementing my Proclamation dated May 23, 1944, convening the Legislature to meet and assemble on June 5, 1944, and supplementing my Proclamation dated June 5, 1944, specifying additional subjects of legislation, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subject, in addition to the subjects specified in the original Proclamation and in the First Supplementary Proclamation, to wit:

36. To consider and act upon allocations of funds from appropriations available to the Legislature or either house thereof to existing Interim Committees created at any session of the Fifty-fifth Legislature, and to appropriate such money as may be necessary therefor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fifth day of June, 1944.

EARL WARREN, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State  
By CHAS. J. HAGERTY, Deputy

STATUTES OF CALIFORNIA  
PASSED AT THE FOURTH EXTRA SESSION OF THE  
FIFTY-FIFTH LEGISLATURE

CHAPTER 1

*An act making an appropriation to carry out the provisions of Chapter 613 of the Statutes of 1943, relating to the control and eradication of oriental fruit moth, declaring the urgency of this act, to take effect immediately.*

[Approved by Governor June 10, 1944 Filed with Secretary of State In effect  
June 10, 1944 ] immediately

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

SECTION 1. All unexpended and unencumbered money heretofore appropriated by Section 4, Chapter 614 of the Statutes of 1943 is hereby reappropriated for expenditure under the supervision of the Department of Agriculture in carrying out the provisions of Chapter 613 of the Statutes of 1943 relating to the control and eradication of oriental fruit moth. Appropriation Oriental Fruit Moth

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and therefore shall take effect immediately. The following is a statement of the facts constituting such necessity: Urgency

Oriental fruit moth is a seriously destructive pest and its control and eradication are essential in order that vitally needed food products may continue to be produced. In order that the most suitable methods of control and eradication may be pursued before this pest becomes uncontrollable it is necessary that this act take immediate effect.

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CHAPTER 2

*An act making an appropriation for support of the Colorado River Board, to take effect immediately.*

[Approved by Governor June 10, 1944 Filed with Secretary of State In effect  
June 10, 1944 ] immediately

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

SECTION 1. In addition to any money heretofore made available, the sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated for the support of the Colorado River Board. Appropriation Colorado River Board

to be expended according to law during the Ninety-fifth and Ninety-sixth Fiscal Years, including not to exceed twenty thousand dollars (\$20,000) to be expended for legal services rendered by the Attorney General, which expenditure is hereby authorized. Not more than the sum of six thousand dollars (\$6,000) of the amount hereby appropriated shall be expended for educational purposes.

Current  
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

### CHAPTER 3

*An act to add Section 160.1 to the Vehicle Code, relating to registration of vehicles.*

In effect  
September  
12, 1944

[Approved by Governor June 13, 1944 Filed with Secretary of State  
June 13, 1944 ]

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

SECTION 1. Section 160 1 is added to the Vehicle Code, to read:

Extending  
periods

160.1. For the duration of all wars in which the United States is now engaged, and for six months thereafter, the Governor shall have authority, whenever in his opinion the interests of the State will be promoted thereby, to extend for a period of not to exceed three months, any or all of the following dates or periods:

Registration

1. The expiration date of vehicle registration.

2. The opening of period during which applications for renewal of registration must be presented.

Renewal

3. The closing of period during which applications for renewal of registration must be presented.

Penalties

4. The date when penalties for failure to apply for such reregistration will begin.

In the event any of the dates specified in paragraphs 1, 2 or 3 are extended, then the date when penalties for failure to apply for renewal of registration begins shall be extended for a like period.

Effective  
period

This section shall remain in effect until six months after the cessation of hostilities in all wars in which the United States is now engaged as declared by the President or Congress of the United States.

Existing law

While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

## CHAPTER 4

*An act to amend Section 10753.5 of the Revenue and Taxation Code, relating to the vehicle license fee.*

[Approved by Governor June 13, 1944 Filed with Secretary of State June 13, 1944.] In effect September 12, 1944

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

SECTION 1. Section 10753.5 of the Revenue and Taxation Code is amended to read: See also Stats 1945, Ch. 1218

10753.5. The following shall determine and establish the market value of vehicles for the calendar years 1944, 1945 and 1946: Car values

(a) For vehicles first sold prior to January 1, 1943, the market values shall be the same as compiled and published by the department on January 1, 1943.

(b) For vehicles first sold after January 1, 1943, the market values shall be determined by the department on the basis of the selling price of such class of vehicles.

(c) Notwithstanding the provisions of subdivisions (a) and (b), if prior to October 1, 1944, the actual market value of any class of vehicle falls below the 1945 market value established by this section, the department shall determine such lower value and shall assess the 1945 license fee thereon; and if prior to October 1, 1945, the actual market value of any class of vehicles falls below the 1946 market value established by this section, the department shall establish such lower value and shall assess the 1946 fee thereon.

This section shall remain in effect until December 31, 1946. While this section is in effect, it shall supersede Section 10753 of the Revenue and Taxation Code; but Section 10753 is not repealed by this section and after this section is no longer effective, Section 10753 shall have the same force as though this section had not been enacted. Effective period

## CHAPTER 5

*An act making an appropriation for the acquisition of real property and the improvements thereon in the City of Los Angeles for use for State purposes, including the use thereof as an industrial workshop for the blind, declaring the urgency thereof, and providing that this act shall take effect immediately.*

[Approved by Governor June 13, 1944 Filed with Secretary of State June 13, 1944.] In effect immediately

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

SECTION 1. The sum of one hundred forty thousand dollars (\$140,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended by the Director of Finance Appropriation Industrial Workshop for the Blind in Los Angeles

to acquire real property and the improvements thereon in the City of Los Angeles for use for State purposes; and to make such repairs and alterations as may be necessary for such use.

SEC. 2. The Director of Finance shall authorize and permit the use of all the property acquired pursuant to this act, or such portion thereof as he determines to be necessary, as an industrial workshop for the blind.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The industrial workshops for the blind are engaged in the manufacture of materials to be supplied to the armed forces. It is necessary in furtherance of the wartime activities of the State to provide adequate facilities for carrying on this work at the earliest possible date.

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## CHAPTER 6

*An act making an appropriation for the acquisition of real property and the improvements thereon in the City of San Diego for use for State purposes, including the use thereof as an industrial workshop for the blind, declaring the urgency thereof, and providing that this act shall take effect immediately.*

In effect immediately

[Approved by Governor June 13, 1944 Filed with Secretary of State June 13, 1944]

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

Appropriation Industrial Workshop for the Blind in San Diego

SECTION 1. The sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended by the Director of Finance to acquire real property and the improvements thereon in the City of San Diego for use for State purposes; and to make such repairs and alterations as may be necessary for such use.

SEC. 2. The Director of Finance shall authorize and permit the use of all the property acquired pursuant to this act, or such portion thereof as he determines to be necessary, as an industrial workshop for the blind.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The industrial workshops for the blind are engaged in the manufacture of materials to be supplied to the armed forces.



It is necessary in furtherance of the wartime activities of the State to provide adequate facilities for carrying on this work at the earliest possible date.

## CHAPTER 7

*An act making an appropriation for the acquisition of land for the branch of the University of California at Santa Barbara, providing for the transfer thereof to The Regents of the University of California for such use, declaring the urgency thereof, and providing that this act shall take effect immediately.*

[Approved by Governor June 13, 1944 Filed with Secretary of State June 13, 1944] In effect immediately

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

SECTION 1. The sum of twenty-six thousand dollars (\$26,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated to be expended by the Director of Finance to acquire real property for the use of the branch of the University of California at Santa Barbara. Appropriation Branch of U. C. at Santa Barbara

SEC. 2. The title to the real property acquired pursuant to this act by this State shall be transferred to and vested in The Regents of the University of California, but in the event The Regents of the University of California should discontinue the branch of the University of California at Santa Barbara provided for by Chapter 1130 of the Statutes of 1943 the title to such real property shall revert immediately to the State of California and the control of the property by The Regents of the University of California shall cease. Title to property

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Expansion of the facilities of the branch of the University of California at Santa Barbara must be made immediately in order to provide adequately for the current needs for educational facilities in that portion of the State and in contemplation of needs that will arise in the course of a program of veterans' rehabilitation. It is also necessary that the State act immediately to acquire sites for construction of buildings and other facilities pursuant to the postwar employment problem to the end that the termination or substantial decrease in war activities will not result in an economic crisis.

## CHAPTER 8

*An act to amend Section 5014 of the Public Resources Code, relating to the appropriation of moneys in the State Beach Fund.*

In effect  
September  
12, 1944

[Approved by Governor June 15, 1944. Filed with Secretary of State June 16, 1944.]

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

SECTION 1. Section 5014 of the Public Resources Code is amended to read:

State Beach  
Fund

5014. There is hereby created in the State treasury the State Beach Fund which is hereby appropriated for improvement, and maintenance of State beaches, and when specifically appropriated by the Legislature for construction and acquisition of State beaches.

The State Controller shall transfer to the State Beach Fund the following sums:

(a) The sums appropriated to the fund pursuant to Section 6816;

(b) The balances of all appropriations made to the State Park Maintenance and Acquisition Fund which are available specifically for the acquisition, improvement and maintenance of State beaches;

(c) One-third of the unappropriated cash surplus in the State Park Maintenance and Acquisition Fund.

Any appropriations heretofore or hereafter made out of the moneys deposited in the State Park Maintenance and Acquisition Fund for the acquisition, improvement and maintenance of State beaches shall be payable from the State Beach Fund.

## CHAPTER 9

*An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.*

In effect  
immediately

[Approved by Governor June 15, 1944. Filed with Secretary of State June 16, 1944.]

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

Appropriation  
Legislative  
printing and  
binding

SECTION 1. In addition to any money otherwise appropriated, the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for legislative printing, binding, etc., for the Fourth Extraordinary Session of the Fifty-fifth Legislature.

Current  
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

## CHAPTER 10

*An act to add Section 540 and to amend Section 547 of the Agricultural Code relating to cheese, declaring the urgency of this act, to take effect immediately.*

[Approved by Governor June 15, 1944. Filed with Secretary of State June 16, 1944.] In effect immediately

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

SECTION 1. Section 540 is added to Article 6, Chapter 2, Division 4 of the Agricultural Code, to read:

540. All cheese sold in California to the retail trade shall be <sup>Cheese</sup> pasteurized or manufactured from cream, milk, or skim milk which has been pasteurized, except cheese which has been allowed to ripen or cure for a minimum period of 60 days from date of manufacture.

SEC. 2. Section 547 of the Agricultural Code is amended to read:

547. All cheese sold in California, except that defined in <sup>Labeling</sup> Section 542, must be labeled at the factory where manufactured to indicate the variety, and if of different grades, the grade, whether whole milk, part skim, or skim, the factory number, State of origin, and date upon which the cheese was manufactured. Cheese manufactured in any State where factory numbers are not assigned shall be labeled with the name and address of the plant where manufactured. It is unlawful to expose for sale any part skim cheese, or skim cheese unless there is attached to the outside of every vessel, can, package, cheese, or piece of cheese so exposed, or sold, a tag legibly bearing in black letters at least one inch in height the words "part skim cheese" or "skim cheese" as the case may be. All part skim or skim cheddar or granular cheese shall be labeled to indicate the grade on its entire outer edge in a manner specified in the rules and regulations promulgated by the director and all such cheese shall be made in the shape and size specified by the director.

All other varieties of part skim or skim cheese shall be labeled to indicate the grade in such a manner as is outlined in the rules and regulations promulgated by the director. The provisions of Section 470 of this code shall not apply to cheese manufactured or processed in foreign countries.

SEC. 3. This act is hereby declared to be an <sup>Urgency</sup> urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

Cheese, unless pasteurized or cured for a minimum specified period, is capable of retaining and transmitting pathogenic organisms. In order to prevent communicable diseases from such a source, rectifying legislation is necessary immediately to require for all varieties of cheese either pasteurization or a specified curing period and a system of labeling to insure identity of the product involved.

## CHAPTER 11

*An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.*

In effect immediately [Approved by Governor June 15, 1944 Filed with Secretary of State June 16, 1944 ]

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

Appropriation. Contingent expenses of Assembly SECTION 1. Out of any money in the State treasury not otherwise appropriated, the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary is hereby appropriated for the contingent expenses of the Assembly, including expenses of committees created at any session of the Fifty-fifth Legislature.

Current expenses SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the Constitution take effect immediately.

## CHAPTER 12

*An act making an appropriation for expenses of members of the Assembly pursuant to Section 352 of the Political Code.*

In effect immediately [Approved by Governor June 15, 1944 Filed with Secretary of State June 16, 1944 ]

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

Appropriation Expenses of Members of Assembly SECTION 1. The sum of eleven thousand dollars (\$11,000) or so much thereof as is necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the expenses of members of the Assembly incurred in attending the Fourth Extraordinary Session of the Fifty-fifth Legislature as authorized by Section 352 of the Political Code.

Disbursements SEC. 2. The appropriation made by this act shall be disbursed upon warrants drawn by the Controller upon claims filed with and audited by him pursuant to law. Prior to presentation to the Controller such claims shall be approved by the Chief Clerk of the Assembly. The Chief Clerk of the Assembly is hereby authorized to approve such claims.

Current expenses SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 13

*An act to repeal Chapter 14 of Division 7 of the Education Code, and to add a new Chapter 14 thereto, relating to the retirement of teachers of the educational system of the State and other persons connected therewith, and making an appropriation therefor; and declaring the urgency of this act, to take effect immediately.*

[Approved by Governor June 16, 1944 Filed with Secretary of State June 16, 1944 ] In effect immediately

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

SECTION 1. Chapter 14 of Division 7 of the Education Code, comprising Sections 14251 to 14541, inclusive, is repealed. Repeal

SEC. 2. Chapter 14 is added to Division 7 of the Education Code, to read: "State Teachers Retirement Law"

CHAPTER 14. STATE TEACHERS' RETIREMENT SYSTEM

Article 1. General Provisions

14251. In order to provide a financially sound plan for the retirement, with adequate retirement allowances, of teachers in the public schools of this State, teachers in schools supported by this State, and other persons employed in connection with the schools, the State Teachers' Retirement System is created to be effective as of July 1, 1944. Retirement plan

14252. This chapter may be cited as the State Teachers Retirement Law. Short title

14253. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter. Definitions

14254. "Retirement System" or "system" means the "State Teachers' Retirement System." "System"

14255. "Public school" means any day or evening elementary school, and such day and evening secondary schools, technical schools, and kindergarten schools as may be established by the Legislature, or by municipal or district authority. "Public school"

14256. "Member" means any person included in the membership of the system. "Member"

14257. "Employer" or "employing agency" means the State or any agency or political subdivision thereof by whom a member is paid. "Employer"

14258. "Service" means service in a status requisite for membership in the Retirement System. "Service"

"Employment" means employment in a status requisite for membership in the Retirement System. "Employment"

14259. "Beneficiary" means any person in receipt of a retirement salary, an annuity, a retirement allowance, or other benefit. "Beneficiary"

14260. "Regular interest" means interest, compounded annually, at the rate per annum adopted and revised from time to time by the retirement board. "Regular interest"

- "Permanent fund contributions" 14261. "Permanent Fund contributions" means members' contributions to the Teachers' Permanent Fund at the rates provided for.
- "Annuity deposits" 14262. "Annuity deposits" means contributions to the Annuity Deposit Fund at the rates provided for.
- "Accumulated annuity deposits" 14263. "Accumulated annuity deposits" means the sum of all the annuity deposits deducted from the compensation of a member and standing to the credit of his individual account, together with interest credited thereon.
- "Annuity contributions" 14263.5. "Annuity contributions" means members' contributions to the Retirement Annuity Fund at the rates provided for.
- "Accumulated annuity contributions" 14263.7. "Accumulated annuity contributions" means the sum of all the annuity contributions deducted from the compensation of a member and standing to the credit of his individual account, together with interest credited thereon.
- "Total contributions" 14264. "Total contributions" means Permanent Fund contributions plus accumulated annuity contributions plus accumulated annuity deposits.
- "Annuity" 14265. "Annuity" means payments for life derived from the "accumulated annuity deposits" or from the "accumulated annuity contributions" of a member and contributions of the State, or both.
- "Retirement salary" 14266. "Retirement salary" means payments for life derived from funds provided by Permanent Fund contributions of members and of the State and any political subdivision thereof.
- "Retirement allowance" 14267. "Retirement allowance" means the sum of the "annuity," or any optional benefit payable in lieu thereof, and the "retirement salary."
- "Pay roll" 14268. "Pay roll" includes registers, warrants, and any other documents upon which all persons receiving salary payments are listed.
- "Retirement" 14269. "Retirement" means withdrawal from active service with a retirement allowance.
- "Actuarial equivalent" 14270. "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such tables as are adopted by the Retirement Board and regular interest. The ages of members and beneficiaries shall be taken to the next lower completed quarter year in the determination of the actuarial equivalent.
- "Local retirement system" 14271. "Local retirement system" means any retirement system, exclusive of this retirement system, for the retirement of teachers, or for membership in which public school teachers are eligible, operated by a city, city and county, county, or other political subdivision of the State.
- "Local district" 14272. "Local district" means any political subdivision of the State which contributes to the support of a local retirement system.
- "County" 14273. "County" includes "city and county."

14274. "Permanent Fund," "Annuity Fund," "Annuity Deposit Fund," and "Retirement Disbursement Fund" mean "Teachers' Permanent Fund," "Retirement Annuity Fund," "Teachers' Annuity Deposit Fund," and "Teachers' Retirement Disbursement Fund," respectively.

14275. "County superintendent" and "superintendent" mean county superintendent of schools.

14276. "Compensation" means remuneration in case payable by the employer.

14277. The Teachers Retirement Board and the Retirement Investment Board established by this chapter shall be deemed to be continuations of the Teachers Retirement Board and the Retirement Investment Board heretofore established by the State Teachers' Retirement Act. The members of said boards in office at the time this chapter takes effect shall continue to hold their offices without the necessity of filing any new oaths of office, and the appointive members of said boards shall continue in office for the terms for which they were appointed.

## Article 2. Retirement Board

14301. The Retirement System shall be managed, except for the investment of the funds, by the Teachers Retirement Board, the members of which shall be the members of the State Board of Education and the appointive members of the Retirement Investment Board. The President and Secretary of the State Board of Education shall be the President and Secretary, respectively, of the Retirement Board. Members of the board shall serve without compensation but shall be entitled to reimbursement of any traveling expenses incurred in connection with membership on the Retirement Board.

14302. The Retirement Board has the sole power and authority to hear and determine all facts pertaining to application for benefits under the Retirement System, or any matters pertaining to administration thereof, except as to investment of funds. The Retirement Board shall meet at least once every three months. The board, however, may authorize its secretary to perform routine acts, such as retirement of members and fixing of retirement allowances, necessary in the administration of the system in accordance with the provisions of this chapter and rules and regulations adopted by the board.

14303. Acts of the secretary shall be reported forthwith to members of the board, and shall be subject to review and ratification by the board at its next meeting. Reversal by the board of any act of the secretary shall be effective on the date fixed by the board, but payment, prior to the board's action, of benefits shall not be affected by such action, except for such recovery as the board may direct of the amounts paid from the beneficiary receiving the amounts.

14304. The Retirement Board may appoint one or more referees in any proceeding, as it may deem necessary or advisable, and may refer matters arising out of the same proceeding to different referees. The referees shall be chosen

from the members of the Retirement Board or from the employees of the Department of Education and the Retirement System. The duties of the referees shall be considered as a part of the routine duties attached to the positions regularly occupied in the service by the members of the board or employees chosen. Before entering upon his duties, the referee shall be sworn, before an officer authorized to administer oaths, faithfully and fairly to hear and determine the matters and issues referred to him, to make just findings, and to report according to his understanding. The referee shall report his findings in writing to the Retirement Board within 30 days after the testimony is closed.

Contributions  
See also  
Stats. 1945,  
Ch. 1207

14305. The Retirement Board shall credit contributions of the members of the Retirement System to the Retirement Annuity Fund with interest at a rate to be declared annually by the board. Earned interest not credited to contributions shall remain in the fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

Mortality  
tables, etc

14306. The board shall adopt, upon the recommendation of a qualified actuary, such mortality and other tables and interest rates as are necessary to:

(a) Permit valuation of the assets and liabilities of the Retirement System.

(b) Make any determination or calculation necessary to carry out the provisions of this chapter.

Actuarial  
valuations

14307. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the Retirement System. In not to exceed six-year periods after June 30, 1944, the board shall make an actuarial investigation into the mortality, service, and other experience of members and beneficiaries and shall make an actuarial valuation of the assets and liabilities of the Retirement System. From time to time, the board shall determine the rates of interest being earned on the several funds. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt for the Retirement System such interest rates, rates of contribution to the Retirement Annuity Fund, mortality, service, and other tables as are deemed necessary. No action of the board, other than correction of errors in calculating the annuity at the time of retirement, shall change the annuity payable to a person retired prior to the date the action is taken.

Records and  
accounts

14308. In addition to other records and accounts, the board shall keep such records and accounts as are necessary to show at any time:

(a) The total Permanent Fund contributions of members.

(b) All other accumulated contributions in the Permanent Fund.

(c) The total accumulated annuity contributions of members in the Retirement Annuity Fund.



(d) The total accumulated annuity contributions of members in the Retirement Annuity Fund less the annuity payments made to the members.

(e) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund.

(f) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund less payments made from that fund for annuities for retired teachers.

(g) The total accumulated contributions of the State to the Retirement Annuity Fund for benefits based upon members' service rendered prior to July 1, 1944.

(h) The total accumulated contributions of the State to the Retirement Annuity Fund for benefits based upon members' service rendered after July 1, 1944.

14309. The board shall determine the service rendered by members to be credited toward qualification for retirement, and shall fix retirement allowances and modify the allowances. Service credits

14310. The board shall fix the minimum time per day, per month, and per year, upon the basis of which one year of service and proportionate parts thereof are credited to members. Year of service

14311. The board shall subpoena witnesses and compel their attendance to testify before it, and each member and the secretary of the board may administer oaths and affirmations to witnesses and others transacting business of the Retirement System. Witnesses

14312. The board shall regulate the duties of employing agencies and other public authorities, imposed upon them by this chapter, and shall require reports from the employing agencies and authorities as it deems advisable in connection with the performance of the duties. Employing agencies

14313. The board shall perform any other acts necessary for the administration of the Retirement System in carrying into effect the provisions of this chapter. Any rules and regulations adopted by the board for the purpose of the administration, and not inconsistent with the provisions of this chapter, shall have the force and effect of law. Regulations

### Article 3. Establishment and Control of Funds

14331. There are four funds in the State treasury: Funds

(a) Teachers' Permanent Fund derived from contributions by members, school districts or employing agencies, and the State, as provided in Sections 14471, 14551, and 14562, together with interest earned thereon.

(b) Retirement Annuity Fund derived from contributions of members and the State as provided in Sections 14478 and 14563, together with interest thereon.

(c) Teachers' Retirement Disbursement Fund derived from funds transferred from time to time from the Permanent Fund, the Retirement Annuity Fund, and the Annuity Deposit Fund.

(d) Teachers' Annuity Deposit Fund derived from members' annuity deposits made between July 1, 1935, and July 1, 1944, together with interest earned thereon.

- Gifts** The funds shall also include donations, legacies, gifts, and bequests made thereto and accepted by the Retirement Board and any appropriations made thereto by the State Legislature in addition to amounts provided in this chapter.
- Disbursements** 14332. Disbursements of money under the Retirement System, of whatever nature, shall be made upon claims duly audited in the manner prescribed for disbursement of other public funds. Except disbursements made in the purchase of securities and payment of administrative costs, disbursements shall be made from the Retirement Disbursement Fund.
- Transfer of funds** 14333. The amount to be disbursed at any time from the Retirement Disbursement Fund which is derived from the Permanent Fund, the Annuity Deposit Fund, or the Retirement Annuity Fund shall be transferred from such funds, respectively, to the Retirement Disbursement Fund. Refunds of amounts expended and amounts derived from canceled warrants or other instruments, shall be deposited in the State treasury directly to the credit of the Retirement Disbursement Fund and transferred forthwith into the fund from which the amount was originally derived.
- Procedure** 14334. The Retirement Board may authorize the transfer and disbursement of funds upon the signature of either or both its president and secretary, or, in the absence of the secretary, an officer or employee of the system designated by the secretary.
- Deposit of money** 14335. Money except interest and other income from investments, in whatever form, received by the State Treasurer for the funds, shall be reported forthwith by him to the Retirement Board, and the money together with money received directly by the board shall be deposited forthwith by the board in the State treasury to the credit of the proper fund. Interest, and other income derived from securities, in the respective funds shall be collected by the State Treasurer, deposited to the credit of the respective funds, and reported forthwith to the board.
- Assets and liabilities transferred** 14336. The State Teachers' Retirement System shall succeed to all of the assets and liabilities of the California State Teachers' Retirement System on the day this chapter takes effect. As used in this section "liabilities" means obligations in which the right of the obligee to receive payment has vested, whether or not any sums are presently due and payable.
- All assets of the Teachers' Permanent Fund, the Teachers' Annuity Deposit Fund, and the Teachers' Retirement Salary Fund at the time this chapter takes effect are transferred, respectively, to the Teachers' Permanent Fund, the Teachers' Annuity Deposit Fund, and the Teachers' Retirement Disbursement Fund established by this chapter.
- Records** All records of the California State Teachers' Retirement System are transferred to the State Teachers' Retirement System, and beneficiaries nominated in the records shall continue unchanged until changed pursuant to this chapter.
- Annuity Deposit Fund** 14337. No deposits based on salaries earned after June 30, 1944, shall be accepted for or deposited in the Annuity Deposit Fund after June 30, 1944.

The Annuity Deposit Fund shall be used for the continued payment of annuities derived from members' deposits in the Annuity Deposit Fund to members retired prior to July 1, 1944, as provided in Section 14631, and for the repayment of deposits and payment of additional annuities as provided in this section.

Upon written request therefor by any member to the Retirement Board, he shall be paid the accumulated annuity deposits in the Annuity Deposit Fund standing to the credit of his individual account. Such deposits so withdrawn may not thereafter be redeposited in the Annuity Deposit Fund, except that if such deposits were withdrawn by a member upon termination of employment, the amount so withdrawn may be redeposited in the Annuity Deposit Fund at any time within one year of the reentry of the person into membership in the Retirement System.

Request for  
annuity  
deposits

Any moneys remaining in the Annuity Deposit Fund to the credit of a member's individual account shall accumulate with interest. Upon the retirement of the member for service or disability, such moneys shall be used to provide an additional annuity for the member in whatever amount they will provide at that time, as provided in Sections 14632 and 14639. In the event that a member dies prior to retirement, any moneys standing to the credit of his individual account in the Annuity Deposit Fund shall be paid to his nominated beneficiary or to his estate.

Interest

Earned interest not credited to annuity deposits shall remain in the fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

14338. The cost of the administration of the Retirement System, including the employment of necessary expert and clerical assistance, the purchase of necessary supplies and equipment, and any other expenses necessary in the administration, shall be paid by the State, but the total of the costs of administration during any fiscal period shall not exceed the amount made available by law for such costs during the fiscal period.

Cost of ad-  
ministration

14339. There is a Retirement Investment Board consisting of the State Superintendent of Public Instruction, the State Director of Finance, the State Controller, and two teachers appointed by the State Board of Education for four-year terms. The State Board of Education shall fill each vacancy in the four-year terms by appointing a teacher to serve the unexpired portion of the term in which the vacancy occurs. The investment board shall annually elect two of its members as president and secretary, respectively. Members of the board shall receive their actual necessary expenses incurred by reason of attending meetings of the board.

Investment  
Board

14340. The Retirement Investment Board shall have exclusive control of the investment of the Permanent Fund, the Retirement Annuity Fund, and the Annuity Deposit Fund,

Powers

including the purchase of securities and the sale thereof. Investments shall be confined to securities approved in this State for the investment of funds of savings banks.

Purchase of  
securities  
See also  
Stats. 1945,  
Ch. 1216

14341. The board may appoint a committee composed of one or more of its members, which may purchase securities in the open market from time to time as cash becomes available for investment, from a list of securities previously approved by the board according to title or source of issue. Purchases of securities by the committee shall be reported forthwith to the other members of the Retirement Investment Board.

Control of  
funds

14342. The Retirement Board shall have exclusive control of the administration of the funds, except as to the purchase and sale of securities, and custody thereof. No transfers or disbursements, except disbursements made in the purchase of securities, of any amount from the funds shall be made except upon the authorization of the Retirement Board for the purpose of carrying into effect the provisions of this chapter.

Meetings

14343. The President of the Retirement Investment Board shall call at least one meeting of the board during the first six-months period of each year and at least one meeting during the second six-months period of each year, and shall call such other meetings of the board as he deems necessary. The president of the board shall designate the time and place of each of the meetings.

#### Article 4. Membership in Retirement System

Persons  
excluded

14371. The provisions of this article do not apply to persons excluded from membership in the Retirement System by Section 14401.

Members  
See also  
Stats. 1945,  
Ch. 1207

14372. All persons who were members of the California State Teachers' Retirement System on June 30, 1944, including persons who are members of a local retirement system, are members of the Retirement System so long as they continue to be employed in a status requisite for membership in the Retirement System.

Teachers

14373. All teachers employed in the public schools of this State who have not claimed exemption, as provided by law, are members of the Retirement System.

14374. All teachers employed in the public schools of this State who claimed exemption but who have elected or shall elect not to be exempt, are members of the system.

Librarians

14375. Librarians employed full time in elementary or secondary schools, or who serve full time partly as librarians and partly as teachers, are members of the system.

Employees  
holding  
credentials

14376. All other employees in the public schools of this State who hold valid and unrevoked credentials issued by the State Board of Education, and who are employed for the major part of each school month in work authorized by their credentials, are members of the system.

County su-  
perintendent

14377. County superintendents, their deputies, and certificated employees under the direction of county superintendents are members of the system.

14378 Teachers of State colleges with or without a certificate, and librarians or other employees in such institutions who are engaged in work that would make them eligible to the provisions of the Retirement Law if rendered in any other branch of the Public School System are members of the system. State colleges

14379. Teachers employed by the California Polytechnic School, the Ventura School for Girls, the California School for the Deaf, the California School for the Blind, the Preston School of Industry, the Sonoma State Home, Pacific Colony, the Fred C. Nelles School for Boys, or the State Board of Education, who hold valid teacher's certificates, or a California State teacher's credential, or who hereafter secure a teacher's certificate valid in this State, or a State teacher's credential are members of the system. California Polytechnic School, etc See also Stats 1945, Ch 1207

14380. Teachers of elementary or secondary school pupils in a training school connected with State colleges in this State or with the University of California or any branch thereof, or supervisors of practice teaching in the University of California or any branch thereof are members of the system. Training schools

14381. Members of the staff of the Los Angeles State Normal School who continued as members of the faculty of the southern branch of the University of California on June 25, 1919, and who were entitled to the benefits of and subject to the provisions of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this State; creating a Public School Teachers Retirement Salary Fund, and also a Public School Teachers Permanent Fund, providing for the administration of such funds, and making an appropriation for the use of said fund," approved June 16, 1913, as amended, and who elected to continue under the provisions of the act, on or before December 31, 1923, as provided by law are members of the system. Staff of L A State Normal School Stats 1913, p 1423

14382. Persons employed by the State Board or State Department of Education, who hold a valid credential issued by the board and who render service of an educational nature are members of the system. State Board of Education

14383. If a member dies or is retired, or if his contributions are refunded to him upon termination of service, he shall cease to be a member. Termination of membership

#### Article 5. Exclusion from Retirement System

14401. The following persons are excluded from membership in the Retirement System: Persons excluded from membership

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status requisite for membership, but who are now or hereafter become members of the State Employees' Retirement System or any other retirement system, except a local retirement system, and receive credit thereunder for service which would be credited hereunder to a member.

Persons who are members of a local retirement system shall be members of both the State and the local retirement systems; upon retirement such persons shall be entitled to the full benefits from the Permanent Fund, but shall not receive benefits from the Retirement Annuity Fund for any service for which they are entitled to benefits from a local retirement system, as provided in Article 12 of this chapter. A member whose membership is terminated by this subdivision shall be considered, solely for the purpose of Section 14521, as ceasing to be employed in a status requisite to membership.

(c) Persons serving as exchange teachers from outside of this State.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who according to the best judgment of their employer, will not render at least five months of service during the school year. If such persons subsequently enter a status requisite for membership, they shall be credited with service rendered in the substitute status, subject to the board's rule fixing minimum service required for credit.

#### Article 6. Information as to Status

Notice of status

14421. Each county superintendent of schools shall give immediate notice in writing to the Retirement Board of the employment, death, resignation, or discharge of any person employed in a status requisite to membership in the system, by the county or by a school district in the county. Likewise every other employing agency shall give similar notice with respect to each person employed by it in a status requisite to membership in the Retirement System. The county superintendent of schools and other employing agencies shall furnish such further information concerning any member or beneficiary as the board may require.

Failure to file information or to pay amounts due from members

14422. The county superintendent of schools or other employing agency shall withhold the salary of any member who fails to file information required by the Retirement Board in the administration of the Retirement System, or to pay amounts due from the members to the Retirement System. The salary shall be withheld by the county superintendent of schools or employing agency upon his own knowledge, if any, of the failure or upon notice from the Retirement Board of the failure of the teacher to file or pay. The salary shall be withheld and not released until notice is given by the Retirement Board to the county superintendent of schools or employing agency, or until the county superintendent of schools or agency knows otherwise, that the information has been filed or the payment has been made.

Duties imposed

14423. County superintendents of schools, school districts, and other employing agencies shall also perform the duties imposed upon them in other sections of this chapter and by the Retirement Board.

14424. Each member and beneficiary is subject to all the provisions of this chapter and to all the rules and regulations adopted by the Retirement Board not inconsistent with the provisions of this chapter. Regulations

14425. Each member and beneficiary shall furnish to the board such information affecting his status as a member or beneficiary of the system, as the board requires. Particularly, each member shall file a statement with the Retirement Board, at the option of, and upon the form furnished by, the board, giving: Information affecting status

(a) His date of birth.

(b) All service previously rendered by him in a status requisite to membership in the Retirement System or its predecessors.

(c) The beneficiaries under the Retirement System to receive any benefits, including retirement allowances accrued but not received prior to death, payable upon the death of the member or beneficiary.

14426. Data filed by any member or beneficiary with the Retirement Board is confidential, and no individual records shall be divulged by any official or employee who has access to them. They shall be used by the Retirement Board for the sole purpose of carrying into effect the provisions of this chapter. The information shall not be open to inspection by anyone except the Retirement Board and its officers and employees, and any person authorized by the Legislature to make inspections. The Retirement Board, upon the request of the governing board of any school district, may furnish to the board, the date of birth as shown on the records of the Retirement System, of any member employed by the governing board. Files confidential

#### Article 7. Computation of Service

14440. In the computation of the service to be credited to a member for the purpose of determining whether the member qualifies for retirement, and for the purpose of determining the amount of contributions to be required of and benefits to be paid to a member, time shall be included pursuant to the provisions of this article. Computation of service

14441. Service shall be computed by school years and not by calendar years, portions of years served in completed months being accumulated and counted as service. All of the service rendered in any one school year shall not count for more than one year, and the total service credited shall be taken to the next lower completed quarter year of total time served. No time shall be included for which, or on the basis of which, a member is entitled to receive a pension for other than naval or military service from any source other than this system or a local retirement system. Computed by school years

14442. The member shall receive credit for time served, as a member or prior to becoming a member, in a status requisite for membership in the Retirement System or its predecessors. Credits

- Night school service** 14443. The member shall receive credit for time served in a night school in exactly the same manner as time served in a day school.
- Prior service** 14444. The member shall receive credit for time served in a status prior to the date the status is made requisite to membership, whether under the California Public School Teachers' Retirement Salary Fund, the California State Teachers' Retirement System, or this Retirement System.
- Member of State Employees Retirement System** 14445. The member shall receive credit for time during which he is a member of the State Employees' Retirement System and during which he serves in a status requisite for membership in the California State Teachers' Retirement System or its predecessors, if he subsequently ceases to be a member of the State Employees' Retirement System and becomes a member hereof.
- Subsequent qualifications** 14446. The member shall receive credit for time served in a position in which, without a change in duties attached thereto, he subsequently qualifies as being in a status requisite to membership.
- Prevented from rendering service** 14447. The member shall receive credit for time during which he is prevented from rendering service in a status requisite for membership, by act of God, or by reason of the closing of a school by any duly authorized officer or body because of epidemic or any other reason.
- Compensated leave of absence** 14448. The member shall receive credit for time spent by him on leave of absence for which he receives compensation from a school district or other employing agency, or from any insurance carrier of any school district or other employing agency, but time after termination of membership shall not be credited, regardless of whether compensation from an insurance carrier continues.
- Military leave** 14449. The member shall receive credit for time during which he serves in the active military service of the United States or of the State including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross, during war with any foreign power or during other National emergency, if he was employed in a status requisite for membership, or in a status, time served in which is included in this chapter, within one year prior to entering such service. Time during which a member for other cause, is absent without compensation, on leave or otherwise, shall not be included except as provided in Section 14447. Time included under this section shall be considered as served in the State in which the member was last employed before entering such service.
- Exchange teacher** 14450. The member shall receive credit for time served as an exchange teacher in any location.
- Service outside State** 14451. Except as otherwise provided in Sections 14449, 14450 and 14452, no member shall receive credit for service



rendered outside this State, whether before or after July 1, 1944.

14452. Every person who was a member or a retired member of the California State Teachers' Retirement System on June 30, 1944, shall receive credit for time served outside this State prior to July 1, 1944, as follows:

Service  
prior to  
July 1, 1944

(a) He shall receive credit for time served in a status which in this State is requisite for membership, in other States of the United States and its Territories and possessions and in Canada.

(b) He shall receive credit for time served in teaching positions in publicly supported universities or colleges in the United States and its Territories and possessions and in Canada. Retirement salaries payable to persons retired after July 1, 1937, and prior to September 13, 1941, shall be adjusted upon the request of the persons, to the provisions of this section, effective on the first day of the month in which the requests are received at the office of the Retirement System in Sacramento.

(c) He shall receive credit for time served in teaching positions in schools supported by the United States Government.

(d) Members who are employed in the California School for the Deaf or the California School for the Blind, or in special classes maintained by the public schools of this State, for the instruction of the deaf, the hard of hearing, the blind, or the semisighted shall receive credit for time served in publicly supported residential schools for the deaf and blind outside this State.

#### Article 8. Members' Contributions

14471. Each member who retires on or after July 1, 1941, is required to have contributed to the Permanent Fund at the following rates for the service credited to him under the Retirement System:

Contribution  
to Perma-  
nent Fund

(a) Twelve dollars (\$12) for each year of service prior to July 1, 1935, but contributions shall not be required for more than 30 years of service rendered prior to July 1, 1935.

(b) Twenty-four dollars (\$24) for each year of service from July 1, 1935, to July 1, 1944.

(c) Sixty dollars (\$60) for each year of service after July 1, 1944.

14472. The Retirement Board by rule may provide that members employed on a part time or substitute basis shall not be required to contribute for months during which they serve less time than that required for credit for service of one month, as fixed by the Retirement Board.

Part time  
teachers

14473. Contributions to the Permanent Fund for service rendered after July 1, 1944, shall be made as service is rendered, being deducted from each salary payment in an amount determined by dividing sixty dollars (\$60) by the number of salary payments normally to be made throughout the entire school year to members who are in service, without interruption. The Retirement Board by rule may modify the method of determining the amount of contributions to be deducted from each salary

Deductions  
from salaries

payment, if a member is employed on a substitute or part time basis or if the service of a member is interrupted by absence without compensation.

Additional  
payments  
(See also)  
Stats 1945,  
Ch 1207

14474. Any person to whom service rendered outside of the State after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the Retirement System or its predecessor or who was a member of the State Employees' Retirement System while serving in a status requisite for membership in this Retirement System or its predecessor, and who later becomes subject to its provisions, shall pay, in addition to the sum due under Section 14471 for each year of credited service rendered outside the State or while exempt or while a member of any other system, interest at the rate of 5 per cent per annum on the amount which would have been contributed had he been a member of the Retirement System when the service was rendered. Interest shall begin on the first day of July next following the end of the school year in which the service was rendered, and shall end upon the date of retirement.

Payments  
after  
retirement

14475. Every person who retires on or after July 1, 1944, and who is entitled to receive a retirement salary, but who at the time of retirement is not credited with the full amount of contributions to the Permanent Fund required of him by Section 14471, shall pay to the Retirement System such additional amount as is necessary to bring the contributions credited to him up to the full amount of contributions to the Permanent Fund required of him by Section 14471.

Method of  
payment

14476. The additional amount or the balance of it remaining unpaid at any time, may be paid in one sum by him or in installments as a deduction, at the rate of fifteen dollars (\$15) per month, from the retirement allowance payable, if he was retired with 30 or more years of service, or at the rate of twelve dollars (\$12) per month if he was retired with less than 30 years of service.

Excess  
payment

14477. Contributions to the Permanent Fund credited to any member which are determined by the Retirement Board to be in excess of the amount of Permanent Fund contributions required of him by Section 14471 shall be refunded in cash to the member as soon as possible after it is determined that such contributions are in excess of the amount required, but in no event later than 90 days after action resulting in the retirement of the member.

Contribu-  
tions to An-  
nuity Fund

14478. Each member of this Retirement System shall contribute to the Retirement Annuity Fund at the rates of annuity fund contributions established by the Retirement Board, except that a member who is also a member of a local retirement system shall not contribute to the Retirement Annuity Fund for or during any service for which he is entitled to retirement benefits under the local retirement system.

Rates  
See also  
Stats 1945,  
Ch 1207

14479. The rates of annuity fund contributions shall be based upon sex and age at the nearest birthday at the time of inclusion in or entrance into this Retirement System, and shall

be such as, when applied to the salary of the member, not counting so much thereof as exceeds the amount which would have been paid at the rate of three thousand dollars (\$3,000) for each school year, and not counting any salary earned in service for which the member is entitled to retirement benefits from a local retirement system, will produce contributions which will provide, on the average, an annuity at age 63 equal to approximately one-half of the benefit specified in Section 14635 to be derived from the Retirement Annuity Fund for service rendered after July 1, 1944, as determined by recognized actuarial methods.

14480. Contributions required of a person to the Retirement Annuity Fund shall be deducted from each salary payment in the manner prescribed in this article. Annuity contributions shall not be deducted from salary payments to any member employed as a part time or substitute employee, from which Permanent Fund contributions are not deducted by provisions of this chapter or by rule of the board. Every person accepting employment who is required to contribute shall be deemed to consent and agree to the deduction of the annuity contributions from his salary payments. Deductions  
from salary

14481. Notwithstanding any other law, rule, or regulation affecting the salary, pay, compensation, other perquisites, or tenure of any person to whom this chapter applies, and notwithstanding that the minimum salary, pay, compensation, or other perquisites, provided by law for such person shall be reduced thereby, payment less the contributions required by this article shall be in full and complete discharge and acquittance of all claims and demands whatsoever for service rendered by the teacher during the period covered by the payment, except his claim to benefits to which he may be entitled. Full payment  
of salary

14482. The governing board of each school district shall draw an order for the amount of salary payments due, from time to time, to the respective members employed by the board, less the amount of contributions required to be deducted from the payments, and shall inform the county superintendent of schools of the amount of the contributions. Order for  
payments due

14483. The county superintendent of schools at the close of each month shall draw requisitions against the funds of the respective school districts and in favor of the county teachers' permanent fund and county teachers' annuity deposit fund, which are continued in existence in each county treasury, for amounts equal to the total of contributions deducted during the month for the State Permanent Fund and State Retirement Annuity Fund, respectively. The amounts shall be deposited in the county treasury to the credit of the respective funds.

14484. The county superintendent of schools shall deduct from salary payments due, from time to time, to the respective members employed by him, the contributions required and at the close of each month shall draw requisitions against the funds from which the salaries were paid and in favor of the county permanent and annuity funds, respectively, for amounts equal Deduction  
from salary

to the total of the contributions deducted during the month for the State Permanent Fund and State Retirement Annuity Fund, respectively. The amounts shall be deposited in the county treasury to the credit of the respective funds.

County  
auditor's  
duties

14485. The county auditor shall deduct from salary payments due, from time to time, to the respective members employed by the county, the contributions required and at the close of each month shall transfer in the county treasury from the funds from which the salaries were paid, to the county permanent and county annuity deposit funds, respectively, amounts equal to the total of the contributions deducted during the month for the State Permanent Fund and State Retirement Annuity Fund, respectively.

Receipt for  
contributions

14486. The county superintendent of schools in each January and July shall issue a receipt for the contributions to each member from whose salary payments the deductions were made during the six months immediately preceding. The Retirement Board may issue to each member, after the close of the school year in lieu of such receipt, either one receipt for all contributions deducted from his salary during the year or a statement of his individual account.

Warrant for  
contributions

14487. In January and July of each year, or in each month at the option of the Retirement Board, the county superintendent of schools shall draw his requisition against the county auditor, and the requisition when allowed and signed by the county auditor shall constitute a warrant against the county treasurer, for the amount of contributions deducted from members' salary payments during the six calendar months or month, as the case may be, immediately preceding. The county auditor thereupon shall forward the warrant to the office of the Retirement Board in Sacramento.

Report

14488. The requisition of the county superintendent of schools drawn in January and July, or beginning with the report for the 12 months ending June 30, 1943, only in July at the option of the Retirement Board, shall be accompanied by a report giving the names of the members from whose salary payments contributions were deducted during the preceding six or 12 months, as the case may be, the amount of the contributions in the case of each member, and such other information as the board may require. The original copy of the report shall be sent by the county superintendent of schools to the Retirement Board. If monthly requisitions are required, the reports may at the option of the board be required monthly.

Deductions  
by employing  
agencies

14489. Employing agencies other than school districts or counties shall deduct from each salary payment due, from time to time, to the respective members employed by them, the contributions required, and shall remit in January and July of each year, or in each month at the option of the Retirement Board, to the Retirement Board, in a form satisfactory to it, the contributions deducted during the six calendar months or

month, as the case may be, immediately preceding. The remittances shall be accompanied by a report in the manner required of the county superintendent.

14490. The amounts received shall be deposited forthwith <sup>Deposit</sup> by the Retirement Board in the State treasury to the credit of the Permanent Fund or the Retirement Annuity Fund respectively, except that so much of such moneys as is derived from deductions from members' salaries earned prior to July 1, 1944, for members' contributions to the Annuity Deposit Fund shall be credited to the Annuity Deposit Fund.

14491. The Retirement Board at its option and in lieu of all <sup>Copy of pay roll</sup> or part of the method of collecting members' contributions, provided in this article, may require any county, city, city and county, or district superintendent of schools, any governing board of a school district, or any disbursing officer of any other employing agency, to furnish the board with a copy of every pay roll of the school district or other employing agency. The pay roll shall show for the period covered thereby and for each person employed by the district or other employing agency during the period the time served, the compensation earnable, the amount of salary earned, the contributions deducted for the Permanent Fund, the Annuity Deposit Fund, and the Retirement Annuity Fund, respectively, the net amount paid, and such other data as the board may require. The pay roll shall be verified by a duly authorized official, and shall be accompanied by a remittance to the Retirement Board in a form acceptable to the board, of the total of the contributions shown on the pay roll as deducted from the salary payments of members listed thereon.

14492. Upon the request of the Retirement Board, the <sup>Statement of contributions</sup> county superintendent of schools or employer shall furnish the board with a statement of the amount of contributions deducted from salary payments of any member, the service rendered by the member, and the salary earned by him, since the end of the period covered by the last report of the superintendent or employer. The Retirement Board may use the information shown in the statement in determining contributions to be paid to the member or to a beneficiary, or use it in determining the member's status upon retirement, even though the contributions will not be received by the board until after the payment or determination.

14493. Contributions made by a member shall be credited <sup>Individual account</sup> to his individual account by the Retirement Board. Interest shall be credited to his individual account on the accumulated annuity contributions therein, at rates declared from time to time by the board.

14494. If more or less than the correct amount of the <sup>Adjustments of contributions</sup> contributions is paid with respect to any salary payment, including salary payments to exchange teachers for service outside of this State, proper adjustments shall be made, without interest, in connection with subsequent salary payments, or adjustments may be made by direct cash payments between the member

and the county superintendent of schools, employer, or the Retirement Board. Adjustments to correct any other errors in payments to or by the Retirement Board may be made in the same manner.

Military  
service

14495. Any member of the Retirement System serving in the active military service of the United States or of the State, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full time paid service of the American Red Cross, during or after the termination of his service and at his option, may pay to the employing agency from the service of which he entered military service or said auxiliaries thereof, or Red Cross, such amounts as may be necessary, when added to contributions for the Permanent and Retirement Annuity Funds, deducted by the agency during his absence, to make his contributions to the Permanent Fund and to the Retirement Annuity Fund, equal to the contributions he would have made had he not been absent from the service of the employing agency. The contributions made shall be remitted to the Retirement Board and administered by the board in the same manner as contributions deducted from salary payments. The employing agency may at its option, make the contributions for the member, and contributions made by the agency shall be administered as if made by the member. If the member does not pay the contributions to the Permanent Fund and the Retirement Annuity Fund during his service in the military service or said auxiliaries thereof, or Red Cross, the contributions shall be deducted from his salary payments during the 12 months next following his return to duty in a position requisite to membership in the Retirement System. If the member was not employed by an employing agency at the time he entered the military service or said auxiliaries thereof, or the service of the Red Cross, his contributions to and his benefits from the Retirement Annuity Fund for such service shall be based upon the salary he was receiving in his last employment prior to entering the military service or said auxiliaries thereof, or the service of the Red Cross.

#### Article 9. Return of Members' Contributions

Refund of  
contributions

14521. Upon the termination of a member's employment there shall be paid to him, or upon receipt of proof of a member's death before the effective date of his retirement or before the date upon which a retirement allowance is granted to him, whichever is the later date, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 14337, together with the interest accumulated thereon.

14522. Repayments pursuant to Section 14521 to a member shall be made upon request of the member, unless it appears to the Retirement Board that his employment is permanently terminated, in which case repayment may be made without request.

Request  
for refund

14523. The Retirement Board may withhold for one year payment of contributions upon termination of employment, if the person to whom the contributions are payable previously had been paid contributions and had again become a member within one year after the payment.

Withholding  
refund

14524. If a person whose contributions have been returned to him thereafter reenters the system, he shall thereupon redeposit the contributions returned to him, with interest from the date of the return of the contributions to the date of redeposit at the rate of 3 per cent per annum. Redeposit may be made in installments in accordance with such rules and regulations as may be established by the Retirement Board.

Redeposit of  
returned  
refund

If not more than five years has elapsed between the return of contributions and the reentry to membership, his rate of contribution to the Retirement Annuity Fund shall be the rate established for persons of his age at the time he first became a member of the Retirement System, but if more than five years has elapsed between the return of contributions and the reentry to membership, his rate of contribution shall be the rate applicable to persons of his age on the date of reentry.

#### Article 10. Public Contributions

14551. Each school district or other employing agency employing one or more members of the system shall contribute semiannually to the Permanent Fund, six dollars (\$6) for each member employed.

Public  
contributions

14552. The county superintendent of schools of each county shall certify to the Retirement Board, on or before the fifteenth of each April and November the number of members of the system who appear on the last pay roll in the current school year of the respective school districts in the county, preceding the respective dates or who, at the end of the respective periods covered by the pay rolls, were on leave of absence granted for service included in Section 14449.

Report  
Number of  
members

14553. At the option of the county superintendent of schools, a member employed in more than one district in any county may be counted in each of the districts as a fraction of one determined by dividing one by the number of the districts or may be counted as one in one of the districts and the pro rata portions of six dollars (\$6) transferred by the county superintendent of schools to the district from the funds of the

Member  
employed  
by more  
than one  
district

other districts. Otherwise each of the districts shall contribute six dollars (\$6).

Report  
Deputies,  
etc

14554. The county superintendent of schools shall certify likewise the number of his deputies and certificated employees who are members of the system and appear on the last pay roll in the current school year, preceding the respective dates, and shall include himself in the number.

Certificate

14555. The Retirement Board shall immediately transmit the certificate to the State Controller with a statement of the amount due from each school district to the Permanent Fund and the amount due to the fund on account of the county superintendent of schools and his deputies and certificated employees.

Deductions  
from funds

14556. The Controller shall deduct from the apportionment of State funds payable to the county for the school districts therein in installments next following April and November, respectively, a sum equal to six dollars (\$6) for each of the members as calculated by the Retirement Board for each school district. He shall deduct from the apportionment of the funds payable to the county for the unapportioned county elementary school fund a sum similarly calculated by the Retirement Board for the county superintendent of schools and his deputies and certificated employees. No payment of apportioned funds of the county shall be made until the deductions are made.

Amount  
less than  
required  
contributions

14557. If the apportionment installment to any district or to the unapportioned county elementary school fund is less than the contributions required of the district or fund, the contributions shall be deducted from the total amount of the apportionment payable to the county, and the county superintendent of schools shall transfer to the county treasurer from the funds of the district and from the unapportioned county elementary school fund such amounts as may be necessary to complete the crediting of the apportionment to the various districts and funds by the county treasurer.

Procedure

14558. The amounts deducted shall be transferred forthwith to the Permanent Fund, and for accounting purposes shall be included by the county superintendent of schools in his records and reports of the income and disbursements of the school districts or of the unapportioned county elementary school fund, as the case may be, in the same manner as if actually received and disbursed by the districts or fund.

Employees  
of State  
agency

14559. If the members are employed by any agency of the State, remittances to the Retirement Board of six dollars (\$6) for each member shall be made in April and November of each year by the disbursing officer of the agency by which the members are employed. Remittances shall be made out of funds provided for the support of the agency. Amounts due the Permanent Fund shall be calculated on the basis of the number of members on the last pay rolls in the current school year, prior to April 15th and November 15th respectively, or, at the end of the respective periods covered by the pay rolls, on leave of absence granted for service included in Section 14449.



14560. If more or less than the correct amount of contribution is paid for any period, proper adjustments shall be made, without interest, in connection with subsequent deductions by the Controller, or remittances to the Retirement Board, or by direct cash payments between the employer and the board.

14561. In establishing this Retirement System, the Legislature recognizes that the California State Teachers' Retirement System superseded by this Retirement System was actuarially unsound, and that the assets of that system (transferred by this chapter to this Retirement System) are insufficient to meet the obligations of that system already accrued or to accrue in the future in respect to service credited to members of that system and rendered prior to the establishment of this Retirement System on July 1, 1944. Therefore, the Legislature declares the following policies in respect to the financing of the State Teachers' Retirement System:

(a) All benefits in respect to service rendered after July 1, 1944, shall be provided approximately equally from members' contributions and public contributions. Public contributions consist of contributions by the State and contributions by school districts and employing agencies.

(b) All benefits in respect to service rendered prior to July 1, 1944, which can not be met from the assets of the California Teachers' Retirement System shall be provided from contributions by the State.

(c) The costs of administration of this Retirement System shall be met from contributions by the State.

14562. The State shall contribute annually to the Permanent Fund an amount, determined actuarially, equal to so much of the benefits to be paid from the Permanent Fund during that year as is not provided by the Permanent Fund contributions made after July 1, 1944, of the members receiving such benefits and by the contributions of employing agencies during that year.

14563. The State shall contribute annually to the Retirement Annuity Fund all of the following amounts:

(a) An amount, determined actuarially, equal to the benefits to be paid from the Retirement Annuity Fund during that year in respect to service rendered prior to July 1, 1944.

(b) An amount, determined actuarially, equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year in respect to service rendered after July 1, 1944, as is not provided by the retirement annuity contributions of the members receiving such benefits.

14564. The provisions of this article providing for State contributions do not constitute appropriations of money from the State treasury. The sums required for State contributions shall be appropriated in each State budget act, or otherwise.

If the amount of the State contribution for any prior year, as determined actuarially and appropriated by the Legislature, is found to have been greater or less than it should have been, the State contribution for any year shall be reduced or increased,

Adjustments

Financing of system

Policies

State contributions - Permanent Fund  
See also Stats 1945, Ch 1207

Same Retirement Annuity Fund

See also Stats 1945, Ch 1207

Sums to be appropriated

as the case may be, by the sum by which the State contribution for the prior year was greater or less than it should have been, except to the extent that such sum has been applied to reduce or increase the State contribution for any prior year.

#### Article 11. Retirement for Service or Disability

Retirement  
for service

14601. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the Retirement Board :

(a) Who is credited with at least 30 years of service, at least 15 of which have been served in this State, including the last 10 years of service immediately preceding retirement, irrespective of his then attained age.

(b) Who is credited with at least 10 years of service, all of which have been served in this State immediately preceding retirement, and has attained the age of 58 years or more.

Retirement  
for disability

14602. Any member who is credited with 15 but less than 30 years of service, at least 15 of which have been served in this State, including the last 10 years of service immediately preceding retirement, and who by reason of bodily or mental infirmity becomes incapacitated for further service, may be retired for disability by the Retirement Board upon his application or upon the application of his employer.

Retirement shall not be made except upon determination, on the basis of competent medical opinion secured by the Retirement Board, that the disability or incapacity is of permanent duration or of extended and uncertain duration.

Over-age  
member

14603. Any member who applies for retirement after attaining an age at which the classification of persons as permanent employees of school districts ceases and who at the time is credited with 10 or more but less than 30 years of service, the last four years of which have been served in this State, shall, for the purposes of this chapter, be deemed to be incapacitated for further service and shall be retired upon his application.

Any such member who, at the time of the application, is credited with 30 or more years of service, the last four years of which have been served in this State, shall be retired under Section 14601, upon his application.

Date of  
retirement

14604. Every application for retirement shall state the time, not more than ninety (90) days subsequent to the execution of the application, at which the member desires to retire.

Permitted  
absence from  
service

14605. The last 10 years of service in this State immediately preceding retirement, as required in Sections 14601 and 14602, may be broken by periods of absence from service, or by periods of service in universities, colleges, or private schools within this State, or by service outside of this State during a year in which the person has served the minimum time required for a year of service in this State, or by a year of service outside this State if 10 of the 11 final years of service have been in this State.

Time to file  
application

14606. Application for retirement shall be made within two years after the last day of service, or at any time during a leave of absence or renewal thereof if the person left service on such

leave of absence duly granted by a governing board of a school district or other authority employing him, or within six months after the appointment of a guardian of a member whose right to apply for retirement has otherwise lapsed, or who is determined to the satisfaction of the Retirement Board to have been mentally incompetent at the time of lapsing.

14607. Failure of a member to complete the documents required for retirement, within 90 days after receipt of the application for retirement, in the office of the Retirement Board in Sacramento, shall make the application null and void.

Void  
application  
See also  
Stats 1945,  
Ch 1207

14608. After the right to apply for retirement has lapsed the right may be reestablished only by service in a status requisite for membership, of not less than two years.

Reinstatement

14609. Upon retirement for service or disability a person shall be entitled to the retirement allowances specified in Article 12 of this chapter.

Allowances

14610. Except as otherwise provided in this section, no person retired for service shall accept employment in a status requisite for membership in the Retirement System, or in any teaching capacity in a public school, within two years after the effective date of retirement, and in any event not until after notifying the Retirement Board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination, that he has recovered from the disability for which he was retired. If any person fails to comply with these requirements, the employment shall be invalid. At any time prior to July 1, 1945, or prior to the termination of the war in which the United States of America is now engaged, whichever is the earlier, any person heretofore or hereafter retired for service or after attaining an age at which the classification of persons as permanent employees of school districts ceases and who was not otherwise retired because of bodily or mental infirmity may, after giving notice to the Retirement Board at its office in Sacramento, accept employment in any status requisite for membership in the Retirement System or in any teaching capacity in a public school.

Reemployment  
after  
retirement  
See also  
Stats 1945,  
Ch 1207

14611. If any person retired pursuant to this article is reemployed, after complying with the requirements in Section 14610, in a status requisite to membership in the Retirement System or in any teaching capacity in a public school, or if any person is retired for disability and recovers from the disability for which he was retired, his retirement allowance shall cease.

Retirement  
payments  
cease

14612. The Retirement Board may require any beneficiary who has been retired for disability to undergo a medical examination. If the examination, together with other available information, shows to the satisfaction of the Retirement Board that the disability for which he was retired no longer exists, his retirement allowance shall cease.

Medical  
examination  
of beneficiary

Cancellation  
of allowance

14613. Upon cancellation of the retirement allowance, the person's individual account shall be credited with his accumulated annuity contributions as it was at the time of retirement, less the annuity received by him and plus interest credited to the accumulated annuity contributions after retirement, and the individual account shall be credited with the Permanent Fund contributions made by him prior to and after retirement.

Contribu-  
tions  
returned

14614. If the person does not reenter service his contributions, as credited pursuant to Section 14613, shall be returned to him pursuant to Section 14521.

Rate of  
contributions

14615. If the person reenters service, his rate of contribution to the Retirement Annuity Fund shall be the rate applicable at his then attained age.

## Article 12. Benefits on Retirement for Service or Disability

Persons  
retired on  
June 30,  
1944

14631. (a) Annuities and retirement salaries being paid on June 30, 1944, under the California State Teachers' Retirement Act to persons theretofore retired shall continue to be paid by this Retirement System from the Annuity Deposit Fund and the Permanent Fund, respectively, without change in amount, except that the retirement salaries of such persons who are not active or retired members of a local retirement system shall be increased by 20 per cent of the amounts of the respective retirement salaries on that date.

Additional  
contributions

(b) Every person retired prior to July 1, 1944, who is not credited with contributions to the Permanent Fund in the amount of twelve dollars (\$12) for each year of service prior to July 1, 1935, with which he is credited, not to include more than 30 years of service rendered prior to July 1, 1935, and with twenty-four dollars (\$24) for each year of credited service from July 1, 1935, to July 1, 1944, shall pay to the Retirement System such additional amount as is necessary to bring the Permanent Fund contributions credited to him up to such amount.

Constitu-  
tionality

If the foregoing provisions of this subdivision should be held to be unconstitutional, then, and only then, every person retired prior to July 1, 1944, who is not credited with twenty-four dollars (\$24) as a contribution to the Permanent Fund for each year of service with which he is credited, not to include more than 30 years of service rendered prior to July 1, 1935, shall pay to the Retirement System such additional amount as is necessary to bring the Permanent Fund contributions credited to him up to twenty-four dollars (\$24) for each year of credited service, not to include more than 30 years of service prior to July 1, 1935.

Payment

(c) The additional amount payable pursuant to subdivision (b) of this section may be paid by the person in one sum at any time, or may be paid in installments as a deduction, at the rate of five dollars (\$5) per month, from the retirement allowance payable, if he was retired with 30 or more years of service, or at the rate of four dollars (\$4) per month if he was retired with less than 30 years of service. Until that part of

the contributions in arrears, including interest, which is due from persons retired, because of exemption from the provisions of the Retirement System or its predecessor, or because of service outside the State, is paid, the monthly installments shall be fifteen dollars (\$15) and twelve dollars (\$12), respectively.

14632. Upon retirement for service, a retired member shall receive a retirement allowance which shall consist of:

Retirement  
allowance  
See also  
Stats. 1945,  
Ch. 1207

(a) A retirement salary of fifty dollars (\$50) per month derived from the Permanent Fund, if he is credited with 30 years of service at the time of retirement. The retirement salary shall be subject to the deductions provided in Section 14476, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the salary earned by him in credited service rendered by him after July 1, 1944, not counting so much of such salary as exceeds the amount which would have been paid at the rate of three thousand dollars (\$3,000) for each school year, and not counting any salary earned in service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14635.

(c) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of credited service rendered by him prior to July 1, 1944, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14636.

(d) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

14633. A member who is credited with less than 30 years of service at the time of retirement for service shall not receive any retirement salary from the Permanent Fund, but shall be repaid the Permanent Fund contributions, without interest, standing to the credit of his individual account as having been made after July 1, 1935.

Service less  
than 30  
years

14634. For the purpose of computing benefits from the Retirement Annuity Fund, there shall be excluded from the service with which a member is credited under Article 7 of this chapter any service for which the member is entitled to receive retirement benefits from a local retirement system.

Local  
retirement  
system

14635. Upon retirement for service at the age of 63 years a member shall receive an annual annuity equal to seventy-five cents (\$0.75) for each hundred dollars (\$100) of salary earned by him in credited service rendered after July 1, 1944 not counting so much of such salary as exceeds the amount which would have been paid at the rate of three thousand dollars (\$3,000) for each school year; and not counting any salary earned in service for which the member is entitled to retirement benefits from a local retirement system. Upon retirement at an age less than 63 years, a member shall receive the actuarial equivalent of the value at the lesser age of the annual annuity

Service after  
July 1, 1944  
See also  
Stats. 1945,  
Ch. 1207

which he would receive at the age of 63 years, on the basis of salary earned up to the effective date of his retirement, deferred to the age of 63 years.

Service prior to July 1, 1944 See also Stats 1915, Ch 1207

14636. (a) For each year of credited service rendered prior to July 1, 1944, not to exceed 40 years, and not counting any service for which the member is entitled to receive retirement benefits from a local retirement system, the amount of annual annuity which a member shall receive upon retirement for service shall be determined by the service rendered between July 1, 1944, and the date of his retirement, in accordance with the following schedule of amounts payable upon retirement at age 63, and the amount which a member retiring at a lesser age shall receive shall be the actuarial equivalent of the value at the lesser age of the annual annuity which he would receive at age 63, deferred to age 63 :

Service rendered after July 1, 1944	Annual annuity per year of credited service
Less than 6 months-----	\$3.00
6 months or more but less than 2 years-----	4.00
2 years or more but less than 4 years-----	5.00
4 years or more but less than 6 years-----	6.00
6 years or more but less than 8 years-----	7.00
8 years or more but less than 10 years-----	8.00
10 years or more-----	9.00

Adjusted payments

(b) If the sum of the amounts payable under Section 14635 and subdivision (a) of this section to a retiring member who is credited with 30 years or more of service and who is not entitled to receive benefits under a local retirement system is less than twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14632 (not counting any deductions made under Section 14476), he shall receive, in lieu of the amount computed under subdivision (a) of this section, an amount which, when added to the amount payable to him under Section 14635, equals twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14632 (not counting any deductions made under Section 14476).

Member may elect See also Stats 1915, Ch 1207

14637. Any member who retires may elect to receive the actuarial equivalent as of the date of retirement, of the annuities payable to him in a reduced annuity, payable throughout life with the provision that :

Option 1. If he dies before he has received in annuity payments the amount of his accumulated annuity contributions plus his accumulated annuity deposits as it was at the time of his retirement, the balance of such accumulated annuity contributions and accumulated annuity deposits shall be paid to his estate or to such person as he has nominated by written designation duly executed and filed with the board ; or

Option 2. Upon his death, his reduced annuity shall be continued throughout the life of and paid to such person as he

has nominated by written designation duly executed and filed with the board at the time of his election; or

Option 3. Upon his death, one-half of his reduced annuity shall be continued throughout the life of, and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election.

He may revoke or change any previous election prior to its approval.

14638. If any retired person dies after retirement, before the first annuity payment is made, and within 30 days from the date upon which the election or changed election is received in the office of the Retirement System at Sacramento, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death. Void election

14639. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of: Retirement for disability

(a) A retirement salary derived from the Permanent Fund, payable monthly in an amount which bears the same ratio to fifty dollars (\$50) as the number of years of service credited to the member bears to 30 years. The retirement salary shall be subject to the deductions provided in Section 14476, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A disability annuity, derived from the Retirement Annuity Fund, computed pursuant to Section 14640.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

14640. (a) The amount of disability annuity payable under subdivision (b) of Section 14639 shall be the lesser of the two following amounts: Amount of disability annuity

(1) The actuarial equivalent, based on a disabled life, of the value at his age of retirement, and on the basis of an active life, of the sum of the annuities payable to him under subdivisions (b) and (c) of Section 14632 at the age of 63 years, on the basis of salary earned and service rendered up to the effective date of his retirement, deferred to the age of 63 years. Sec also Stats 1945, Ch 1207

(2) The amount of the annuities which would have been payable to him under subdivisions (b) and (c) of Section 14632 at the earliest later date at which he would have been eligible for retirement for service, assuming that his contributions based on his salary at the date of his retirement for disability had continued to the earliest later date at which he would have been eligible for retirement for service.

(b) If the amount of disability annuity payable under subdivision (a) of this section to a member who is not entitled to receive retirement or disability benefits under a local retirement system is less than twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14639 (not counting any deductions made under Section 14476), he shall receive, in lieu of the amount computed under subdivision (a) of this section, an amount equal to twenty per

cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14639 (not counting any deductions made under Section 14476).

Exception:

14641. When a member who has been retired for disability and has thereafter reentered membership in the Retirement System subsequently retires for service, he shall not receive the full retirement annuities specified in subdivisions (b) and (c) of Section 14632, but shall receive the larger of the following two amounts:

(a) An amount equal to that which he received during his period of disability, plus an annuity based upon his salary earned in active service from the date of reentry into the Retirement System to the date of his retirement for service, or

(b) His full annuities as provided in subdivisions (b) and (c) of Section 14632 actuarially adjusted for disability annuity payments received during his period of disability.

14642. Retirement shall become effective and the retirement allowance shall begin to accrue upon the date designated by the person as the effective date of retirement, or upon the day following the last day of service for which salary is payable to the person if the last day postdates the day designated by the person as the effective date. In no event shall the retirement become effective or retirement allowance begin to accrue earlier than the first day of the month in which the application is received at the office of the Retirement Board, in Sacramento, or earlier than the date upon and continuously after which he is determined to the satisfaction of the Retirement Board to have been mentally incompetent.

Monthly  
installments

14643. An annuity, a retirement salary, or a retirement allowance shall be payable in equal monthly installments. The first and last payments due to or on account of any beneficiary may be made in smaller pro rata amounts if the benefits begin after the first day of the month or end before the last day of the month.

Lost  
warrant

14644. Upon receipt of proof satisfactory to the Retirement Board, that a warrant drawn in payment of a retirement allowance or in payment of any other account due from the Retirement System, has been lost, the Controller upon the request of the Retirement Board shall issue a duplicate warrant in payment of the same amount, without requiring a bond from the payee, and any loss incurred in connection therewith shall be charged against the fund from which the payment was derived.

### Article 13. Procedures Concerning Payments

Nomination  
of beneficiary

14661. Whenever nomination of a beneficiary is authorized by this chapter, and no beneficiary has been nominated, the estate of the person authorized to make the nomination shall be the beneficiary. The nomination of a beneficiary under the Retirement System, other than nominations under options 2 and



3 in Section 14637, may be revoked at the pleasure of the member or beneficiary making the nomination, and a different beneficiary nominated by a written instrument duly executed and filed with the board.

14662. If the estate is the beneficiary, and if the estate need not be probated except for the payments due from the Retirement System, all of the amount due, including retirement allowances accrued but not received prior to death, shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of the survivors' estates, share and share alike, payment to be made in the order in which the following groups are listed:

- (a) Husband or wife.
- (b) Children.
- (c) Father and mother.
- (d) Grandchildren.
- (e) Brothers and sisters.
- (f) Nieces and nephews.

No payment shall be made to persons included in any of the groups if at the date of payment there are living persons in any of the groups preceding it.

14663. Payment to the persons in any group, upon receipt from the persons of an affidavit upon a form supplied by the Retirement Board, that there are no living individuals in the groups preceding it and that the estate of the deceased will not be probated, shall be in full and complete discharge and acquittance of the board and system on account of the death.

14664. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit not to exceed five hundred dollars (\$500) may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed one thousand dollars (\$1,000) in value. The payment shall be full and complete discharge and acquittance of the board and system. The person shall account to the minor for the money when the minor reaches the age of majority.

14665. The retirement board, if the whereabouts of the nominated beneficiary can not be determined, or if the beneficiary is the estate of the deceased person, may pay to the undertaker who conducted the funeral, or to any person who, or any organization which, has paid the undertaker from funds owned by the person or organization, in its discretion all or a portion of any amount payable under the Retirement System, but not to exceed the funeral expenses of the deceased person, or the portion of the expenses paid by the person or organization, as evidenced by the sworn itemized statement of the undertaker, person, or organization and by such other documents as the board may require. The payment shall be in full and complete discharge and acquittance of the board and system up to the amount paid.

Annuity,  
etc., not  
subject to  
attachment,  
etc.

14666. The right of a person to an annuity, a retirement salary, or a retirement allowance, to the return of contributions, the annuity, retirement salary, or retirement allowance itself, any optional benefit, any other right or benefit accrued or accruing to any person under this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this chapter specifically provided.

Hearing on  
application

14667. An applicant for retirement, or for a benefit, return of contributions, or other payment under this chapter, may demand a hearing before the board and may be represented by counsel or by a friend. Any applicant may file an application for rehearing of any application within thirty (30) days after written notice of the determination by the Retirement Board has been sent by registered mail to the applicant or his attorney of record, upon any of the following grounds:

Rehearing

(a) That the Retirement Board acted without and in excess of its powers.

(b) That the order, decision, or award was procured by fraud.

(c) That the evidence does not justify the determination of the Retirement Board.

(d) That the applicant has discovered new evidence material to him which he could not, with reasonable diligence, have discovered or procured at the hearing.

Determina-  
tion on  
rehearing

14668. The determination of the Retirement Board on any application for rehearing shall be made within one hundred eighty (180) days after the filing thereof, or the application shall be deemed denied. The determination shall be final and conclusive and the Retirement Board shall have no jurisdiction to entertain any subsequent application regarding the same matter.

#### Article 14. Change of Membership Status

Rights cease  
under local  
retirement  
system  
See also  
Stats. 1945,  
Ch 1207

14680. If a member of this Retirement System who is or has been a member of a local retirement system ceases to be entitled to retirement benefits from the local retirement system for any credited service rendered after July 1, 1944, and for which he has not contributed to the Retirement Annuity Fund under Section 14478, but continues to be a member of this Retirement System, upon receipt of refund of his contributions to the local retirement system he shall deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the local retirement system, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions.

Unless such deposit is made within two years after receipt of refund of his contributions to the local retirement system,

the member shall not be entitled to benefits from the Retirement Annuity Fund based upon salary earned in any service after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478.

14681. Any person who enters this Retirement System after July 1, 1944, and who receives credit for service rendered after July 1, 1944, but prior to his entry into this Retirement System, shall deposit in the Retirement Annuity Fund an amount equal to the contributions he would have been required to make to the Retirement Annuity Fund during such service if he had then been a member of this Retirement System, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions.

Additional  
contributions  
See also  
Stats. 1945,  
Ch. 1207

Unless such deposit is made within two years after his entry into this Retirement System, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon salary earned in any service after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478.

SEC. 3. Out of any money in the State treasury not otherwise appropriated, the sum of thirty-three million one hundred forty thousand dollars (\$33,140,000) is hereby appropriated to carry out the purposes of this act, which sum shall be deposited and shall be available for expenditure only as follows:

Appropri-  
ation

(a) Thirty million dollars (\$30,000,000) shall be deposited in the Teachers' Permanent Fund, and shall not be available for expenditure until the Legislature enacts additional legislation authorizing its expenditure. This thirty million dollars (\$30,000,000) shall be invested and reinvested from time to time by the Retirement Investment Board the same as other moneys in the Teachers' Permanent Fund. The increment thereon shall be deposited in the Permanent Fund and shall be subject to all of the limitations applicable to the principal sum of thirty million dollars (\$30,000,000). It is the intention of the Legislature that this sum of thirty million dollars (\$30,000,000), together with the increment thereof, shall ultimately be used in payment of the State contributions for operation of the State Teachers' Retirement System.

(b) Three million dollars (\$3,000,000) shall be deposited in the Teachers' Permanent Fund, and so much thereof as is necessary shall be expended for the operation of the State Teachers' Retirement System during the Ninety-sixth Fiscal Year.

(c) Eighty thousand dollars (\$80,000) or so much thereof as is necessary shall be expended for the cost of administration of the State Teachers' Retirement System during the Ninety-sixth Fiscal Year.

(d) Sixty thousand dollars (\$60,000) shall be deposited in the Retirement Annuity Fund, and so much thereof as is necessary shall be expended for the operation of the State Teachers' Retirement System during the Ninety-sixth Fiscal Year.

Operative date

SEC. 4. This act shall become operative July 1, 1944. If, however, for any cause whatsoever the full operation and effect of this act is deferred to a date later than July 1, 1944, then whenever this act goes into effect, it shall be construed and applied, and the rights, privileges, duties, obligations, and liabilities of all persons, school districts, political subdivisions, State agencies, the State Teachers' Retirement System, and of the State shall be the same, as if this act had gone into full operation and effect on July 1, 1944; and the Teachers' Retirement Board is hereby authorized and directed to do everything necessary to carry out the purpose of this section, including the payment of additional benefits and the collection of additional contributions as provided in this act.

Constitutionality

SEC. 5. If any provision of this act, or the application thereof to any person or circumstance, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act or the application of such provision to other persons or circumstances. The Legislature hereby declares that it would have passed this act and each provision thereof irrespective of the fact that any one or more of its provisions be declared unconstitutional.

Urgency

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The Legislature has found that the present California State Teachers' Retirement System is financially unsound, and must be reestablished on a sound financial basis at the earliest possible time to avoid the breakdown of the system or the accumulation of a staggering deficit. The Retirement System established by this act is necessarily integrated with the fiscal year and the school year of the State, both of which begin on the first day of July. It is therefore necessary that this act take effect immediately.

CHAPTER 14

Stats 1943 p 3022 Amended

*An act to repeal Section 17 of, and to add Section 17.5 to, Chapter 1085 of the Statutes of 1943, relating to the support of the public elementary schools, to take effect immediately.*

In effect immediately

[Approved by Governor June 16, 1944 Filed with Secretary of State June 16, 1944 ]

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

Stats 1943 p 3022

SECTION 1. Section 17 of Chapter 1085 of the Statutes of 1943 is repealed.

New section See also Stats 1945 Ch 678

SEC. 2. Section 17.5 is added to said chapter, to read:

Sec. 17.5. The money appropriated under the provisions of this act to be expended during the Ninety-sixth Fiscal Year

shall not be in excess of four million five hundred thousand dollars (\$4,500,000) in addition to the amount which otherwise would have been paid from the General Fund in the State treasury had this act not been enacted. Appropriation limited

SEC. 3. Sections 1 and 2 of this act become operative on July 1, 1944. Operative date

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 1 of Article IV of the Constitution, take effect immediately. Current expenses

## CHAPTER 15

*An act making an appropriation for expenses of members of the Senate pursuant to Section 352 of the Political Code.*

[Approved by Governor June 15, 1944 Filed with Secretary of State June 16, 1944] In effect immediately

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

SECTION 1. The sum of six thousand five hundred dollars (\$6,500), or so much thereof as is necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for expenses of the members of the Senate incurred in attending the Fourth Extraordinary Session of the Fifty-fifth Legislature as authorized by Section 352 of the Political Code. Appropriation Expenses of Members of Senate

SEC. 2. The appropriation made by this act shall be disbursed upon warrants drawn by the Controller upon claims filed with and audited by him pursuant to law. Prior to presentation to the Controller such claims shall be approved by the Secretary of the Senate. The Secretary of the Senate is hereby authorized to approve such claims. Disbursement

SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current expenses

## CHAPTER 16

*An act to add Section 5008 to the Education Code, relating to the financial support of public schools, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor June 16, 1944 Filed with Secretary of State June 16, 1944] In effect immediately

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

SECTION 1. Section 5008 is added to the Education Code, to read:

5008. Whenever a school district has duly filed its estimate as required in Section 3714 of the Political Code and because of Deficiency certificate

one of the errors mentioned in subdivisions (a), (b) or (c) of this section a shortage in the income of the school district has resulted so that the school district is without sufficient funds to meet its necessary expenditures or discharge its mandatory obligations, other than expenditures or obligations for permanent improvements, the county auditor, treasurer and district attorney shall file a deficiency certificate with the county superintendent of schools. The deficiency certificate shall state the facts causing the deficiency in income and shall also state the sum necessary to meet the school district's expenditures and obligations, other than expenditures or obligations for permanent improvements. On the filing of such a deficiency certificate the county superintendent of schools shall, from any surplus in the county elementary school supervision fund, transfer to the school district the sum stated, or as much thereof as may be available to be transferred from such surplus. The errors as a result of which such a deficiency certificate may be filed are as follows:

(a) Where a tax rate has been fixed which if applied to the area in a school district to which it should have been applied would have raised the necessary income and the rate was by error applied by the board of supervisors or the auditor to a smaller area than that intended so that the required income was not raised.

(b) Where a rate was mistakenly fixed by basing the computation on an assessed valuation larger than that to which the rate was intended to be applied.

(c) Any mathematical error in computing a tax rate which, solely because of such error, results in raising less income than it was intended to raise when the rate was fixed.

The governing board of the district must include in the budget of the district for the following school year an amount equal to the sum so transferred for the repayment of the sum transferred and the county superintendent of schools during such following school year shall transfer such sum to the county elementary school supervision fund from any funds of the district not required by the Constitution to be used for any other purpose.

This section shall remain in effect only until June 30, 1945.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into effect immediately. The facts constituting such necessity are as follows:

The several school districts in this State filed their estimates of expenditures as required by law with the county boards of supervisors having jurisdiction. Solely by reason of clerical errors, the board of supervisors in at least one instance fixed a tax rate insufficient to raise the required amount of revenue necessary for the school district to meet its necessary expenditures and mandatory obligations. Unless means are immediately provided to meet such expenditures and obligations, the

Effective  
period  
Urgency

districts affected will be required to close their schools before the end of the current school year, and such districts will be unable to discharge their duties properly or at all. If funds are made available by this act immediately such closing of schools can be prevented and it is therefore necessary that this act go into effect immediately.

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## CHAPTER 17

*An act to amend Section 510 of the Civil Code, relating to street railroads.*

[Approved by Governor June 16, 1944. Filed with Secretary of State June 16, 1944.]

In effect  
September  
12, 1944

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

SECTION 1. Section 510 of the Civil Code is amended to read:

510. Street railroads are governed by the provisions of Title III of this part, so far as they are applicable, unless such railroads are therein specially excepted.

Notwithstanding any other provision of this code contained, any street railroad or any street railway corporation may sell, lease, convey, exchange, transfer or otherwise dispose of all or substantially all of its property and assets, including franchises, under authority of a resolution of its board of directors and with the approval of the principal terms of the transaction and the nature and the amount of the consideration by a vote or written consent of shareholders entitled to exercise a majority of the voting power of such corporation when such sale, lease, conveyance, exchange or transfer of its properties is made to a municipal corporation or any other political subdivision within the State.

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## CHAPTER 18

*An act to provide for the selection and acquisition by the State of real property for use in furtherance of the postwar construction program, creating a Property Acquisition Board and specifying its powers and duties, providing for condemnation proceedings for the acquisition of such real property, defining the scope of appropriations made for expenditure pursuant to this act, and providing for the control and use of property so acquired pending its use in furtherance of the postwar construction program, and making an appropriation.*

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

"Property  
Acquisition  
Act"  
In effect  
September  
12, 1944

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

SECTION 1. This act shall be known and may be cited as the Property Acquisition Act.

Property  
Acquisition  
Board

SEC. 2. A board, known as the Property Acquisition Board is hereby created, composed of the Director of Finance, the Director of Public Works, and the Real Estate Commissioner. The Chairman of the Senate Committee on the Postwar Construction Program created by Senate Resolution No. 125, Fifty-fifth Session of the Legislature, and one other member of such committee to be designated by the chairman thereof, and the Chairman of the Assembly Committee on Postwar Rehabilitation, created by House Resolution No. 190, Fifty-fifth Session of the Legislature, and one other member of such committee to be designated by the chairman thereof, or the chairman and one member similarly selected from the membership of such committee as may be subsequently designated by the respective houses to succeed to and carry on the work of such committees, shall meet with and participate in the work of the board to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. The board shall select and acquire, in the name and on behalf of the State of California, suitable and adequate real property for use in furtherance of the postwar construction program, provided for in Chapter 572, Statutes of 1943, as sites for the construction of buildings or for such other purposes as may be specified in the legislation making funds available for such acquisition.

Stats 1943,  
p 2141

The authority to acquire real property pursuant to this act authorizes the acquisition thereof either in fee or in any lesser estate or interest, as the board may determine to be advisable.

Acquisition  
by con-  
demnation  
See also  
Stats 1945,  
Ch 1410

SEC. 3. No property shall be acquired pursuant to this act except by condemnation in the manner provided in Title 7 of Part 3 of the Code of Civil Procedure, and no money shall be expended in payment for real property from any appropriation made expendable pursuant to this act except in consequence of a judgment in condemnation.

Reports

SEC. 3.5. Prior to initiating any such proceeding the board shall report the location of the property, its assessed value, its appraised value, the probable cost to the State, and such other facts as the board deems pertinent to the Senate Committee on the Postwar Construction Program, created by Senate Resolution No. 125, Fifty-fifth Session of the Legislature, and the Assembly Committee on Postwar Rehabilitation, created by House Resolution No. 190, Fifty-fifth Session of the Legislature, or to such subcommittee of either such committee as may be created for the purpose and shall consult with and seek the advice of such committees or subcommittees as to the propriety of the acquisition and of the probable expenditure. Nothing in this section shall affect the conduct of any condemnation proceeding brought under this act, and it shall not be necessary to plead or prove compliance with this section. No evidence concerning any reports made under this section or any proceedings before or with the legislative committees mentioned herein shall be admissible in any such proceeding.

Procedure

SEC. 4. Before commencing any condemnation proceeding the board shall first adopt a resolution declaring that public



interest and necessity require the acquisition, construction or completion by the State of the improvements for which the real property or interest therein is required and that the real property or interest therein described in such resolution is necessary for the improvement.

The resolution of the board shall be conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That said real property or interest therein is necessary therefor.

(c) That such proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

SEC. 5. In any condemnation proceeding brought for the acquisition of real property pursuant to this act, the use for which the property is to be condemned shall be deemed a public use more necessary than any other public use to which the property may be devoted at the time the action is commenced.

SEC. 6. Notwithstanding any other provision of law, the board, with the approval of the State Board of Control may agree with the owner of the property to be condemned or with the owner of a portion of the property to be condemned as to the compensation to be paid therefor, and may incorporate such agreement in a stipulation to be filed in the condemnation proceeding. Agreement with owner

SEC. 7. Whenever property which is devoted to or held for some other public use for which the power of eminent domain might be exercised is to be taken for State purposes pursuant to this act, the board may, with the consent of the person or agency in charge of such other public use, condemn, in the name of the people of the State of California, real property to be exchanged with such other person or agency for the real property so to be taken for State purposes. Transfer of the property so acquired shall be made in accordance with the terms of the stipulation entered into pursuant to Section 6. Condemning public property

SEC. 8. The board may, with the approval of the State Board of Control, abandon any condemnation proceeding; and the board shall immediately abandon any such proceeding whenever directed so to do by the State Board of Control. Nothing in this act shall extend the time specified in Section 1255a of the Code of Civil Procedure for the abandonment of condemnation proceedings. Abandoning proceedings

SEC. 9. Any appropriation for the acquisition of real property pursuant to this act may be expended for the payment of all costs and expenses, including the costs of investigation and surveys, the fees and expenses of appraisers and expert witnesses, and the cost of title searches, necessarily incurred in the examination and the determination of the suitability of any real property so to be acquired or under consideration for acquisition, or necessarily incurred in the course of acquisition of any such real property. Claims for such costs and expenses shall be Costs and expenses

presented by the Director of Finance and shall be paid by the Controller.

Control of  
acquired  
property

SEC. 10. When any real property is acquired by the State pursuant to this act, and until such time as the use thereof is needed in furtherance of the postwar construction program, the jurisdiction over and control of such property is vested in the Department of Finance. The department is authorized to lease any such property or portions thereof which are not presently needed on such terms and conditions as the Director of Finance may fix and may maintain and care for such property in order to secure rent therefrom. The department may remove or demolish buildings or other structures on any such property when in its judgment it is desirable to do so. It may sell or dispose of any such improvements or any materials available upon the demolishing of any building or structure on such property. The proceeds of any such sale shall be deposited in the State treasury to the credit of the General Fund. All rentals received by the department pursuant to this section shall be deposited in the State treasury to the credit of the General Fund and are hereby appropriated to the Department of Finance to maintain and care for real property acquired pursuant to this act pending the use of such property in furtherance of the postwar construction program. Any unneeded unexpended balance in said appropriation shall be, from time to time, transferred by the Controller on order of the Director of Finance to the General Fund.

Claims for  
expenditures

SEC. 11. The Director of Finance, on behalf of the board created by this act, shall file against any appropriation made to be expended under this act all claims covering expenditures incurred in connection with the acquisition of real property pursuant to the act making the appropriation and the State Controller shall draw his warrant therefor.

Transfer of  
unneeded  
funds

SEC. 12. Whenever the Property Acquisition Board finds that any portion of the funds in any appropriation for the acquisition of real property under the provisions of this act is unneeded for expenditure for the acquisition of the site for which such appropriation was made the State Board of Control may, upon the recommendation of the board, authorize the transfer of such unneeded funds to any other appropriation for the acquisition of real property made to be expended under the provisions of this act and in augmentation of such other appropriation; provided, however, that no part of any appropriation made to be expended hereunder for the acquisition of a site for the use of an institution, college, school, or other agency within a State department, shall be transferred to an appropriation for the acquisition of a site for the use of an institution, college, school, or other agency within another State department. For the purposes of this section appropriations for sites for State office buildings, State garages, State warehouses, and official residences shall be deemed to be for the use of the Department of Finance.

SEC. 13. Without at the time furnishing vouchers and itemized statements, the board may withdraw from any appropriation made to be expended under the provisions of this act such sum as may be approved by the Board of Control to be used as a revolving fund where payment of compensation earned or cash advances are necessary.

Revolving  
fund

SEC. 14. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby.

Constitu-  
tionality

## CHAPTER 19

*An act making a transfer of money from the General Fund to the Postwar Employment Reserve.*

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

In effect  
September  
12, 1944

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

SECTION 1. The sum of fifty million dollars (\$50,000,000) is hereby transferred to the Postwar Employment Reserve in the State treasury out of any money in the General Fund in the State treasury which has not heretofore been appropriated by law. The money so transferred by this act shall be available for expenditure only when appropriated by the Legislature and may be invested and reinvested in accordance with the provisions of Chapter 572, Statutes of 1943.

Transfer of  
funds to  
Postwar  
Employment  
Reserve

Stats 1943,  
p 2141

## CHAPTER 20

*An act making an appropriation to the Department of Public Works for the preparation of plans for the State building program contemplated by Chapter 572 of the Statutes of 1943, declaring the urgency thereof and providing that this act shall take effect immediately.*

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

In effect  
immediately

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

SECTION 1. In addition to any money heretofore made available the sum of two million dollars (\$2,000,000) is hereby appropriated out of any money in the Postwar Employment Reserve not otherwise appropriated, which, upon written authorization of the Department of Finance and the approval of the State Board of Control, shall become available to the State Department of Public Works for expenditure as provided by law for surveys, preparation of plans and specifications,

Appropri-  
ation  
Department  
of Public  
Works

and other preliminary work necessary to a program of construction, reconstruction, rehabilitation, and replacement of State buildings and other facilities in connection with the State building program contemplated by Chapter 572 of the Statutes of 1943, except that no part of the appropriation made by this act shall be expended for surveys, preparation of plans and specifications or other preliminary work for buildings or other facilities for the University of California. Notwithstanding the limitations of Chapter 572, Statutes of 1943, funds may be made available hereunder and expended for the preparation of any project for which lands are authorized to be acquired by the Property Acquisition Board.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: The State of California contemplates the acquisition at the earliest possible date of various sites for the erection and construction of buildings and other facilities in furtherance of the State building program which is designed to provide postwar employment for citizens released from the armed forces and from private enterprise following the relaxation of the war effort. It is essential to the retaining of the high morale of our citizens both at home and in the armed forces that the ground work of this postwar employment program be completed at the earliest possible date in order to insure the continuance of prosperity throughout the State following the termination or substantial diminishing of the war effort. The contemplated acquisition of sites can not be fully consummated until the surveys, preparation of plans and specifications and other preliminary work has been completed. In order that this may be accomplished at the earliest possible date it is necessary that the funds appropriated by this act be available for immediate expenditure.

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## CHAPTER 21

*An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.*

In effect  
immediately[Approved by Governor June 19, 1944. Filed with Secretary of State  
June 19, 1944.]

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

Appropriation:  
University of  
California

SECTION 1. The sum of one million one hundred thousand dollars (\$1,100,000), or so much thereof as may be necessary, is

hereby appropriated to The Regents of the University of California out of any money in the Postwar Employment Reserve not otherwise appropriated, for expenditure by The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work necessary to a program of construction of additional buildings for the University of California.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

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

The State of California is preparing for the construction of buildings and other facilities in furtherance of a State building program which is designed to provide postwar employment for citizens released from the armed forces and from private enterprise following the relaxation of the war effort. It is essential to the retaining of the high morale of our citizens both at home and in the armed forces that the ground work of this postwar employment program be completed at the earliest possible date in order to insure the continuance of prosperity throughout the State following the termination or substantial diminishing of the war effort. In order that this may be accomplished it is necessary that the funds appropriated by this act be available for immediate expenditure.

## CHAPTER 22

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as sites for State office buildings in the City of Sacramento and in furtherance of the postwar building program.*

[Approved by Governor June 19, 1944 Filed with Secretary of State June 19, 1944]

In effect  
September  
12, 1944

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

SECTION 1. The sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property for use as sites for the construction of a State office building or buildings in the City of Sacramento in furtherance of the postwar building program.

Appropriation  
Building  
sites at  
Sacramento

## CHAPTER 23

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City of Los Angeles and in furtherance of the postwar building program.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State  
June 19, 1944.]

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

Appropriation  
Building  
site at  
Los Angeles

SECTION 1. The sum of eight hundred fifty thousand dollars (\$850,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property for use as a site for the construction of a State office building in the City of Los Angeles in furtherance of the postwar building program.

## CHAPTER 24

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of additional real property for use of the San Jose State College and in furtherance of the postwar building program.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State.  
June 19, 1944.]

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

Appropriation  
San  
Jose State  
College

SECTION 1. The sum of seven hundred thousand dollars (\$700,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of additional real property for use of the San Jose State College and in furtherance of the postwar building program.

## CHAPTER 25

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City and County of San Francisco and in furtherance of the postwar building program.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State  
June 19, 1944.]

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

Appropriation  
Building  
site at  
San Francisco

SECTION 1. The sum of four hundred fifty thousand dollars (\$450,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not other-

wise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property for use as a site for the construction of a State office building in the City and County of San Francisco in furtherance of the postwar building program.

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## CHAPTER 26

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State mental hospital and in furtherance of the postwar building program.*

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.] In effect  
September  
12, 1944

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

SECTION 1. The sum of four hundred thousand dollars (\$400,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property in furtherance of the postwar building program for use as a site for a State mental hospital under control of the Department of Institutions.

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## CHAPTER 27

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State maximum security institution and in furtherance of the postwar building program.*

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.] In effect  
September  
12, 1944

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

SECTION 1. The sum of four hundred thousand dollars (\$400,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property in furtherance of the postwar building program for use as a site for a State maximum security institution under the control of Department of Institutions.

## CHAPTER 28

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State epileptic institution and in furtherance of the postwar building program.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

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

Appropriation State  
epileptic  
institution  
site

SECTION 1. The sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property in furtherance of the postwar building program for use as a site for a State institution for epileptics under the control of the Department of Institutions.

## CHAPTER 29

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of additional real property for use of the Fresno State College and in furtherance of the postwar building program.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

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

Appropriation.  
Fresno  
State  
College

SECTION 1. The sum of two hundred seventy-five thousand dollars (\$275,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of additional real property for use of the Fresno State College in furtherance of the postwar building program.

## CHAPTER 30

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for the construction of a garage for State use in the City of Sacramento and in furtherance of the postwar building program.*

In effect  
September  
12 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

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

Appropriation State  
garage site

SECTION 1. The sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, is hereby



appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property for use as a site for the construction of a garage for State use in the City of Sacramento in furtherance of the postwar building program.

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### CHAPTER 31

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for the construction of a residence for the Governor of the State of California in the City of Sacramento and in furtherance of the postwar building program.*

[Approved by Governor June 19, 1944 Filed with Secretary of State June 19, 1944 ] In effect September 12, 1944

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

SECTION 1. The sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of real property for use as a site for the construction of a residence for the Governor of the State of California in the City of Sacramento in furtherance of the postwar building program.

Appropriation  
Governor's  
residence  
site

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### CHAPTER 32

*An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of additional real property for use of the San Francisco State College and in furtherance of the postwar building program.*

[Approved by Governor June 19, 1944 Filed with Secretary of State June 19, 1944 ] In effect September 12, 1944

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

SECTION 1. The sum of fifty-thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the provisions of the Property Acquisition Act for the acquisition of additional real property for use of the San Francisco State College and in furtherance of the postwar building program.

Appropriation  
San  
Francisco  
State  
College

## CHAPTER 33

*An act making an appropriation to carry out the provisions of the State Reconstruction and Reemployment Act, to take effect immediately.*

In effect  
immediately

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

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

Appropriation  
Stats 1943,  
p 2270

SECTION 1. In addition to any money heretofore made available, the sum of one hundred thousand dollars (\$100,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to be expended in accordance with law during the Ninety-fifth and Ninety-sixth Fiscal Years to carry out the provisions of the State Reconstruction and Reemployment Act.

Current  
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

## CHAPTER 34

*An act making an appropriation in augmentation of the Emergency Fund specified in Item 221 of the Budget Act of 1943, to be expended for alterations, repairs, improvements and minor construction of State-owned buildings and structures, and providing that this act shall take effect immediately.*

In effect  
immediately

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

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

Appropriation  
Emergency  
Fund,  
Stats 1943,  
p 278

SECTION 1. The sum of one million dollars (\$1,000,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to the Emergency Fund specified in Item 221 of Section 2 of the Budget Act of 1943, and in augmentation thereof, to be expended as provided therein and in this act, during the Ninety-fifth and Ninety-sixth Fiscal Years, only for alterations, repairs, improvements and minor construction of State-owned buildings and structures.

Current  
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

## CHAPTER 35

*An act making an appropriation to carry out the purposes of the State Reconstruction and Reemployment Act, and limiting the use thereof to the making of an economic survey of the mineral resources of the State.*

[Approved by Governor June 19, 1944 Filed with Secretary of State June 19, 1944 ] In effect  
September  
12, 1944

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

SECTION 1. The sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to carry out the purposes of the State Reconstruction and Reemployment Act. Appropriation Stat. 1943, p. 2250

SEC. 2. The money made available by this act shall not be expended except pursuant to a contract with the State Division of Mines in the Department of Natural Resources for the making of the economic survey of the mineral resources of the State provided for in the State Reconstruction and Reemployment Act. Economic survey of mineral resources

## CHAPTER 36

*An act making an appropriation to the State Reconstruction and Reemployment Commission for the purpose of making a study of the administration, organization, and financial support of the public school system.*

[Approved by Governor June 19, 1944 Filed with Secretary of State June 19, 1944 ] In effect  
September  
12, 1944

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

SECTION 1. Out of any money in the State treasury, not otherwise appropriated, there is hereby appropriated the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, to the State Reconstruction and Reemployment Commission for the purpose of making a study of the administration, organization, and financial support of the public school system of the State. Appropriation Study of public school system

## CHAPTER 37

*An act making an appropriation to the Department of Employment of the unexpended balance of the money appropriated to it by Item 81 of the Budget Act of 1941.*

[Approved by Governor June 19, 1944 Filed with Secretary of State June 19, 1944 ] In effect  
September  
12, 1944

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

SECTION 1. The unexpended balance of the money appropriated by Item 81 of the Budget Act of 1941, or so much thereof as may be necessary, is hereby appropriated for support of the Appropriation Department of Employment

Department of Employment to match during the Ninety-fifth and Ninety-sixth Fiscal Years contributions to the State of California from the Federal Government under the provisions of the Wagner-Peyser Act.

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CHAPTER 38

*An act reappropriating to The Regents of the University of California for construction, improvements and equipment at the University of California the appropriation contained in an act entitled "An act making an additional appropriation for construction, improvements and equipment at the University of California," approved July 8, 1941.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

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

Appropriation  
University of  
California:

SECTION 1. There is hereby reappropriated to The Regents of the University of California the sum of two million dollars (\$2,000,000) heretofore appropriated to the said The Regents of the University of California by an act entitled "An act making an additional appropriation for construction, improvements and equipment at the University of California," approved July 8, 1941, and being Chapter 939, Statutes of 1941. The money hereby reappropriated shall be expended by The Regents of the University of California, without regard to fiscal years, for construction, improvements and equipment at the University of California.

Expenditure

SEC. 2. Section 435 of the Political Code does not apply to this act or the moneys appropriated or reappropriated by it.

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CHAPTER 39

Stats  
1915,  
p 1502,  
amended

*An act to amend Section 14 of an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, relating to the levy of taxes.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

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

Stats 1915,  
p 1502

SECTION 1. Section 14 of the act cited in the title hereof is amended to read:

Levying  
taxes

Sec. 14. The board of supervisors of said district shall have power, in any year, to levy a tax upon the taxable real property in said district, to carry out any of the objects or purposes of this act, and to pay the cost and expenses of maintaining, operating, extending and repairing any work or improvements of said district for the ensuing fiscal year, and said tax shall be

levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that such tax levied under this section for any one fiscal year shall not exceed fifteen cents (\$.15) on each one hundred dollars (\$100) of the assessed valuation of the real property in said district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon.

## CHAPTER 40

*An act to add Section 2.5 to an act entitled "An act providing for the designation of money in the State treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premiums received therefrom and permitting the subsequent sale or exchange of the bonds so purchased," approved June 10, 1913, relating to the designation of surplus money in the State treasury, declaring the urgency thereof, to take effect immediately.*

Stats 1913  
p 563.  
amended

[Approved by Governor June 19, 1944. Filed with Secretary of State June 19, 1944.]

In effect  
immediately

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

SECTION 1. Section 2.5 is added to the act cited in the title hereof, to read:

New  
section

Sec. 2.5. Notwithstanding the limitation contained in Section 2, there may be fixed and determined as surplus money that portion of the General Fund current assets in excess of 110 per cent of actual disbursements, excluding amounts disbursed for purchase of bond investments and premiums and accrued interest on such investments, from the General Fund during the twelfth month preceding as shown by the records of the State Controller.

Determin-  
ing surplus  
money

"General Fund current assets" as used in this section means (a) unapplied money in the General Fund, (b) unapplied money in other funds which by law is available for transfer to the General Fund, and (c) investments held for the General Fund pursuant to law.

"General  
Fund  
current  
assets"

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

One of the purposes of this act is to authorize the investment of a portion of the present surplus money in the State treasury

in securities of the United States Government, in order to assist said government in the successful prosecution of the war. The cash in the State treasury is far in excess of current and immediate requirements and the need of the United States Government for money is urgent and should not wait the time this act would normally take effect if it were not an urgency measure.

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## CHAPTER 41

*An act making a transfer of money from the General Fund to the Postwar Employment Reserve and providing that the money so transferred shall be available for appropriation by the Legislature.*

In effect  
September  
12, 1944

[Approved by Governor June 19, 1944 Filed with Secretary of State  
June 19, 1944 ]

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

Transfer  
of funds  
to Postwar  
Employment  
Reserve

SECTION 1. The sum of twenty-five million dollars (\$25,000,000) is hereby transferred to the Postwar Employment Reserve in the State treasury out of any money in the General Fund in the State treasury that has not been heretofore appropriated. The money so transferred shall be available for expenditure only when appropriated by the Legislature and may be invested and reinvested in accordance with the provisions of Chapter 572, Statutes of 1943.

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## CHAPTER 42

*An act to add Chapter 9 to Title 13 of Part 1 of the Penal Code, relating to trafficking in, and the counterfeiting, forgery, and alteration of, and dealing in counterfeited, forged, or altered, ration coupons, stamps, tokens, certificates, and other ration evidence and documents, declaring the urgency thereof, to take effect immediately.*

In effect  
immediately

[Approved by Governor June 20, 1944 Filed with Secretary of State  
June 20, 1944.]

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

SECTION 1. Chapter 9 is added to Title 13 of Part 1 of the Penal Code, to read:

### CHAPTER 9. OFFENSES AGAINST RATIONING

Rationing  
stamps  
Stealing.  
for ging.  
etc

540. Every person, who steals or, without authority to do so, alters, forges, or counterfeits any coupon, stamp, token, certificate, or other ration evidence or document issued by the United States Government or any agency thereof in furtherance of its rationing program, or forges, or alters, without

authority, any ration check shall be punishable by imprisonment in the State prison not less than six months nor more than five years or in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500), or by both such fine and imprisonment.

541. Every person who sells, gives, or otherwise transfers to another any altered, forged, or counterfeited coupon, stamp, token, certificate, ration check, or other ration evidence or document knowing the same to be altered, forged, or counterfeited shall be punishable by imprisonment in the State prison not less than one year nor more than five years, or in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500), or by both such fine and imprisonment.

Unlawful transfer

542. Any person who buys, or otherwise knowingly and unlawfully acquires any altered, forged, or counterfeited coupon, stamp, token, certificate, ration check, or other ration evidence or document knowing the same to be altered, forged, or counterfeited shall be punishable by imprisonment in the State prison not less than one year nor more than five years, or in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500), or by both such fine and imprisonment.

Unlawful acquiring

543. Any person who knowingly either buys, or sells, or otherwise unlawfully acquires or transfers for a valuable consideration any coupon, stamp, token, certificate, ration check or other ration evidence or document issued by the United States Government or any agency thereof or any altered, forged, or counterfeited coupon, stamp, token, certificate, ration check, or other ration evidence or document, shall be punishable by imprisonment in the State prison not less than one year nor more than five years, or in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500), or by both such fine and imprisonment.

Buying or selling, etc.

SEC. 2. The chapter of the Penal Code added by this act shall have no force or effect from and upon the termination of rationing programs pursuant to the laws of the United States of America.

Effective period

SEC. 3. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances shall not be affected thereby.

Constitutionality

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

The State recognizes that the proper allocation of commodities needed for the defense of the United States or for civilian supply and the effective enforcement of the National anti-inflation program are necessary for the effective prosecution of the war, and for the peace, health, and safety of the citizens of

this State. It is the policy of this State, in order to assure fair dealing and the prevention and elimination of black markets, to cooperate with the United States Government in the enforcement of its rationing program. The recent widespread development of black markets, both through the dealing in rationed commodities without the exchange of ration documents and the traffic in forged and counterfeited ration documents, has made it necessary that the State participate in the enforcement of the rationing laws and regulations of the United States. Without State laws upon the subject, State and local efforts to aid in enforcement are hampered and ineffective. The rapid growth of black markets makes it necessary that this act take effect immediately so that State participation in the suppression of black markets may be immediate and effective.

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## CHAPTER 43

*An act to add Sections 2799.5, 2801.5, and 2843.5 to, and to amend Sections 2792.5 and 2807.5 of the Elections Code, relating to the State conventions and the county central committee meetings of political parties, declaring the urgency thereof, to take effect immediately.*

In effect  
immediately

[Approved by Governor June 20, 1944. Filed with Secretary of State June 20, 1944.]

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

Effective  
period

SECTION 1. The sections of the Elections Code added or amended by this act shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the first day of January following the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While these sections are in effect they shall supersede any existing provisions of law which are in conflict with them, but such provisions are not repealed by them and after these sections are no longer effective shall have the same force as though these sections had not been enacted.

SEC. 2. Section 2792.5 of the Elections Code is amended to read:

State  
convention  
meeting

2792.5. The State convention of each party whose National convention convenes prior to June 30th shall meet on July 20th and that of each other party on August 11th following the primary.

SEC. 3. Section 2799.5 is added to said code, to read:

List of  
delegates

2799.5. As soon as practicable after the primary election the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this article. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that:

Notice to  
delegates  
Contents

(a) He is a delegate to the State convention.



(b) The convention meets at Sacramento and the date of the convention.

(c) The delegate shall appoint three voters to be members of the State central committee.

(d) The appointment of three members of the State central committee shall be made in writing in the form hereinafter prescribed, signed and acknowledged before a notary public or other officer authorized to administer oaths in this State and shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene.

(e) The delegate shall send a notice by mail to each of the three appointees, which shall inform him that :

(1) He is a member of the committee.

(2) The committee will meet at Sacramento on the day following the day on which the convention is to convene.

(3) The meeting may be attended either in person or by proxy.

(4) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(5) The proxy shall be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths.

(f) Four forms of proxy are enclosed, one of which he may use himself, and one of each of the others he shall send with each of the notices of appointment to the State central committee.

SEC. 4. Section 2804.5 is added to said code, to read :

2804.5. Appointments of members to the State central committee shall be made in writing signed and acknowledged by the delegate before a notary public or other officer authorized to administer oaths and delivered to the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene.

Central committee members

SEC. 5. Section 2807.5 of said code is amended to read :

2807.5. The convention referred to in Section 2807 shall be called to order at 10 o'clock a.m. on the date specified in Section 2792.5.

Time of meeting

SEC. 6. Section 2843.5 is added to said code, to read :

2843.5. Not later than 10 days after the third Tuesday in May following the presidential primary, the county clerk shall mail or otherwise deliver to the Secretary of State a certificate showing the chairman of each county central committee in each county containing 20 or more Assembly districts.

Certificate

The county clerk shall within 10 days after the day on which the county central committee meets, ascertain who is the newly elected chairman of each county central committee in all other counties and shall mail a certificate to that effect to the Secretary of State.

Chairman

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public

Urgency

peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The facts constituting such necessity are as follows:

At the Fifty-fifth (Third Extraordinary) Session of the Legislature, held January 27 to 31, 1944, a statute (Chapter 1, Third Extra Sess. 1944) was enacted changing the dates of elections and amending the proceedings with reference thereto for the purpose of enabling persons, serving as members of the armed forces of the United States, as employees of the United States, as employees of the American Red Cross, and as officers and members of the crews of merchant vessels of the United States, to effectively exercise their voting rights. At the time of the adoption of this statute, the time of the National conventions of political parties qualified to participate in the election had not been fixed. It now appears that the times fixed in said statute for the meeting of State conventions and State central committees of said political parties are in conflict with the times fixed for the meetings of the National convention of one or more of said political parties. Until the National conventions are held, the identity of the party candidates for President and Vice President of the United States can not be ascertained. Nominations for the office of electors of President and Vice President of the United States must be made by the State convention. It is necessary, therefore, that the times for the meetings be changed so that they may be held subsequent to the National conventions. Otherwise the people of the State of California will be denied the right to vote for electors for President and Vice President of the United States.

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#### CHAPTER 44

"Ventura  
County  
Flood  
Control  
Act"

*An act to create a flood control district to be called "Ventura County Flood Control District" and dividing said district into zones; to provide for the control and conservation of flood and storm waters and for the protection of water-courses, watersheds, public highways, life and property in said district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties*

*of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act; and to declare this act to be an urgency measure which shall go into effect immediately.*

[ Approved by Governor June 20, 1944. Filed with Secretary of State June 20, 1944 ] In effect immediately

*The people of the State of California do enact as follows.*

SECTION 1. A flood control district is hereby created to be called "Ventura County Flood Control District" and the boundaries and territory of said district shall be as follows: All the territory of the county of Ventura lying within the exterior boundaries thereof; excluding, however, the islands of Anacapa and San Nicholas. Ventura  
County  
Flood  
Control  
District

SEC. 2. Said district is hereby divided into four zones, which shall be numbered and denominated Zone One, Zone Two, Zone Three, and Zone Four. Zones

SEC. 3. Zone One shall comprise all that territory and area included within the following described boundaries: Zone 1

Beginning at a point in the boundary line common to Ventura and Santa Barbara Counties in the shore line of the Pacific Ocean; thence, northerly along the said boundary line to the intersection of said boundary line with the north line of section 29, township 6 north, range 24 west, San Bernardino Base & Meridian; thence, east along the north line of sections 29 and 28 of said township and range to the northeast corner of section 28; thence, south along the east line of said section 28 to the one-quarter corner common to sections 27 and 28 of said township and range; thence, east through the center of sections 27 and 26, said township and range, to the one-quarter corner common to sections 26 and 25; thence, south along the west line of said section 25 to the southwest corner thereof; thence, east along the south line of said section 25, and the south line of section 30, township 6 north, range 23 west San Bernardino Base and Meridian to the northeast corner of section 31; thence, south along the east line of said section 31 to the township line between township 6 north and 5 north, San Bernardino Base & Meridian; thence, east along said township line to the northwest corner of section 6, township 5 north, range 23 west, San Bernardino Base; thence, south along the west line of said section 6 to the northwest corner of the south half of said section 6; thence, east along the north line of the south half of sections 6, 5, 4, 3, 2, and 1 of said township and range to the range line between ranges 23 west and 22 west San Bernardino Meridian; thence, south along the west line of section 6, township 5 north, range 22 west, San Bernardino Base & Meridian, to the southwest corner of said section; thence, east along the south line of said section 6, to the one-quarter corner common to sections 6 and 7 of said township; thence, south through the center of said

section 7, to the one-quarter corner common to sections 7 and 18 of said township and range; thence, east along the south line of sections 7, 8, 9, and 10, to the one-quarter corner common to sections 10 and 15 of the said township and range; thence, south through the center of sections 15 and 22 to the center of section 22, said township and range; thence, east through the center of sections 22 and 23 to the one-quarter corner common to sections 23 and 24, of said township and range; thence, south along the east line of sections 23, 26 and 35 of said township and range, and the east line of sections 2 and 11 of township 4 north, range 22 west San Bernardino Base & Meridian to the north line of Rancho Ojai, as per map recorded at page 25½ of Book 5 miscellaneous records (maps) of Ventura County; thence, easterly along the north line of the Rancho Ojai to the line common to tracts 35 and 36 of said Rancho; thence, south along the line common to tracts 35 and 36 of said Rancho to the line common to the Rancho Ojai and fractional township 4 north, range 22 west, San Bernardino Base & Meridian; thence, westerly along said boundary line to the northwest corner of section 21 of township 4 north, range 22 west San Bernardino Base & Meridian; thence, south along the west line of said section 21 to the north line of the Aliso tract of the Rancho Ex-Mission as per map of said Aliso tract, recorded at page 9 of Book 3, miscellaneous records (maps), of Ventura County; thence, west along the northerly boundary of said Aliso tract, to the northwest corner of lot 5 of subdivision G of said tract; thence, south along the west line of subdivisions G and E of said Aliso tract to the southwest corner of said subdivision E, same being in the north line of fractional township 3 north, range 22 west, San Bernardino Base & Meridian; thence, west along the north line of said fractional township to the northwest corner of fractional section 8 of said township and range; thence, south along the west line of fractional section 8 to the southwest corner of said section; thence, west along the north line of section 18 of said township and range to the northeast corner of lot 1 of said section 18; thence, south along the east line of lots 1, 2, 3, and 4 of said section 18, and east line of lots 2 and 3 of section 19, said township and range, to the south line of said section 19; thence, easterly along the south line of said section 19 to the northeast corner of the Mariano Rancho as per map recorded at page 34, Book 5, miscellaneous records (maps), of Ventura County; thence, southerly along the easterly line of the said Mariano Rancho to the southeast corner of lot 8 of said Rancho; thence, south 4° 30' east, 1,566.4 feet more or less to the south line of the Rancho Ex-Mission as per map recorded at page 103 of Book 2, miscellaneous records, of Ventura County; thence, southwesterly along the south line of the Rancho Ex-Mission to the easterly limits of the City of Ventura, thence, southeasterly along the said City limits, same being the westerly line of lots D and M, of the Eells tract as per map recorded at Page 14, Book 1 of County Surveyor's records and the southerly prolongation of

said line to the Southerly line of Telegraph Road; thence westerly along the southerly line of Telegraph Road to the intersection with the northeasterly line of Ventura Boulevard, also known as U. S. Highway # 101; thence, south  $39^{\circ} 0'$  west along said Ventura city limits, a distance of 3,924.31 feet more or less to the "bluff line"; thence, northwesterly along said "bluff line" to an angle point in said City limits; thence, south  $58^{\circ} 30'$  west along said Ventura City limits to a point in the shore line of the Pacific Ocean; thence, northwesterly along said shore line to the point of beginning.

SEC. 4. Zone Two shall comprise all that territory and area Zone 2 included within the following described boundaries:

Beginning at a point on the shore line of the Pacific Ocean common to the Rancho Colonia, as per map recorded at Page 14 of Book 3, miscellaneous records, (maps) of Ventura County and Rancho Guadalupe as per map recorded at Page 160 of Book 1 of Patents, records of Ventura County; thence, northeasterly along the line common to said Ranchos to the center line of Wood Road; thence, north along the center line of said road to northerly line of said Rancho Colonia; thence, westerly along said northerly line of Rancho Colonia to the corner common to the said Rancho Colonia, Rancho Santa Clara Del Norte, as per map recorded at Page 26, Book 3, miscellaneous records, (maps) of Ventura County and Rancho Las Posas, as per map recorded at Page 22 of Book 3, miscellaneous records, (maps) of Ventura County; thence, northeasterly along the line common to said Ranchos Del Norte and Las Posas to the southeasterly corner of lot 43 of the Rancho Del Norte; thence, northwesterly along the south westerly line of said lot 43 to the corner common to lots 43, 44, 51, and 52 of said Rancho Del Norte; thence, northeasterly along the easterly line of lots 52, 53, and 54 of said Rancho Del Norte to the northeast corner of said lot 54; thence, north westerly along the northeasterly line of lots 54, and 58, and the northwesterly prolongation thereof to the northwesterly line of Santa Clara Avenue; thence, northeasterly along the northwesterly line of Santa Clara Avenue; and the northeasterly prolongation thereof to the northeasterly line of Los Angeles Avenue; thence, northwesterly along the northeasterly line of said Los Angeles Avenue to the line common to lots 15 and 16 of said Rancho Del Norte; thence, northeasterly along the line common to the said lots 15 and 16 to the northeasterly corner of lot 15; thence, northwesterly along the northeasterly line of lots 15, 14, and 13, of said Rancho to the northwest corner of said lot 13; thence, in a direct line to the corner common to Rancho Del Norte, Rancho Santa Paula y Saticoy, as per map recorded at Page 290 of Book A miscellaneous records of Ventura County, and fractional township 3 north, range 21 west, San Bernardino Base and Meridian; thence, northeasterly along the line common to Rancho Santa Paula y Saticoy and said fractional township and range to the south line of section 32, said township and range; thence, east along the south line of said section 32 to the southeast corner thereof; thence, north along

the east line of said section 32 to the one-quarter corner common to sections 32 and 33 said township and range; thence, east through the center of section 33 to the one-quarter corner common to sections 33 and 34, said township and range; thence, north along the west line of sections 34 and 27 to the northwest corner of section 27, said township and range; thence, east along the north line of sections 27 and 26, said township and range, to the southwest corner of section 24 same township and range; thence, north along the west line of said section 24 to the one-quarter corner common to sections 23 and 24, said township and range; thence, east through the center of said section 24 to the range line between ranges 21 west and 20 west San Bernardino Meridian; thence, north along said range line to the northwest corner of section 19, township 3 north, range 20 west, San Bernardino Base and Meridian; thence, east along the north line of sections 19 and 20, said township and range to the northeast corner of said section 20; thence, south along the east line of said section 20 to the southeast corner thereof; thence, east along the south line of sections 21 and 22, said township and range, to the one-quarter corner common to sections 22 and 27 of said township and range; thence, north through the center of sections 22 and 15 to the center of section 15, said township and range; thence, east through the center of sections 15 and 14 to the one-quarter corner common to sections 13 and 14 of said township and range; thence, south along the west line of said section 13 to the southwest corner thereof; thence, east along the south line of section 13, said township and range, and the south line of sections 18 and 17 of township 3 north, range 19 west San Bernardino Base and Meridian, to the one-quarter corner common to sections 17 and 20 of said township and range; thence, north through the center of section 17 of said township and range, to the one-quarter corner common to sections 8 and 17; thence, east along the south line of section 8 of said township and range, to the southeast corner thereof; thence, north along the east line of said section 8 to the one-quarter corner common to sections 9 and 10 of said township and range; thence, east through the center of sections 9, 10, and 11 of said township and range, to the northwesterly line of the Rancho Simi, as per map recorded at Page 7 of Book 3, miscellaneous records (maps) of Ventura County; thence, northeasterly along said Rancho line to the west line of section 6, township 3 north, range 18 west, Rancho Simi; thence, south along the west line of said section 6 to the southwest corner thereof; thence, east along the south line of section 6, 5, 4, 3, and 2 to the southeast corner of section 2, said township and range, Rancho Simi; thence, south along the east line of section 11, said township and range, to the southeast corner thereof; thence, east along the south line of section 12, said township and range, and the south line of section 7, township 3 north, range 17 west, Rancho Simi, to the southeast corner of said section 7; thence, north along the east line of said section 7 to the one-quarter corner common to sections 7 and 8 of said township and

range; thence, east through the center of sections 8 and 9 of said township and range, to the line common to Ventura and Los Angeles Counties; thence, northwesterly along the line common to Ventura and Los Angeles Counties to the north line of section 15, township 8 north, range 19 west, San Bernardino Base & Meridian; thence, west along the north line of sections 15, 16, 17, and 18, of said township and range, and along the north line of section 13, township 8 north, range 20 west, San Bernardino Base & Meridian, to the northwest corner of said section 13; thence, south along the line common to sections 13 and 14, of said township and range, to the southeast corner of said section 14; thence, west along the south line of sections 14, 15, and 16, said township and range to the southwest corner of section 16; thence, north along the west line of said section 16 to the one-quarter corner common to sections 16 and 17 of said township and range; thence, west through the center of sections 17 and 18 of said township and range, to the center of said section 18; thence, north through the center of said section 18 to the one-quarter corner common to sections 7 and 18 of said township and range; thence, west along the south line of said section 7, said township and range, and sections 12 and 11 of township 8 north, range 21 west, San Bernardino Base & Meridian, to the southwest corner of said section 11; thence, north along the west line of sections 11 and 2 of said township and range, to the line common to Ventura and Kern Counties; thence, west along the line common to said counties, to the east line of section 2, township 8 north, range 22 west, San Bernardino Base & Meridian; thence, south along the east line of said section 2 to the southeast corner thereof; thence, west along the south line of said section 2 to the one-quarter corner common to sections 2 and 11 of said township and range; thence, south through the center of sections 11, 14 and 23, to the one-quarter corner common to sections 23 and 26 of said township and range; thence, east along the south line of sections 23 and 24 of said township and range to the one-quarter corner common to sections 24 and 25 of said township and range; thence, south through the center of said section 25, to the one-quarter corner common to sections 25 and 36 of said township and range; thence, east along the north line of section 36, of said township and range and the north line of section 31, township 8 north, range 21 west, San Bernardino Base & Meridian, to the northeast corner of said section 31; thence, south along the east line of said section 31, and the east line of sections 6 and 7 of township 7 north, range 21 west, San Bernardino Base and Meridian to the southeast corner of said section 7; thence, west along the south line of said section 7, to the one-quarter corner common to sections 7 and 18 of said township and range; thence, south through the center of sections 18 and 19 of said township and range, to the one-quarter corner common to sections 19 and 30 of said township and range; thence, west along the north line of said section 30, and the north line of section 25, township 7 north, range 22 west, San Bernardino Base & Meridian, to the

northwest corner of said section 25; thence, south along the west line of said section 25, to the southwest corner thereof; thence, west along the north line of section 35 of said township and range to the northwest corner thereof; thence, south along the west line of said section 35 to the one-quarter corner common to sections 34 and 35 of said township and range; thence, west through the center of said section 34 of said township to the one-quarter corner common to sections 33 and 34 of said township and range; thence, south along the east line of said section 33, and the east line of section 4, township 6 north, range 22 west, San Bernardino Base & Meridian, to the one-quarter corner common to sections 3 and 4 of said township and range; thence, west through the center of section 4, of said township to the one-quarter corner common to sections 4 and 5 of said township and range; thence, south along the east line of said section 5, to the southeast corner thereof; thence, west along the south line of said section 5 to the one-quarter corner common to sections 5 and 8 of said township and range; thence, south through the center of said section 8, to the one-quarter corner common to sections 8 and 17 of said township and range; thence, west along the south line of sections 8 and 7 of said township and range, to the range line common to ranges 22 west and 23 west, San Bernardino; thence, north along said range line, to the east one-quarter corner of section 12, township 6 north, range 23 west, San Bernardino Base & Meridian; thence, west through the center of said section 12 to the one-quarter corner common to sections 12 and 11 of said township and range; thence, north along the east line of said section 11, to the northeast corner of said section 11; thence, west along the north line of sections 11, 10, 9, and 8 of said township and range to the corner common to sections 5, 6, 7 and 8 thereof; thence, north along the east line of section 6 of said township and range, to the line common to townships 6 north and 7 north, San Bernardino Base; thence, west along said township line to the northeast corner of section 2, township 6 north, range 24 west; San Bernardino Base & Meridian; thence, south along the east line of said section 2 to the one-quarter corner common to sections 1 and 2 of said township and range; thence, west through the center of sections 2 and 3 of said township and range to the one-quarter corner common to sections 3 and 4 of said township and range; thence, south along the east line of said section 4, to the southeast corner thereof; thence, west along the south line of sections 4 and 5 of said township and range, to the line common to Ventura and Santa Barbara Counties; thence, south along the line common to said Counties to the north line of section 29, township 6 north, range 24 west, San Bernardino Base & Meridian; thence, east along the north line of sections 29 and 28 of said township and range to the northeast corner of section 28; thence, south along the east line of said section 28 to the one-quarter corner common to sections 27 and 28 of said township and range; thence, east through the center of sections 27 and 26, said township and range, to the one-quarter corner common to sections 26 and 25;



thence, south along the west line of said section 25 to the southwest corner thereof; thence, east along the south line of said section 25, and the south line of section 30, township 6 north, range 23 west, San Bernardino Base & Meridian, to the northeast corner of section 31; thence, south along the east line of said section 31 to the township line between township 6 north and 5 north, San Bernardino Base & Meridian; thence, east along said township line to the northwest corner of section 6, township 5 north, range 23 west, San Bernardino Base; thence, south along the west line of said section 6 to the northwest corner of the south half of said section 6; thence, east along the north line of the south half of sections 6, 5, 4, 3, 2, and 1 of said township and range, to the range line between ranges 22 west and 23 west San Bernardino Meridian; thence, south along the west line of section 6, township 5 north, range 22 west, San Bernardino Base & Meridian, to the southwest corner of said section; thence, east along the south line of said section 6, to the one-quarter corner common to sections 6 and 7 of said township and range; thence, south through the center of said section 7, to the one-quarter corner common to sections 7 and 18 of said township and range; thence, east along the south line of sections 7, 8, 9, and 10, to the one-quarter corner common to sections 10 and 15 of the said township and range; thence, south through the center of sections 15 and 22 to the center of section 22, said township and range; thence, east through the center of sections 22 and 23 to the one-quarter corner common to sections 23 and 24, of said township and range; thence, south along the east line of sections 23, 26 and 35 of said township and range, and the east line of sections 2 and 11 of township 4 north, range 22 west San Bernardino Base & Meridian to the north line of Rancho Ojai, as per map recorded at page 25½ of Book 5 miscellaneous records (maps) of Ventura County; thence, easterly along the north line of the Rancho Ojai to the line common to tracts 35 and 36 of said Rancho; thence, south along the line common to tracts 35 and 36 of said Rancho to the line common to the Rancho Ojai and fractional township 4 north, range 22 west, San Bernardino Base & Meridian; thence, westerly along said boundary line to the northwest corner of section 21 of township 4 north, range 22 west San Bernardino Base & Meridian; thence, south along the west line of said section 21 to the north line of the Aliso tract of the Rancho Ex-Mission as per map of said Aliso tract, recorded at page 9 of Book 3, miscellaneous records (maps), of Ventura County; thence, west along the northerly boundary of said Aliso tract, to the northwest corner of lot 5 of subdivision G of said tract; thence, south along the west line of subdivisions G and E of said Aliso tract to the southwest corner of said subdivision E, same being in the north line of fractional township 3 north, range 22 west, San Bernardino Base & Meridian; thence, west along the north line of said fractional township to the northwest corner of fractional section 8 of said township and range; thence, south along the west line of fractional section 8 to the southwest

corner of said section; thence, west along the north line of section 18 of said township and range to the northeast corner of lot 1 of said section 18; thence, south along the east line of lots 1, 2, 3, and 4 of said section 18, and east line of lots 2 and 3 of section 19, said township and range, to the south line of said section 19; thence, easterly along the south line of said section 19 to the northeast corner of the Mariano Rancho as per map recorded at page 34, Book 5, miscellaneous records (maps), of Ventura County; thence, southerly along the easterly line of the said Mariano Rancho to the southeast corner of lot 8 of said Rancho; thence, south  $4^{\circ} 30'$  east, 1,566.4 feet more or less to the south line of the Rancho Ex-Mission as per map recorded at page 103 of Book 2, miscellaneous records, of Ventura County; thence, southwesterly along the south line of the Rancho Ex-Mission to the easterly limits of the City of Ventura; thence, southeasterly along the said City limits, same being the westerly line of lots D and M, of the Eells tract as per map recorded at Page 14, Book 1 of County Surveyor's records and the southerly prolongation of said line of the southerly line of Telegraph Road; thence, westerly along the southerly line of Telegraph Road to the intersection with the northeasterly line of Ventura Boulevard, also known as U. S. Highway #101; thence, south  $39^{\circ} 0'$  west along said Ventura city limits, a distance of 3,924.31 feet more or less to the "bluff line"; thence, northwesterly along said "bluff line" to an angle point in said City limits; thence, south  $58^{\circ} 30'$  west along said Ventura city limits to a point in the shore line of the Pacific Ocean; thence, southeasterly with the shore line of the Pacific Ocean to the point of beginning.

**Zone 3**

SEC. 5. Zone Three shall comprise all that territory and area included within the following described boundaries:

Beginning at a point on the shore line of the Pacific Ocean common to the Rancho Colonia, as per map recorded at Page 14 of Book 3, miscellaneous records, (maps) of Ventura County and Rancho Guadalupe as per map recorded at Page 160 of Book 1 of Patents, records of Ventura County; thence, northeasterly along the line common to said Ranchos to the center line of Wood Road; thence, north along the center line of said road to northerly line of said Rancho Colonia; thence, westerly along said northerly line of Rancho Colonia to the corner common to the said Rancho Colonia, Rancho Santa Clara Del Norte, as per map recorded at Page 26, Book 3, miscellaneous records, (maps) of Ventura County and Rancho Las Posas, as per map recorded at Page 22 of Book 3, miscellaneous records, (maps) of Ventura County; thence, northeasterly along the line common to said Ranchos Del Norte and Las Posas to the southeasterly corner of lot 43 of the Rancho Del Norte; thence, northwesterly along the south westerly line of said lot 43 to the corner common to lots 43, 44, 51, and 52 of said Rancho Del Norte; thence, northeasterly along the easterly line of lots 52, 53, and 54 of said Rancho Del Norte to the northeast corner of said lot 54; thence, northwesterly

along the northeasterly line of lots 54, and 58, and the northwesterly prolongation thereof to the northwesterly line of Santa Clara Avenue; thence, northeasterly along the northwesterly line of Santa Clara Avenue and the northeasterly prolongation thereof to the northeasterly line of Los Angeles Avenue; thence, northwesterly along the northeasterly line of said Los Angeles Avenue to the line common to lots 15 and 16 of said Rancho Del Norte; thence, northeasterly along the line common to the said lots 15 and 16 to the northeasterly corner of lot 15; thence, northwesterly along the northeasterly line of lots 15, 14 and 13, of said Rancho to the northwest corner of said lot 13; thence, in a direct line to the corner common to Rancho Del Norte, Rancho Santa Paula y Saticoy, as per map recorded at Page 290 of Book A miscellaneous records of Ventura County, and fractional township 3 north, range 21 west, San Bernardino Base & Meridian; thence, northeasterly along the line common to Rancho Santa Paula y Saticoy and said fractional township and range to the south line of section 32, said township and range; thence, east along the south line of said section 32 to the southeast corner thereof; thence, north along the east line of said section 32 to the one-quarter corner common to Sections 32 and 33 said township and range; thence, east through the center of section 33 to the one-quarter corner common to sections 33 and 34, said township and range; thence, north along the west line of sections 34 and 27 to the northwest corner of section 27, said township and range; thence, east along the north line of sections 27 and 26, said township and range, to the southwest corner of section 24 same township and range; thence, north along the west line of said section 24 to the one-quarter corner common to sections 23 and 24, said township and range; thence east through the center of said section 24 to the range line between ranges 21 west and 20 west San Bernardino Meridian; thence, north along said range line to the northwest corner of section 19, township 3 north, range 20 west, San Bernardino Base & Meridian; thence, east along the north line of sections 19 and 20, said township and range to the northeast corner of said section 20; thence, south along the east line of said section 20 to the southeast corner thereof; thence, east along the south line of sections 21 and 22, said township and range, to the one-quarter corner common to sections 22 and 27 of said township and range; thence, north through the center of sections 22 and 15 to the center of section 15, said township; thence, east through the center of sections 15 and 14 to the one-quarter corner common to sections 13 and 14 of said township and range; thence, south along the west line of said section 13 to the southwest corner thereof; thence, east along the south line of section 13, said township and range, and the south line of sections 18 and 17 of township 3 north, range 19 west San Bernardino Base & Meridian, to the one-quarter corner common to sections 17 and 20 of said township and range; thence, north through the center of section 17 of said township and

range, to the one-quarter corner common to sections 8 and 17; thence, east along the south line of section 8 of said township and range, to the southeast corner thereof; thence, north along the east line of said section 8 to the one-quarter corner common to sections 9 and 10 of said township and range; thence, east through the center of sections 9, 10, and 11 of said township and range, to the northwesterly line of the Rancho Simi, as per map recorded at Page 7 of Book 3, miscellaneous records (maps) of Ventura County, thence, northeasterly along said Rancho line to the west line of section 6, township 3 north, range 18 west, Rancho Simi; thence, south along the west line of said section 6 to the southwest corner thereof; thence, east along the south line of section 6, 5, 4, 3, and 2 to the southeast corner of section 2, said township and range, Rancho Simi; thence, south along the east line of section 11, said township and range, to the southeast corner thereof; thence, east along the south line of section 12, said township and range, and the south line of section 7, township 3 north, range 17 west, Rancho Simi, to the southeast corner of said section 7; thence, north along the east line of said section 7 to the one-quarter corner common to sections 7 and 8 of said township and range; thence, east through the center of sections 8 and 9 of said township and range, to the line common to Ventura and Los Angeles Counties; thence, southeasterly along the line common to said counties, to the center line of Mesa Drive, as per map of Santa Susana Park #1, recorded at Page 11 of Book 15, miscellaneous records (maps) of Ventura County; thence, southwesterly along the center line of Mesa Drive of Santa Susana Park #1 and Santa Susana Park #3, as per map recorded at Page 1 of Book 17, miscellaneous records (maps) of Ventura County, to the center line of Second Street of said Santa Susana Park #3; thence, northwesterly along the center line of Second Street of said Santa Susana Park #3 to the intersection with the northeasterly prolongation of the line common to lots 84 and 85 of said subdivision; thence, southwesterly along the northeasterly prolongation of and the line common to lots 84 and 85 to the corner common to lots 84, 85 and 114 of said Santa Susana Park #3; thence, north 60° 05' west with the boundary of Santa Susana Park #3 to the intersection of said boundary with a line running east and west through the center of section 15, township 2 north, range 17 west, Rancho Simi; thence, west through the center of said section 15 to the one-quarter corner common to sections 15 and 16 of said township and range, Rancho Simi; thence, south along the east line of section 16 to the southeast corner thereof; thence, west along the south line of said section 16 to the east line of subdivision A of the Rancho Simi; thence, south along the east line of said subdivision A to the southeast corner thereof; thence, west and southwest along the southerly line of subdivisions A, B and C to the corner common to subdivisions C, D and P of said Rancho, same being a corner common to the Rancho Conejo, as per map recorded at Page

746 of Book 1 of Deeds, Records of Ventura County, and Rancho Simi; thence, southerly along the easterly line of the Rancho Conejo to the north line of section 5 of township 2 north, range 18 west, Rancho Conejo; thence, west along the north line of sections 5 and 6 of said township and range to the north one-quarter corner of said section 6; thence, south through the center of said section 6 to the one-quarter corner common to sections 6 and 7 of said township and range; thence, west along the north line of said section 7 to the corner common to said sections 6 and 7, and sections 1 and 12, township 2 north, range 19 west, Rancho Conejo; thence, south along the east line of sections 12 and 13 of said township and range, to the southeast corner of said section 13; thence, west along the south line of sections 13, 14, 15, 16, 17 and 18 of said township and range, and the south line of section 13, township 2 north, range 20 west, Rancho Conejo, to the one-quarter corner common to sections 13 and 24 of said township and range; thence, south through the center of said section 24, to the one-quarter corner common to sections 24 and 25 of said township and range; thence, west along the south line of sections 24, 23, and 22 of said township and range to the west line of the Rancho Conejo, same being the east line of the Rancho Guadaluca hereinbefore referred to; thence, southerly along the easterly line of the Rancho Guadaluca to the southeast corner of lot 7 of the Broome Estate Ranch, as partitioned by order of the Superior Court of Ventura County, State of California, Case #5181, records of said court; thence, south  $89^{\circ} 53'$  west 14,969.44 feet along the south line of said lot to an angle point therein; thence, southwesterly in a direct line to an angle point in the line common to lots 5 and 6 of said Broome Estate Ranch at the northwesterly terminus of that course described as north  $41^{\circ} 09'$  west 17,213.62 feet; thence, southwesterly in a direct line to an angle point in the line common to lots 4 and 5 of said Broome Estate Ranch at the northerly terminus of that course described as north  $15^{\circ} 08'$  west 6,107.47 feet in said partition; thence, south  $59^{\circ} 52'$  west 5,280 feet; thence, south  $15^{\circ} 08'$  east to a point in the shore line of the Pacific Ocean; thence, northwesterly along the shore line of the Pacific Ocean to the point of beginning.

SEC. 6. Zone Four shall comprise all that territory and area as provided in Section 1 hereof not included in Sections 3, 4, and 5. Zone 4

SEC. 7. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, public highways, Purposes of act

life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district.

Powers of  
district

Ventura County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power :

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 take by grant, purchase, gift, devise or lease, or otherwise, and to hold, use, enjoy and to lease or dispose of real or personal property of every kind within or without the district necessary or convenient to the full exercise of its powers.

5. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights of way, easements, privileges and property of every kind, whether real or personal, and to construct, maintain 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 to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act.

6. To store water in surface or underground reservoirs within or outside of the district for the common benefit of a 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, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, 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 the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used 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 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 within the boundaries of the district and which do not involve taking water outside of or away from the district.

7. To control the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within 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.

8. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn any existing works or improvements in said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless previous compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public uses.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of the fee simple or easement, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi public use is required by the district for flood control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

Powers

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, 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 hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or rights; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any State, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Ventura County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the Ventura County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, water



rights, control of floods and use of water, both within and without said district, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

11. To incur indebtedness and to issue bonds in the manner herein provided.

12. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

13. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

SEC. 8. The board of supervisors of Ventura County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Ventura County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

Board of  
supervisors  
See also  
Stats 1945,  
Ch 315

The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Ventura, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Ventura County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Ventura County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Ventura County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board of supervisors may provide for compensation for his services hereunder, in addition to his salary as county surveyor of Ventura County. Such increase shall be paid from the funds of the Ventura County Flood Control District.

Other  
officers

In addition to the officers and employees herein otherwise prescribed, said board of supervisors may in their discretion appoint a chairman, a secretary and such other officers, agents and employees for said board or district as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or positions during the pleasure of said board.

Same

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Ventura.

SEC. 9. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district,

Regulations

and to appoint and employ all needful agents, superintendents, engineers 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.

Employment  
of civil  
engineer

SEC. 10. Said board of supervisors shall have jurisdiction and power to employ by resolution a competent registered civil engineer or engineers to investigate carefully the best plan or plans to control the flood and storm waters of said district, and the zones thereof, and the flood and storm waters of streams that have their source outside of said district but which stream and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to pereolate into the soil within or without said district, or to save or conserve in any manner, any or all of such waters, and to protect the watercourses, watersheds, public highways, life and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution may direct such engineer or engineers to make and file reports from time to time with said board of supervisors, which shall show:

Reports

Contents

1. A general description of the work to be done on each project or work of improvement.

2. General plans, profiles, cross-sections and general specifications of the work to be done on each project or work of improvement.

3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

4. A map or maps which shall show the location and zone of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

5. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Additional  
reports

Said engineer or engineers shall from time to time and as directed by the board of supervisors file with said board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Authority  
of engineer

Such engineer or engineers, employed by said resolution, shall have power and authority, subject to the control and direction of said board of supervisors, to employ such engineers,

surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

The said board of supervisors may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause. Removing engineer

SEC. 11. The legal title to all property 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 of supervisors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of supervisors may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same. Title to property

SEC. 12 The board of supervisors of said district shall have power, in any year: Levying taxes

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Ventura County Flood Control District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 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 as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed twenty (20) cents on each one hundred dollars (\$100) of the assessed valuation of the taxable property in said zones exclusive of any tax or assessment levied to meet the bonded indebtedness of said zones and the interest thereon.

Claims  
against  
district

SEC. 13. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the Political Code of the State of California for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

Joint  
projects

SEC. 14. The board of supervisors of said district may institute joint projects by contiguous zones for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement located or to be located in either of said zones and of common benefit to said participating zones. For the purpose of acquiring authority to proceed with any such joint project, the board of supervisors shall adopt a resolution specifying its intention to undertake such joint project, together with the engineering estimates of the cost of same and proportionate costs to be borne by the participating zones and fixing a time and place for public hearing of said resolution and which 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 once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation, circulated in each of said participating zones, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places in each of said participating zones. Said notice must designate a public place in each of said participating zones where a copy of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

Hearing

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of supervisors shall consider all written and oral objections to the proposed joint project. Upon the conclusion of the hearing the board of supervisors may abandon the proposed joint project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed joint project signed by a majority in number of the registered voters residing within either of said zones be filed with the board of supervisors, in which event said project must be abandoned.

Bonded  
indebted-  
ness

SEC. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, the said board may by resolution, passed by unanimous vote of the entire board, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. 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 or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied 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. Special election

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said participating zones 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 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 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 and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth (1/40) of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five per cent (5%) 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 participating zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six 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.

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

Election  
notice

Said ordinance calling for such election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in said zone for six consecutive times if published in a daily newspaper of general circulation printed and published in said zone, or two times if published in a weekly newspaper of general circulation printed and published 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 participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Defects in  
proceedings

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 shall be issued and sold as in this act provided.

Bonds  
Form

SEC. 16. The said board of supervisors shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the participating zones, 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.

Denomina-  
tion

The bonds shall be issued in such denomination as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be payable annually or semiannually, and 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.

Bonds  
Issue and  
sale

SEC. 17. The said board of supervisors may issue and sell the bonds of such district zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Ventura to the credit of said district for the uses and purposes

of the zone voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Ventura.

SEC. 18. Any bonds issued under the provisions of this act shall be a lien upon all but only the taxable property of the zone of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said zone and all the taxable property in the zone shall be and remain liable to be taxed for such payments as hereinafter provided. No zone of said Ventura County Flood Control District nor the property therein, shall be liable for the 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 bonded indebtedness of any other zone.

SEC. 19. The board of supervisors shall levy a tax or assessment each year upon all the taxable property in the zone of issuance sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected in the zone of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Ventura County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Ventura County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 20. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 20.2. Notwithstanding Section 3720 of the Political Code, the Ventura County Flood Control District is validly created for purposes of assessment and taxation. The information and maps, relating to the Ventura County Flood Control District and the zones thereof, required by Section 3720 of the Political Code shall be filed with the county assessor and State

Board of Equalization as soon as practicable after the effective date of this act, but no later than February 1, 1945.

Taxes:  
1944-45

SEC. 20.4. For the fiscal year 1944-1945, but for no other fiscal year, notwithstanding Section 20 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Taxes of the district for the fiscal year 1944-1945 are liens on property the same as if they were county taxes, except that the district tax liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the fiscal year 1944-1945 are the correct assessments for purposes of taxation by the Ventura County Flood Control District and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the taxes for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1944, and the date on which attaches the lien for taxes of the Ventura County Flood Control District for the fiscal year 1944-1945, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of taxation by the Ventura County Flood Control District.

In equalizing the assessments made by the county assessor, the board of supervisors, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of taxation by the Ventura County Flood Control District in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of taxation by the Ventura County Flood Control District, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for taxation purposes of the Ventura County Flood Control District.

The board of supervisors may, by ordinance, prescribe any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes for the Ventura County Flood Control District for the fiscal year 1944-1945. Except as provided in this section, Section 20 of this act is applicable to the assessment and equalization of property for the purpose of district taxation for the fiscal year 1944-1945.



SEC. 21. The bonds of said Ventura County Flood Control District issued for any zone thereof pursuant to this act, 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 whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

Bonds  
Legal  
investments

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 22. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1 $\frac{1}{2}$ , Article XIII, of the Constitution of this State.

Bonds Tax  
exempt

SEC. 23. All contracts for any improvement or unit of work except as hereinafter provided estimated to cost in excess of five thousand dollars (\$5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction of, the improvement or work before any contract shall be made therefor, and may let by contract separately any part of said work or improvement. The board shall require the successful bidder 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 where 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 of supervisors 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

Letting  
contracts

for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

Improvements

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 of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Additional boards

SEC. 25. Whenever bonds have been authorized by any zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a vote of all of its members determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, said board of supervisors may again proceed as in this act provided, and submit to the qualified voters of said zone the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

When election fails to authorize bond issue

SEC. 26. Should a proposition for issuing bonds for any zone 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 said board of supervisors of said district shall not for six months after such election call or order another election in that zone for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

Effect of amendment of act

SEC. 27. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

Rights of way

SEC. 28. There is hereby granted to Ventura County Flood Control 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 of supervisors 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. 29. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project, the board of supervisors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court and if by such judgment or by agreement the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

Interference  
with other  
property  
Flooding,  
etc

SEC. 30. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Liberal  
construction

SEC. 31. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Constitu-  
tionality

SEC. 32. This act may be designated and referred to as the "Ventura County Flood Control Act" and any reference thereto by such designation shall be deemed sufficient for all purposes.

Short title

SEC. 33. The area of the district is subject to periodical floods of devastating violence during the rainy seasons and during the dry seasons portions of the area are subject to extreme drought, greatly imperiling the health and lives of persons and livestock and the growing of crops. Recognizing this fact, the United States Army Engineers have made studies toward the economic advisability of flood control in Zones 1, 2 and 3. The recommendations of the United States Army Engineers for Zone 1 have been approved and are incorporated in an omnibus bill now presented to the Congress of the United States of America. The report on Zone 2 is almost completed and Zone 3 is under study. The general law contains no provision for the issuance of bonds for purposes of raising funds to assist in such work. The cost of adequate flood control is beyond the means of

Legislative  
declaration

the property owners and taxpayers of said district, and it is necessary to negotiate to obtain financial aid from the United States Government. It is desirable to immediately form a political entity to satisfactorily deal with agencies of the United States Government.

Investigation having shown conditions in the County of Ventura to be peculiar to that county, it is hereby declared that a general law can not be made applicable thereto and that the enactment of this special law is necessary for the conservation, development, control and use of said waters for the protection of life and property therein and for the public good.

Testing  
legality of  
existence of  
district

SEC. 34. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Ventura, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation and development district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in said county. Within thirty (30) days after the last publication of said summons shall have been completed and proof thereof filed in said proceeding, any property owner or resident in said district, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

Urgency

SEC. 35. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and shall, therefore, go into effect immediately. A statement of facts constituting such necessity is as follows:

The unprecedented floods of 1938, 1941, 1943, and 1944, which destroyed much valuable property in Ventura County, and destroyed many acres of valuable watershed in said county, have created a perilous flood condition in said county due to the change of courses of many of the principal watercourses in said county and the filling of natural watercourses with sand and debris. Many of said watercourses are in such condition that even a minor flood may result in loss of life and heavy property damage due to inadequacy of natural watercourses to carry normal flows of storm waters and that because of such conditions it is necessary that this act go into effect immediately.

CHAPTER 45

*An act making an appropriation for the contingent expenses of the Senate for the Fifty-fifth (Fourth Extraordinary) Session of the Legislature, including expenses of committees created at such session, and declaring that this act shall take effect immediately.*

[Approved by Governor June 20, 1944. Filed with Secretary of State June 20, 1944 ] In effect immediately

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

SECTION 1. The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, for contingent expenses of the Senate, including expenses of committees created at any session of the Fifty-fifth Legislature. Appropriation  
Contingent  
expenses of  
Senate

SEC. 2. Inasmuch as this act makes an appropriation for the usual expenses of the State it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current  
expenses

CHAPTER 46

*An act to add Section 40.1 to the Gift Tax Act of 1939, and Article 2.5, consisting of Section 15675, to Chapter 5 of Part 9 of Division 2 of the Revenue and Taxation Code, relating to gift taxes, declaring the urgency thereof, to take effect immediately.* Stats 1939,  
p. 2079,  
amended

[Approved by Governor June 20, 1944. Filed with Secretary of State June 20, 1944 ] In effect immediately

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

SECTION 1. Section 40.1 is added to the Gift Tax Act of 1939, to read: New section

Sec. 40.1. (a) In the case of a donor or donee who is serving as a member of the armed forces of the United States or any auxiliary branch thereof, or the Merchant Marine, beyond the boundaries of the Continental United States, the Controller may by rule extend the time for filing the return, for payment of the tax, or for compliance with any other provision of this act, without interest or penalty, until 180 days after his discharge or release from active service. Filing  
return  
Servicemen

(b) "Continental United States" as used in subsection (a) means the States of the United States and the District of Columbia.

SEC. 2. Article 2.5, consisting of Section 15675, is added to Chapter 6, Part 9, Division 2, of the Revenue and Taxation Code, to read:

Article 2.5. Donors and Donees in Armed Forces

15675. (a) In the case of a donor or donee who is serving as a member of the armed forces of the United States or any Filing  
return  
Servicemen

auxiliary branch thereof, or the Merchant Marine, beyond the boundaries of the Continental United States, the Controller may by rule extend the time for filing the return, for payment of the tax, or for compliance with any other provision of this part, without interest or penalty, until 180 days after his discharge or release from active service.

(b) "Continental United States" as used in subsection (a) means the States of the United States and the District of Columbia.

Operative  
date

SEC. 3. Section 2 of this act shall become operative at the same time as Part 9, Division 2, of the Revenue and Taxation Code, at which time Section 40.1 of the Gift Tax Act of 1939, as added by this act, is hereby repealed.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure within the meaning of Section 1 of Article IV of the State Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall therefore take effect immediately. The statement of the facts constituting such necessity is as follows:

Under the provisions of the Gift Tax Act of 1939 a tax will bear interest from June 15th until paid, regardless of the six month extension now allowed. If this act is not effective immediately it will work undue hardship on those serving outside the United States who are unable, under the stress of war, to comply with the strict provisions of the act.

## CHAPTER 47

*An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations.*

In effect  
September  
12, 1944

[Approved by Governor June 20, 1944. Filed with Secretary of State June 20, 1944.]

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

Declaration  
of purpose

SECTION 1. The termination of the present war will inevitably create serious economic problems for the people of this State.

The change from a war economy to a peacetime economy and the tremendous and sudden increase in population in this State necessitate a corresponding increase in public works and facilities which is so widespread that it is a matter of State interest, necessary for the state-wide protection of the public health, safety and public welfare.

The prevention of unemployment and the relief of hardship and destitution due to and caused by postwar unemployment is a joint obligation and duty of the Nation and the State within the limits of their resources. Postwar unemployment and its

attendant misfortunes can be partially averted and alleviated by making adequate plans and preparation for an extensive program of public works to be constructed and engaged in during the period of postwar adjustment and until such time as private industry and commerce can provide employment for the men and women who will be discharged from the armed forces or who will be released from their present employment upon the termination of wartime activities. The experience of this State during the depression years of unemployment and its attendant hardships points to the necessity for a public works employment program. Failure to make provision for an adequate public works program in time to meet the economic problems which will rise upon termination of the war will require the State to expend large sums to provide direct relief to persons who might otherwise be usefully employed in constructing necessary public works. Funds appropriated under this act by the State together with funds provided by local agencies to assist the State in carrying out the purposes of this act will enable the local agencies to engage in a large construction program which will provide employment for those military personnel discharged from the armed forces and those whose present employment will be terminated by the cessation of war production.

A substantial program of postwar public works for the above purposes can be formulated only if such a program is planned now and carried out jointly by the State and by the counties and cities of the State, making provision in such a program for Federal participation at such time as the National Government may declare such a policy.

The Legislature hereby declares that the granting of financial assistance in the preparation of plans and the acquisition of sites by the counties, cities and counties and cities, as provided in this act, is for State purposes because of the state-wide need for increase in public works and facilities and also as a part of and incidental to the averting of a serious postwar economic crisis and in furtherance of its plans to provide employment for some part of its citizens during the period of economic readjustment that will result upon the termination of the war or the substantial diminishing of war production in this State.

SEC. 2. As used in this act, "local agency" means any county, city and county or city of the State. All acts required to be done herein by a local agency shall be performed by the governing body thereof by resolution or ordinance unless otherwise specified. "Local agency"

SEC. 3. As used in this act, "specific project" includes new construction, modifications and alterations (but does not include ordinary repair and maintenance) of public buildings, highways, streets, bridges and other street and highway structures, and publicly owned and operated facilities, including but not limited to sewage treatment and disposal plants and sanitary facilities, airports, and existing water supply systems, proposed to be undertaken by local agencies in accordance with the purposes of this act. Except as to public utilities specifically "Specific project"

mentioned in this section. "specific project" does not include the construction, acquisition, extension of or additions to public utilities as defined in the Public Utilities Act.

"Plan"

SEC. 4. As used in this act, "plan" means a set of engineering field surveys and engineering or architectural designs, working and detailed drawings and specifications required for a specific project.

Postwar  
Public  
Works  
Review  
Board

SEC. 5. (a) There is hereby created a board to be known as the Post War Public Works Review Board, hereinafter called the board, consisting of the Director of Finance as chairman, the Director of Public Works, the Director of Reconstruction and Reemployment, and the Legislative Auditor. The Legislative Auditor shall have the same duties and powers as the other members of the board to the extent that such duties and powers are constitutionally compatible with his position as Legislative Auditor. The members of the board shall receive no compensation for their services under this act, but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the money made available to the Director of Finance by this act.

(b) The board shall prescribe rules and regulations for the general administration of this act, requiring such procedure, forms and information as it deems necessary.

(c) The Director of Finance, hereinafter called the director, shall administer this act and shall provide such assistance to the board as it may require.

Appropriation

SEC. 6. The sum of ten million dollars (\$10,000,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to be expended pursuant to allocations to local agencies made in accordance with the provisions of this act and for the purpose of administering this act.

Cost of  
preparing  
plans

SEC. 7. Out of the money appropriated by Section 6, six million eight hundred seventy-five thousand dollars (\$6,875,000) may be expended for the purpose of defraying one-half or less, hereinafter called the State's share, of the cost of preparing plans for specific projects and is to be allocated for this purpose to local agencies as provided in Section 25 of this act.

Application  
for funds  
to prepare  
plans

SEC. 8. A local agency may from time to time apply to the director for an allotment of the State's share of the estimated cost of preparing a plan for which it desires aid under this act. The application shall be accompanied by a certified statement of the estimated cost of preparing the plan and also by a certified copy of a resolution or ordinance showing that the local agency has made provision for paying one-half or more of the cost of preparing the plan, together with such other information as may be required by the board. After determining that all the proper information has been submitted, the director shall approve the application within 60 days after receipt thereof or of the final information requested by him. On approval of the application, the director shall by executive order make an allotment to such local agency out of the amount allocated to such



local agency under Section 25 and shall advise the local agency and the Controller of such allotment. The director may make such recommendations to the local agency for the local agency's consideration as the director thinks proper.

SEC. 9. The board shall by rule applicable to any case or class of cases prescribe for how much of the State's share of the cost of preparing a plan for a specific project, for which a local agency has received an allotment under this act, the local agency shall on its request be reimbursed after expenditure from time to time as the work progresses. The local agency shall in any event on its request be entitled to reimbursement for up to 25 per cent of the State's share after each 25 per cent of the total estimated cost has been expended by the local agency.

SEC. 10. The local agency may from time to time as the work progresses or after its completion apply to the director for reimbursement, as allowed by this act and the board, from the State's share for expenditures made in preparing a plan for a specific project for which the local agency has received an allotment under this act. The Board of Control shall by rule prescribe the information to be shown on applications for reimbursement of the cost of preparing plans for specific projects under this act and the nature of the evidence of payment to be required in support of such application. When the director approves such application and finds the reimbursement to be due, he shall transmit a claim for the amount due, together with all supporting information and evidence of payment, to the Controller. The Controller shall make such audit as he deems necessary and shall thereupon draw his warrant for the amount of reimbursement he finds to be due.

SEC. 11. A revised estimate of the cost of preparing a plan may be submitted from time to time in the same manner as an original estimate and shall be treated for all purposes like the original estimate.

SEC. 12. If work is begun on any plan before the effective date of this act, the estimated cost mentioned in Sections 8, 9, and 11 includes the cost and estimated cost of any work done and to be done on the plan on and after July 1, 1944.

SEC. 13. A copy of each completed plan for which a local agency desires or has received aid under this act shall be delivered to the board and to the State Reconstruction and Reen-employment Commission. The board shall examine or cause to be examined the plan and may make such recommendations to the local agency for the local agency's consideration as the board thinks proper.

SEC. 14. No payment shall be made under this act for any plan prepared or to be prepared by any person or persons other than an employee or official of the local agency or a licensed surveyor, architect or engineer.

SEC. 15. The cost of any plan prepared under this act shall not exceed 6 per cent of the estimated cost of the specific

State's  
share of  
cost of  
plans

Procedure

Revised  
estimates

Plans begun  
before  
effective  
date

Copy of  
completed  
plans

Persons to  
prepare  
plans

Cost  
limitation

project, including the cost of the plan, unless the board approves such excess cost.

Cost of  
acquisition  
of rights-  
of-way and  
sites

SEC. 16. Of the money appropriated by Section 6, three million dollars (\$3,000,000) may be expended for the purpose of paying one-half or less, hereinafter called the State's share, of the cost of acquisition by local agencies of rights-of-way and sites for any public works projects in which there is a State interest in the projects themselves other than the relief of unemployment, including but not limited to highways, major city streets, street and highway structures, sewage treatment and disposal plants and sanitary facilities and is to be allocated for this purpose to local agencies as provided in Section 25 of this act.

Request  
for aid

SEC. 17. When a local agency desires aid in the acquisition of a right-of-way or site under this act it shall submit its request for such aid to the board pursuant to a resolution or ordinance adopted by the governing body of the local agency. The request shall be accompanied by such information and data as the board may require to the end that the board may determine the relative desirability of the project as compared with other projects in the postwar public works program of the local agency, the relative desirability and cost or estimated cost of the right-of-way or site as compared with others available to the local agency, and the portion of the cost of the acquisition, not exceeding one-half, which the local agency requests be paid by the State.

Consideration  
of  
request

SEC. 18. If the board approves the request, it shall by a resolution adopted by it allot to the local agency the amount requested by the local agency to be paid by the State up to one-half of the cost of the acquisition, subject to the limitations provided in this act. A copy of the resolution shall be transmitted to the local agency and a copy shall be filed with the State Controller and the Director of Finance. If the board rejects the request it shall so inform the governing body of the local agency, stating its reasons therefor.

Procedure  
on approved  
request

SEC. 19. If the board approves the request, when the amount needed for the acquisition has been finally determined and all steps for such acquisition prior to the actual payment of money have been taken so that the local agency is obligated to make the payment or has made the payment, then the local agency shall submit to the director an application for payment accompanied by a certified statement of the total cost paid or to be paid for the acquisition of the right-of-way or site and for which it desires aid under this act, together with such other supporting information as may be required by the director. The local agency shall also deliver to the director a certified copy of a resolution or ordinance showing that it has made provision for paying one-half or more of the cost of the acquisition and requesting that the State pay the balance of such cost or estimated cost under this act, not exceeding one-half and not exceeding the portion of the cost which the local agency stated was to be paid by the State in submitting its request under

Section 17. After determining that all the proper information has been submitted, the director shall approve the application within 60 days after receipt thereof or of the final information requested by him. On approval of the application, the director shall transmit a claim for the amount due, together with all supporting information, to the Controller. The Controller shall make such audit as he deems necessary and shall thereupon draw his warrant for the amount he finds to be due.

SEC. 20. If payment is made to the local agency by the State before completion of the acquisition, then when the acquisition is completed the local agency shall deliver to the director a certified statement of the cost of acquisition, together with such other supporting information as may be required by the director. An acquisition is deemed completed at the expiration of 60 days after the date of the warrant drawn by the Controller under Section 19 unless the board, upon application of the local agency, notifies the Controller, the director and the local agency that the time for completion of the acquisition is extended, specifying the period of the extension, in which case the acquisition is deemed completed on expiration of the extension or extensions.

SEC. 21. The director shall determine whether the amount or amounts previously paid pursuant to Section 19 exceed or are less than the State's share of the actual cost of the acquisition, or of the total amount of the items in the statement which the director determines to be chargeable as the cost of the acquisition in accordance with the rules of the board. If he determines that there was an excess paid to the local agency he shall notify the Controller who shall notify the local agency to repay the amount of the excess into the State treasury within 60 days after receipt of such notice to the local agency and such excess shall be deposited in the General Fund, to the credit of the appropriation and allocation from which expended.

If the director determines that the amount previously paid was less than the State's share of the properly chargeable cost of the acquisition, he shall notify the Controller and the local agency. The local agency may then file application with the director for payment of the amount of the State's share not previously paid and the director shall transmit a claim for the amount due, together with all supporting information, to the Controller. The Controller shall make such audit as he deems necessary and shall thereupon draw his warrant for the amount he finds to be due.

SEC. 22. Title to any rights-of-way and sites, hereinafter called site, acquired with funds made available by this act shall not vest in the State, but shall vest in the local agency or local agencies or other governmental units making the acquisition.

SEC. 23. With the approval of the board, the local agency may use a site for a purpose other than that for which originally acquired, or may exchange a site acquired under this act for another site to be used for the same purpose or another purpose approved by the board.

Failure  
to use  
site

SEC. 24. If the local agency sells or otherwise disposes of a site acquired under this act, or does not begin to use the site for the purpose or purposes as approved by the board within five years after the acquisition is completed, then the director shall demand the return by the local agency of the total amount advanced by the State or, if the local agency receives some money on an exchange approved under Section 23, then the director shall demand the return of an amount which bears the same proportion to the money so received as the amount paid by the State bears to the total paid for the original site, up to the amount advanced by the State, and the local agency shall refund the money within 60 days after any such demand to be deposited in the General Fund to the credit of the appropriation and allocation from which expended. On application by the local agency, the board may notify the director and the local agency that the time to begin use of the site for the approved purpose or purposes is extended beyond five years, specifying the period and any conditions of the extension, and in such case the director shall not make his demand until expiration of the extension.

Amounts to  
be allotted  
local  
agency

SEC. 25. The director shall determine the maximum amounts to be allocated to each local agency under this section and shall notify the Controller of such determination. The Controller shall not draw any warrant in behalf of a local agency for the preparation of a plan or for an acquisition under this act if the amount of such warrant together with any amounts previously paid to the local agency under this act exceeds the maximum amount allowable, respectively, for preparation of plans or for acquisition under this section.

Minimum  
amount

There is hereby allocated to all local agencies within each county or city and county, including the county or city and county itself, pursuant to Section 7 the minimum amount of ten thousand dollars (\$10,000) and pursuant to Section 16 the minimum amount of six thousand dollars (\$6,000). Out of the balance allocated under these respective sections there is allocated to all local agencies within each county or city and county, including the county or city and county itself, in addition to such minimum amounts, a further sum, hereinafter called the county area amount, to be determined by the ratio of the population of the county or city and county reported by the United States Census of 1940 to the total population of the State reported by the United States Census of 1940.

Maximum  
amount

The maximum amount to be allocated to any city within each county under Section 7 and Section 16 shall be determined by multiplying the minimum amount and the county area amount available for allocation to all local agencies within that county, including the county, under the respective section, as defined in the preceding paragraph, by the ratio of the population of the city reported by the United States Census of 1940 to the total population of the county reported by the United States Census of 1940.

The maximum amount to be allocated to any county under Section 7 and Section 16 is the minimum amount and county area amount to be allocated to all local agencies within the county, including the county, under the respective section less the sum of the maximum amounts to be allocated to all cities within the county under the respective sections; except that where the maximum amount to be allocated to any county under this paragraph would be less than 10 per cent of the sum of the minimum amount and county area amount to be allocated under Section 7 and under Section 16 to all local agencies within the county, including the county, the allocation out of such sum shall be determined by a local commission consisting of three members appointed by the board of supervisors, three members appointed by a committee composed of one representative designated by the legislative body of each of the cities within the county, and one member appointed by the six other members. This local commission shall determine the maximum amount to be allocated to the county, but not less than 10 per cent of the above sum allocated to all local agencies within the county, including the county, and the balance shall be allocated to the cities within the county as a group to be divided among them according to the ratio of the population of any particular city as reported by the United States Census of 1940 to the total population of all the cities in the county as reported by the United States Census of 1940. This determination shall be certified to the director who shall notify the Controller thereof.

SEC. 25.3. Notwithstanding any other provision of this act, any local agency may make application to the board under this section for aid from the State in the preparation of plans or the acquisition of rights-of-way or sites and request that the entire cost of such plans or acquisitions be paid from the minimum amounts allocated to such local agency pursuant to the provisions of Section 25. The board is hereby authorized to approve any such requests up to the total of the minimum amounts so allocated to such local agency. In all other respects the provisions of this act shall be applicable.

SEC. 26. Of the money appropriated by Section 6, fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby made available for support of the Controller, and seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, is hereby made available for support of the Director of Finance.

SEC. 27. Any money which is not expended by the State or for which application is not made on or before December 31, 1945, shall revert to the General Fund in the State treasury.

SEC. 28. Sections 664, 677.5 and 3714 of the Political Code do not apply to the expenditures made under Sections 7 and 16 of this act.

SEC. 28.5. The allocations to local agencies provided by this act shall be available in cases where one or more local

Exception

Payment of costs from minimum amount

Support Controller Director of Finance

Funds not used Sec also Stats 1945, Ch 1455

Availability of funds

Joint projects

agencies engage jointly in the undertaking of a postwar construction activity as now provided by law, and in cases where a local agency engages in such activity jointly with or through a district or other governmental unit.

Assigning  
money  
allocated

SEC. 29. A local agency may by resolution or ordinance, certified copies of which it files with the Controller, the director, the board and the assignee, assign the money allocated to it under this act, or any portion thereof, to any other local agency or to any governmental unit or district in this State either for the sole use of such assignee or for use by the assignee acting in behalf of any local agency, governmental unit or district or of any combination thereof, including or excluding the assigning local agency. Such assignment may not be revoked unless the board, upon request of the assigning local agency, certifies to the assigning local agency, the assignee, the director and the Controller that there is good cause for such revocation and specifies what should be done with the work done and how to arrange for audit and settlement for the assignee's expenditures, unused money, and activities. Money unused by the assignee shall be credited to the allocation of the assigning agency.

Same

SEC. 30. After an assignment under Section 29, the assignee has all the powers and duties given to the assigning local agency or local agencies under this act other than assignment of an allocation and shall generally be treated for the purposes of this act as a local agency, except for the allocation of money which is fully covered in this section. The director, the board, the Reconstruction and Reemployment Commission, and the Controller shall thereafter deal with the assignee as if it were a local agency, and warrants shall be drawn payable directly to the assignee. All allocations or portions thereof assigned to the assignee shall be considered together as one allocation and the assignee need make only one request or application at a time covering all such assigned allocations and the Controller need draw only one warrant in payment of any such application or request. In charging any such warrants against the amount allocated to each assigning local agency under Section 25, the Controller shall charge against each such allocation an amount which bears the same proportion to the amount of the warrant as the amount assigned by the particular local agency to the assignee bears to all amounts assigned by local agencies (including the amount allocated to the assignee, if it is a local agency) to the assignee.

Funds  
provided by  
local  
agency

SEC. 31. Any money lawfully available for expenditure by or on behalf of a local agency for any plans or acquisitions under this act, other than the money made available by the State under this act, shall be considered as part of the money required to be provided by the local agency under this act.

Constitu-  
tionality

SEC. 32. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application thereof to other persons or circumstances, shall not be affected thereby.

## CHAPTER 48

*An act to amend Section 7305 of the Education Code, relating to average daily attendance of high school districts, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor June 21, 1944. Filed with Secretary of State June 21, 1944.] In effect immediately

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

SECTION 1. Section 7305 of the Education Code is hereby amended to read: See also Stats 1945, Ch 92

7305. The average daily attendance in regular day classes of any high school district which during the school year 1941-1942 had an average daily attendance in regular day classes of 500 or less credited to it for apportionment purposes in each high school maintained by the district shall, for the school year 1943-1944 and for each subsequent school year, be deemed to be, for all the purposes of this division, not less than 80 per cent of the actual average daily attendance of such district for the school year 1941-1942. For all other purposes the average daily attendance of the district shall be the actual average daily attendance of the district. High school maintained in elementary district

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

The war in which the United States of America is now engaged has seriously affected the attendance in the high schools of the high school districts in California. The loss of revenue to such districts resulting from the decrease in attendance can not be overcome entirely by economies. To avoid the unwholesome effects of inadequate support and to insure the ability of the public schools to cope with the problems arising from the greatly increased attendance which will follow the war, the Legislature at its Fifty-fifth Session enacted as Chapter 1078 of the Statutes of 1943, a measure intended to accomplish the purposes of this act, but through inadvertence an amendment failed to be introduced to give the measure the full effect which was intended. As a result the statute which is herein amended has not provided the relief which was intended and in order to provide this relief this act should take effect immediately.

## CHAPTER 49

*An act making an appropriation to carry out the provisions of the California Food and Fiber Production Act, and providing for the establishing of a revolving fund therefrom, to take effect immediately.*

In effect  
immediately

[Approved by Governor June 21, 1944. Filed with Secretary of State  
June 21, 1944 ]

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

Appropriation:  
California  
Food and  
Fiber  
Production  
Act  
Stats 1943,  
p 3397

SECTION 1. In addition to any money heretofore made available, the sum of one million fourteen thousand eight hundred and eighty-two dollars (\$1,014,882) is hereby appropriated out of any money in the State treasury not otherwise appropriated to be expended in accordance with law during the Ninety-sixth Fiscal Year to carry out the provisions of the California Food and Fiber Production Act. Any expenditures made from this appropriation shall be subject to the provisions of Sections 675, 675a and 677.5 of the Political Code; provided further, that any money expended from this item subsequent to January 1, 1945, for catering shall be only on contracts for catering service after January 1, 1945, which have been let after advertising in newspapers pursuant to Section 693 of the Political Code; and provided further, that any money spent from this appropriation for salaries or wages shall be evidenced by time reports as to the place and time, and if regular or overtime, employees of the council have worked, and all pay rolls submitted to the State Controller shall include a certification thereon that time reports as are prescribed by the Department of Finance are on file in the office of the California Farm Production Council to cover the employees included on the pay roll.

Revolving  
fund

SEC. 2. Without at the time furnishing vouchers and itemized statements, the California Farm Production Director may, with the approval of the Director of Finance, withdraw from the appropriation made by this act money in an amount not exceeding seventy-five thousand dollars (\$75,000) in the aggregate at any one time, to be used as a revolving fund where payment of compensation earned or cash advances are necessary.

Current  
expenses

SEC. 3. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.



## CHAPTER 50

*An act to add Section 1514 to the Military and Veterans Code, relating to the powers of the California State War Council, to take effect immediately.*

[Approved by Governor June 21, 1944 Filed with Secretary of State In effect  
June 21, 1944 ] immediately

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

SECTION 1. Section 1514 is added to the Military and Veterans Code, to read: See also  
Stats 1945,  
Ch 1024

1514. The War Council may, in order to further the war effort, declare that an emergency exists creating a necessity for the conduct of war production training classes in the public schools on Sundays and holidays. If such a declaration is made, the governing board of any school district authorized to conduct such classes may conduct the classes notwithstanding any provision of law to the contrary. No apportionments from State funds based on average daily attendance in war production training classes maintained under the provisions of this section shall be made where the total cost of the classes is borne by the Federal Government, or any agency thereof. Conduct of  
war  
production  
training  
classes

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: In order that workers in war production may have requisite training to produce materials for victory, it is necessary that classes for their instruction be maintained whenever possible. At present this work of training war production workers is seriously handicapped by restrictions upon the days on which classes may be maintained. Therefore, it is necessary that a method of suspending these restrictions be adopted immediately. Urgency

## CHAPTER 51

*An act to amend Section 5002 of the Education Code, relating to deposit of school moneys.*

[Approved by Governor June 21, 1944 Filed with Secretary of State In effect  
June 21, 1944 ] September  
12, 1944

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

SECTION 1. Section 5002 of the Education Code is amended to read:

5002. The governing board of every school district shall pay all moneys received or collected by it from any source and all moneys apportioned to it from taxes levied and collected under Deposit of  
money

the authority of city councils for school purposes, into the county treasury to be placed to the credit of the proper fund of its district. All money collected by the city council or other governing body of any municipality from taxes levied for school purposes when received shall be paid into the county treasury to the credit of the school district for the schools of which the taxes were levied. All deposits and payments required by this section shall be made daily, unless the county superintendent of schools authorizes them to be made weekly or otherwise, but in no event less frequently than monthly.

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## CHAPTER 52

*An act to add Section 10301.2 to the Education Code, relating to the financial support of elementary schools, declaring the urgency thereof, to take effect immediately.*

In effect  
immediately

[Approved by Governor June 21, 1944. Filed with Secretary of State June 21, 1944.]

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

SECTION 1. Section 10301.2 is added to the Education Code, to read:

Elementary  
schools  
Financing

10301.2. Notwithstanding any provision of law to the contrary and in order to provide for the financial support of the district affected, whenever an elementary school district maintains the seventh and eighth grades during the school years 1943-1944 and 1944-1945 the attendance of pupils upon such classes during such school years may be credited to such district for the apportionment of State funds, and the district may levy taxes and expend funds from whatever source derived for their maintenance. All acts in connection with the maintenance of such classes, apportionments of State funds to such districts, taxes levied, assessed and collected, and expenditures of district funds for such purposes heretofore or hereafter made or done, are hereby ratified, confirmed and validated.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

A legal question which has arisen as to whether elementary school districts in a union high school district maintaining a junior high school are authorized, in view of Education Code Section 10301, to maintain the seventh and eighth grades, has created a situation of great urgency and moment affecting the financial support of the public schools. In view of this question which undoubtedly also applies to other similar situations, it

may be impossible for any apportionments of State funds to be made to the elementary school districts affected by the problem on account of the attendance of pupils upon such grades or for such elementary school districts to provide for the expenditure of district funds for such grades or to enter into contracts with teachers to give instruction in such grades.

In order, therefore, to provide for the financial support of the elementary districts affected by making it possible for State funds to be apportioned to, and district funds to be raised and expended by, the elementary school districts on account of the maintenance of the seventh and eighth grades, it is necessary that this act take immediate effect.

### CHAPTER 53

*An act to amend Sections 6512, 6513, 6520, 6641, 6660, 6661, 6697 and 6701, and the title to Article 2 of Chapter 6 of Part 1 of Division 6 of the Health and Safety Code, relating to sanitary districts, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor June 21, 1944 Filed with Secretary of State In effect  
June 21, 1944 ] immediately

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

SECTION 1. Section 6512 of the code cited in the title is hereby amended to read:

6512. It may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such garbage dump sites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, as in the judgment of the board shall be necessary and proper, and in the performance of these functions, either in or out of the district, it may join with any county or municipality or any other district or governmental agency. Garbage dumps, etc

Before any garbage dump shall be established the location shall first be approved by the county health officer, and in addition, if the location is within two miles of any city the consent of the governing body of the city shall first be secured. Approval

SEC. 2. Section 6513 of said code is hereby amended to read:

6513. It may permit the use of any property of the district by any county or municipality, or any other district or governmental agency. Use of property by other agencies

SEC. 3. Section 6520 of said code is hereby amended to read:

6520. It may compel all residents and property owners in the district to connect their houses and habitations and structures requiring sewerage or drainage disposal service with the Power to compel use of facilities.

sewers and storm drains in streets and to use the garbage collection and disposal system.

SEC. 4. Section 6641 of said code is hereby amended to read:

Bonds

6641. A district may issue bonds to raise money for any of the purposes stated in Section 6512 hereof.

Article heading

SEC. 5. The title to Article 2 of Chapter 6 of Part 1 of Division 6 of said code is hereby amended to read:

#### Article 2. Bonds of Annexed Territory

SEC. 6. Section 6660 of said code is hereby amended to read:

Bonds for facilities of annexed territory

6660. At any time after the annexation of territory, the board may issue bonds to raise money for any of the purposes stated in Section 6512 hereof in or for the benefit of said annexed area in the same manner as in any other part of the district, except, only qualified electors resident within the annexed territory are entitled to petition or vote in the proceedings. In the event any such bonds are issued in such annexed territory said territory shall not be subject to taxation for any bonds of the district or of any area previously annexed thereto theretofore authorized to be issued for one or more of the same purposes.

SEC. 7. Section 6661 of said code is hereby amended to read:

Provisions are supplementary

6661. The provisions of this part with reference to bonds in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all taxable property whether the boundaries of the district remain as originally established or have been altered by annexation.

SEC. 8. Section 6697 of said code is hereby amended to read:

Purposes of taxing

6697. District taxes may be assessed, levied, and collected for any or all of the following purposes:

(a) To pay the principal and interest of the bonds issued by the district.

(b) To raise money for any of the purposes stated in Sections 6512 and 6660 hereof.

(c) To pay any lawful claims against the district.

(d) To pay the running expenses of the district.

SEC. 9. Section 6701 of said code is hereby amended to read:

6701. Taxes for the payment of the principal and interest of bonds of annexed territory shall be limited to the taxable property in the annexed territory.

Urgency

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Sanitary districts as a whole are authorized to provide drainage systems. However, the laws are not clear as to whether

bonds may be issued in an annexed area for the purpose of constructing storm water drains in and for such areas, or whether taxes may be levied to maintain drainage systems in any part of such districts.

Many areas throughout the State are being developed for the purpose of housing army personnel, families of members of the armed forces, and defense workers and their families. It is essential to the public health that storm water drainage systems as well as sanitary sewerage systems be constructed and maintained in said areas. This can be more expediently and economically provided by annexing such areas to existing adjacent sanitary districts than by forming separate new districts with inexperienced officers.

## CHAPTER 54

*An act to add Chapter 4 to Title 3 of Part 4 of Division 3 of the Civil Code, relating to the sale of grain, declaring the urgency of this act, to take effect immediately.*

[Approved by Governor June 21, 1944 Filed with Secretary of State June 21, 1944 ] In effect immediately

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

SECTION 1. Chapter 4 is added to Title 3 of Part 4 of Division 3 of the Civil Code, to read: "Private Bulk Grain Storage Law"

### CHAPTER 4. PRIVATE BULK STORAGE OF GRAIN

1880. This chapter may be cited as the Private Bulk Grain Storage Law.

1880.1. As used in this chapter:

(a) "Grain" includes barley, corn, flax, hay, grain sorghums, "Grain" oats, rice, rye, and wheat.

(b) "Seller" means a producer of grain who continues to store grain after sale thereof by him in storage facilities owned, operated, or controlled by him. "Seller"

(c) "Storage facilities" means any bin, building, elevator, "Storage" protected enclosure, or other structure owned, operated, or controlled by the seller of the grain stored therein.

(d) "Private bulk storage" means the storage of grain in storage facilities after sale of such grain by a seller. "Private Bulk Storage"

(e) "Buyer" means a purchaser of grain which is there- "Buyer" after stored in private bulk storage, and includes the assigns and successors in interest of such buyer.

(f) "Bill of sale" means a written instrument, conforming "Bill of Sale" to the requirements of this chapter, which evidences a transfer of grain.

Marking  
storage  
facilities

1880.2. The seller shall conspicuously mark on all storage facilities "Private bulk storage only" and with a designating number on each such facility and such markings shall be maintained at all times during which grain remains in private bulk storage therein.

Selling  
grain

1880.3. Grain in private bulk storage facilities may be sold in conformity with this chapter by bill of sale without delivery and no provision of Section 3440 of this code or of any other law requiring delivery or actual and continued change of possession shall be applicable to grain so sold.

Bill of  
sale.  
Contents

1880.4. Upon sale of grain which is to remain in private bulk storage the seller shall execute and deliver to the buyer a bill of sale which shall contain all of the following:

- (a) The date and place where made.
- (b) The names of the seller and the buyer.
- (c) A statement of the estimated quantity and kind of grain.
- (d) A statement of the location and designating numbers of the storage facilities in which the grain is stored.
- (e) A statement of the price per unit and a statement of the amount received by the seller.

Same

1880.5. The bill of sale may contain other provisions, including reference to or provision for any one or more of the following:

- (a) Provision that the total price is based upon the estimated weight and that the total price may be adjusted in accordance with the outturn weight.
- (b) A statement that the buyer may have free use of the designated storage facilities until a specified date and that any extension beyond the specified date granted by seller must be endorsed under the signature of seller on the bill of sale.
- (c) A statement that seller has the legal right to extend to buyer the use of designated storage facilities.
- (d) A statement that actual possession of the grain by the buyer is to be taken on board trucks at the storage facility, or on railroad cars, or in the storage facility, or as may be agreed upon.
- (e) A statement that if actual possession be not taken within the time specified, due to any cause not chargeable to seller, the seller may consign the same at buyer's risk and expense to a specified destination.

Passing  
title

1880.6. Execution and delivery by a seller of a bill of sale shall pass seller's title to the grain covered thereby to the buyer and such title passes to the assignees of the buyer upon further endorsement and delivery of the bill of sale.

Notice

1880.7. Upon the issuance of any such bill of sale, the seller shall immediately post upon the storage facilities containing the grain a notice in substantially the following form:

Form

"Notice of Sale

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, grain in this storage facility numbered \_\_\_\_\_, estimated to be \_\_\_\_\_ bushels of

----- (designating the kind of grain) was transferred and sold as follows :

Name of Seller ----- Name of original Buyer -----  
Address of Seller ----- Address of Buyer -----

Grain to be removed by buyer on or before -----, 19\_\_\_,  
(If date extended such fact and the date to which extended must appear on the notice).”

Such notice shall be maintained by seller in a conspicuous place upon the storage facility at all times during which the grain involved continues to be stored therein.

1880.8. No delivery shall be made of any portion of the grain so privately stored unless the bill of sale therefor s presented to the seller, or other person in charge of the storage facility, and the amount of grain so delivered plainly endorsed upon the bill of sale ; but this provision shall not apply .o any consignment of the grain by the seller to the buyer upon the expiration of the time for delivery specified in the bill of sale. Delivery of grain

1880.9. The presentment of the bill of sale by the holder to seller shall be presumptive evidence that the person presenting it is entitled to delivery of the grain described therein unless the seller has knowledge of facts or circumstances sufficient to place him on notice that the possession of the instrument by such person is unlawful. Bill of sale as presumptive evidence

1881. If any grain in private bulk storage is not removed or delivered on or before the original date of delivery specified in the bill of sale and in the notice of sale, it shall be lawful for the seller to continue to store such grain to the order of the buyer upon such terms as may be agreed upon. Continued storage

1881.1. A seller who shall wilfully fail to comply with the requirements of notice and posting as provided for in Section 1880.2 or in Section 1880.7 shall be guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500), or by both. No sale of grain shall be invalidated by reason of any lack or irregularity in connection with such notice or posting. Penalty

1881.2. The storage of grain pursuant to this chapter shall not constitute the depositary a warehouseman or storer of goods for hire and no storage facility shall be deemed to constitute a warehouse or public place of storage. Not a warehouseman

1881.3 The provisions of this chapter shall have no force or effect after December 31, 1945. Effective period  
See also Stats 1945, Ch 337

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

The production and marketing of the grain crop of this State is essential to the health and welfare of the people of the State and to the successful prosecution of the wars in which the United States is now engaged. The shortage of burlap due to war conditions renders it impossible to store grain in bags in

accordance with the established custom. No facilities for public warehousing of bulk grain exist and, due to war conditions, no large scale facilities of such nature can be constructed. It is therefore necessary that provision be made for the sale of grain by the grower without the necessity of an immediate and continued change of possession as heretofore required by law. In order that the grain crop of the current season may be stored after sale on the farms where it is produced, it is necessary that this act take effect immediately.

## CHAPTER 55

*An act to amend Sections 1503.5, 1504, 1505, 1510, 1512, 1513, 1520, 1530, 1560, 1562, 1563, 1570, 1571, 1580, 1584, 1587 and 1591, of Chapter 1 of Division 7; to amend the headings of Article 4, Article 7, Article 8 and Article 10 of Chapter 1 of Division 7; to repeal Article 5 comprising Sections 1540, 1541 and 1542, Article 6 comprising Sections 1550 and 1551, Article 7 5 comprising Section 1565 and Sections 1561, 1582 and 1583 of Chapter 1 of Division 7; and to add Article 5 and Sections 1500.1, 1502.1, 1531, 1532 and 1572 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to civilian defense and protection.*

In effect,  
September  
12, 1944

[Approved by Governor June 21, 1944. Filed with Secretary of State June 21, 1944.]

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

See also  
Stats 1945,  
Ch 1024

SECTION 1. Section 1500.1 is added to the Military and Veterans Code, to read:

1500.1. The State recognizes that changed conditions in the present war since enactment of this chapter in January 1943 require a readjustment of the mechanics and operation of civilian defense activities to adapt the same to changing needs.

Same

SEC. 2. Section 1502.1 is added to said code, to read:

1502.1. As used in this chapter, "director" means the Director of the California State War Council.

Same

SEC. 3. Section 1503.5 of said code is amended to read:

1503.5. Except as to Section 1571, this division shall terminate and have no force and effect at the expiration of six months after cessation of hostilities.

Same

SEC. 4. Section 1504 of said code is amended to read:

1504. As used in this chapter, "protective region" means an area within the State not wholly confined to a single city, or city and county, and not necessarily coterminous with the boundary lines of any city, city and county, or county, in which during periods of a "state of extreme emergency" certain centralized responsibility and authority with respect to the rendering of aid among public agencies is vested in the director over all protective services, personnel, equipment, and facilities within such area.



SEC. 5. Section 1505 of said code is amended to read Same

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot, or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single city, city and county, or county and require the combined forces of a 'protective region or regions' to combat.

SEC. 6. Section 1510 of said code is amended to read. Same

1510. There is hereby created a California State War Council to consist of the following:

- (a) The Governor;
- (b) The Lieutenant Governor;
- (c) The Director of the California State War Council;
- (d) The Attorney General;
- (e) Two representatives of the city governments of the State to be appointed by the Governor and to serve at his pleasure;
- (f) Two representatives of the county governments of the State to be appointed by the Governor and to serve at his pleasure.

Two members of the Senate appointed by the Rules Committee of the Senate, and two members of the Assembly appointed by the Speaker shall meet with and participate in the work of the War Council to the same extent as members of the council appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as Members of the Legislature.

SEC. 7. Section 1512 of said code is amended to read Same

1512. The Governor shall be ex officio chairman and the Lieutenant Governor ex officio vice chairman, of the War Council.

SEC. 8. Section 1513 of said code is amended to read Same

1513. It shall be the duty of the War Council, and it is hereby empowered:

- (a) To act as an advisory body to the Governor in all activities made necessary by the war which requires State direction, administration, assistance or coordination;
- (b) To prepare and recommend for consideration by the Governor rules, regulations or orders which are within the province of the Governor to promulgate;
- (c) To consider and recommend to the Governor for approval the boundaries of such "protective regions" of the State as may be designated;
- (d) To consider and approve interregional and regional mutual aid plans;

(e) To recommend to the Governor the assignment of any protection or war service for which specific provision is not made by Section 1532 to a State department having duties related to such protection or war service.

(f) To consider and recommend the creation by the Governor of advisory committees in order to make available to the State civilian participation and cooperation in civilian defense activities;

(g) To consider and recommend the expenditures of moneys appropriated for any of the objects or purposes of this chapter

Same

SEC. 9. Section 1520 of said code is amended to read:

1520. The Governor shall create advisory committees to assist in specific fields of civilian defense activity. He shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the director and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall not receive compensation from the State for their services under this chapter, but when called into conference or session by the Governor shall be reimbursed for their actual and necessary expenses incurred in connection with such conferences or sessions.

Same

SEC. 10. The heading of Article 4 of Chapter 1 of Division 7 of said code is amended to read:

Article 4. Creating the Office of Director of the California State War Council and Prescribing his Powers and Duties

Same

SEC. 11. Section 1530 of said code is amended to read:

1530. There is hereby created in the office of the Governor, the office of Director of the California State War Council. Such officer shall be appointed by the Governor with the advice and consent of the War Council. He shall serve at the pleasure of the Governor and receive such salary as the Governor shall designate. The Governor shall also employ and fix the salaries of such assistants and employees as he may deem necessary, and shall prescribe their duties.

The director, under the direction and supervision of the Governor, shall be the chief executive officer in carrying out the objects and purposes of this chapter. All of the administrative staff shall be under the supervision and direction of the director. He is the successor of the State Director of Civilian Defense, the State Director of Civilian Protection, and the State Director of Civilian War Services. Whenever any law of this State imposes duties or vests powers in the Director of Civilian Defense, the Director of Civilian Protection, or the Director of Civilian War Services, that duty shall be performed or that power exercised by the Director of the California State War Council with the same force and effect as though said director had been specifically named in such law.

Whenever conditions exist within any region or regions which warrant the proclamation by the Governor of a state of extreme

emergency and the Governor has not acted under the provisions of Section 1580 hereof by reason of the fact that he has been inaccessible (due to causes other than those set forth in Section 16 of Article V of the Constitution), the director may proclaim the existence of a state of extreme emergency in the name of the Governor as to any region or regions of the State.

SEC. 12. Section 1531 is added to said code, to read: Same

1531. The director shall have the following powers and duties:

(a) He shall assist in the coordination of all civilian protection services and all civilian war services in the State, including those of local agencies of government.

(b) He shall encourage and assist local public agencies in the development of mutual aid plans and agreements whereunder they may most effectively protect life and property during periods of emergency.

(c) He shall develop, after advising with appropriate local public officials, a State plan for operation of mutual aid plans and agreements upon a regional or other basis; and to that end shall recommend to the War Council the establishment of protective regions when deemed necessary.

(d) He shall supervise the development and maintenance by the State of such system of emergency communication within and among any protective regions as the War Council from time to time may deem necessary.

(e) He shall direct and supervise the work of the civilian defense advisory committees.

(f) He shall utilize as completely as practicable existing permanent agencies of State Government to carry out functions and activities covered by this chapter.

(g) He shall recommend to appropriate local agencies such civilian war services and civilian protection programs as may from time to time be necessary, and when requested may assist in the initiation of such programs.

(h) During a period of a state of extreme emergency, he shall exercise such powers in the name of the Governor as may be delegated to him by the Governor in order to carry out the purposes of this chapter.

(i) Whenever a state of extreme emergency has been declared in any region he is empowered to order the moving up of mutual aid equipment and personnel in accordance with duly approved interregional mutual aid plans whether or not a state of extreme emergency has been declared in such regions.

SEC. 13. Section 1532 is added to said code, to read: Same

1532. In addition to such other assistants to the director as may be appointed, the Governor shall appoint:

(a) An experienced chief fire officer as assistant to the director for fire service, who, acting for the director and under his supervision and control, shall administer and continue in effect, subject to the provisions of this chapter, the State Fire Disaster Plan as heretofore approved by the State Council of

Defense, as said plan may have been or may hereafter be modified or amended by the State War Council.

(b) An experienced chief law enforcement officer as assistant to the director for law enforcement, who, acting for the director and under his supervision and control shall develop, administer, and continue in effect, subject to the provisions of this chapter, any State Law Enforcement Disaster Plan heretofore or hereafter approved by the State War Council.

Repeal

SEC. 14. Article 5 of Chapter 1 of Division 7 of said code, comprising Sections 1540, 1541 and 1542, is repealed.

Article heading

SEC. 15. Article 5, comprising Sections 1540, 1541 and 1542, is added to Chapter 1 of Division 7 of said code, to read:

Article 5. Prescribing Duties of Regular State Agencies

See also  
Stats 1945,  
Ch. 1024

1540. The Governor, whenever the War Council so recommends, shall assign to a State department any protection or war services activity of a nature related to the existing powers and duties of such agency, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the State and in cooperation with the director.

Same

1541. Any unexpended and unencumbered balance remaining on the effective date of this section of the sum appropriated by Chapter 293, Statutes of 1943, and any such balance of the sum appropriated by Section 3 of Chapter 1, First Extraordinary Session of 1943 (Statutes of 1943, p. 3377), shall on said effective date be transferred to the Emergency Fund, Item 221 of the Budget Act of 1943, said balance to be available according to the procedure provided in said Item 221, but only for the purposes of this chapter; said moneys to be allotted to a State agency having duties pursuant to Section 1540, or allotted to the Governor, to be expended under his direction, in carrying out, through the War Council and the office of the director, the objects and purposes of this chapter.

Same

1542. Any new position or employment created in any agency of State Government to carry on any of the activities provided for in this chapter shall terminate with the termination of this chapter, as the same is provided for in Section 1503.5 hereof.

Repeal

SEC. 16. Article 6 of Chapter 1 of Division 7 of said code, comprising Sections 1550 and 1551, is repealed

See also  
Stats 1945,  
Ch 1024

SEC. 17. The heading of Article 7 of Chapter 1 of Division 7 of said code is amended to read:

Article 7. Authorizing the Creation of Protective Regions

Same

SEC. 18. Section 1560 of said code is amended to read:

1560. The Governor with the advice of the War Council, is hereby authorized and empowered to divide the State into protective regions.

Repeal

SEC. 19. Section 1561 of said code is repealed.

See also  
Stats 1945,  
Ch 1024

SEC. 20. Section 1562 of said code is amended to read:

1562. During the period of a state of extreme emergency when the need arises for outside aid in any county, city and

county, or city within the region such aid shall be rendered in accordance with the regional mutual aid plans developed in the manner provided for herein. It is the responsibility of the director to enforce the fulfillment and carrying through of such regional mutual aid plans and it shall be the duty of local public officials to whom the orders of the director shall be directed in the enforcement thereof to comply therewith.

The responsibility vested in the director to enforce such regional mutual aid plans shall not be delegated to commanders of defense corps or other officers, employees or agents of counties, cities and counties, cities or other public agencies. The foregoing provision shall not preclude or interfere with the vesting in officers or employees of such local agencies of government as a part of such mutual aid plans, such authority, duties and responsibilities as are deemed necessary in the operation and administration of such plans.

SEC. 21. Section 1563 of said code is amended to read: Same

1563. In the development of the regional mutual aid plans the director shall provide for the most effective use of State personnel and equipment as a part of such plans and during periods of a state of extreme emergency he shall exercise the same authority over the use of such equipment and personnel as he does with respect to the equipment and personnel of local agencies under the provisions of Section 1562 hereof.

SEC. 22. Article 75, comprising Section 1565 of Chapter 1 of Division 7, of said code, is repealed. Repeal

SEC. 23. The heading of Article 8 of Chapter 1 of Division 7 of said code is amended to read: Article heading

#### Article 8. Local War or Disaster Councils

SEC. 24. Section 1570 of said code is amended to read:

1570. Every county, city and county and city may create a civilian defense department or agency and provide for the organization, powers, and duties thereof by ordinance or resolution duly enacted by its governing body, or if heretofore created may continue such department or agency in existence. In the creation of such department or agency such county, city and county, or city may establish a local war council or defense council and may also provide for such officers and committees as in the opinion of the local legislative body are required, and may prescribe their powers and duties.

Any disaster council established as provided in Section 1571 shall, if so provided by the ordinance or resolution creating it, for the purposes of this chapter or any other law of this State, constitute a war council or defense council.

SEC. 25. Section 1571 of said code is amended to read: Same

1571. Every county, city and county, and city may create a disaster council by ordinance or resolution. A disaster council shall develop a plan for meeting any condition of extreme peril which is specified in Section 1505 as constituting the basis for a declaration of extreme emergency; such plan shall provide

See also  
Stats 1945,  
Ch 1024

for the effective mobilization of all the resources of the community, both public and private. Such ordinance or resolution shall provide for the organization, powers, and duties of such officers and committees as in the opinion of the local legislative body are required.

Neither this chapter nor anything expressed in it is intended to be or is to be construed as a denial of the power of such local agencies to establish such departments pursuant to Article XI, Section 11, of the Constitution.

Same      SEC. 26. Section 1572 is added to said code, to read:

1572. The emergency power which may be vested in a local public official during a period of a state of extreme emergency duly proclaimed as provided in this chapter, shall be subject or subordinate to the powers herein vested in the Governor and in the director.

Same      SEC. 27. Section 1580 of said code is amended to read:

1580. The Governor is hereby empowered to proclaim a state of extreme emergency in the protective region or regions affected or likely to be affected thereby. Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible it shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given of such proclamation.

Repeals      SEC. 28. Section 1582 of said code is repealed.

SEC. 29. Section 1583 of said code is repealed.

See also      SEC. 30. Section 1584 of said code is amended to read:

Stats 1915,  
Ch 1024

1584. During the period of a state of extreme emergency, every department, commission, agency, board, officer and employee of the State Government and of every political subdivision, county, city, city and county, public district and public corporation of or in this State is required to comply with the lawful rules, regulations, and orders of the Governor and with the lawful orders of the director made or given within the limits of their authority as provided for herein. Every such officer or employee who refuses or wilfully neglects to obey such rules, regulations or orders of the Governor, or such orders of the director or who wilfully resists, delays or obstructs the Governor or the director in the discharge of any of their respective functions hereunder, is guilty of a misdemeanor. In the event that any such officer or employee shall refuse or wilfully neglect to obey any such rules, regulations or orders, the Governor may by his order temporarily suspend him from the performance of any and all the rights, obligations and duties of his office for the remainder of the period of the state of extreme emergency, and the Governor may thereupon designate the person who shall carry on the rights, obligations and duties of the office for the duration of such suspension.

Same      SEC. 31. Section 1587 of said code is amended to read:

1587. In the event that the Governor, or the director, during a state of extreme emergency and in the exercise of the emergency war powers vested in such officers respectively, shall order the officers, employees, or agencies of any county, city and

county, city or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency, shall be deemed conclusively to be for the direct protection and benefits of the inhabitants and property of such agency. In the event that any equipment belonging to any county, city and county, city or district is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment during a state of extreme emergency, the public agency suffering loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 1586 of this chapter. Such agency shall have no claim against the State for services of such personnel or for the rental, use or ordinary wear and tear of such equipment. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of such officers, agents or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this chapter.

SEC. 32. The heading of Article 10 of Chapter 1 of Division 7 of said code is amended to read: Article  
heading

#### Article 10. Responsibilities and Immunities of Volunteers

SEC. 33. Section 1591 of said code is amended to read:

1591. (a) Volunteers duly enrolled or registered with any war, defense, or disaster council of any public agency in carrying out, complying with, or attempting to comply with, any order, rule or regulation issued or promulgated pursuant to the provisions of this chapter, or performing any of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of counties or cities performing similar work for their respective entities.

(b) No political subdivision, municipal corporation or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof acting within the scope of their official duties under this chapter shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in civilian defense activity. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any Federal or State statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

See also  
Stats 1945,  
Ch 1024

CHAPTER 56

An act to add Section 1760.6 to the Welfare and Institutions Code, relating to the Youth Authority, authorizing it to require persons committed thereto to perform work on certain Federal projects and in activities within this State, and to make contracts in relation thereto, and providing for the disposition of money received thereunder, to take effect immediately.

In effect immediately

[Approved by Governor June 21, 1944 Filed with Secretary of State June 21, 1944 ]

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

See also Stats 1945, Ch 639 Services needed by Federal Government

SECTION 1. Section 1760.6 is added to the Welfare and Institutions Code, to read:

1760.6. (a) The Authority may require persons committed to the Authority to be employed in the rendering of such services and the production and manufacture of such articles, materials, and supplies as are now or may hereafter be needed by the Federal Government or any department, agency or corporation thereof until the termination of the present National emergency declared to exist by the President of the United States by his proclamation of September 8, 1939, or until the termination of the present war and six months thereafter, whichever of the foregoing first occurs. For the purposes of this section, the Authority, with the approval of the Department of Finance, may enter into contracts with the Federal Government or any department, agency, or corporation thereof.

Growing, etc. of crops

The Authority may also require persons committed to its jurisdiction to assist with the growing, processing, and harvesting of crops, and in the protection of natural resources. To this end the Authority, with the approval of the Department of Finance, may enter into contracts with the State of California and with private corporations and individuals. Contracts made under this section shall provide for the payment to the Youth Authority of the wage prevailing for the same type of work in the community in which the work is to be performed.

Rules

(b) In order fully to effectuate the purposes of this section and Section 1760.5 the Authority may do any and all things deemed necessary by it to that end, including the making of rules and regulations governing the persons committed to it who are employed pursuant to any contract contemplated by this section and Section 1760.5.

Payment of expenses

(c) The current support appropriations of the Authority and its correctional schools and other facilities may be used to meet the expenses necessary in the purchasing of material and equipment, for the maintenance and supervision of the work programs provided for by this section and Section 1760.5, and for making the payments provided for in this section. All money received by the Authority pursuant to any contracts entered into under either section shall be paid into the State



treasury, and credited to the support appropriation of the Authority or of the correctional school or other facility rendering the service, in augmentation thereof. The appropriation to be credited shall be the appropriation current at the time of rendering the services. The Authority shall pay to each person committed to its custody and rendering services under contracts made pursuant to this section and Section 1760.5 such sum as the Authority deems proper and consistent with the purposes of this chapter. The Youth Authority may make such payments to each individual at such time as it may determine.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The United States Government has requested that persons committed to the Youth Authority be permitted to work on war-time Federal projects pursuant to contracts to be entered into between the Federal Government and the Authority. In view of the critical manpower shortage in public offices, in private industries and agricultural activities within this State, it is essential that the work herein authorized be commenced at the earliest possible date. The present law does not clearly authorize the making of such contracts as are contemplated by this act. In order to permit the inauguration of the contemplated program of urgently needed and beneficial work at the earliest possible moment, it is necessary that this act take effect immediately.

## CHAPTER 57

*An act to amend Section 3 of an act entitled "An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor," approved May 18, 1943, relating to county postwar highway construction projects, declaring the urgency thereof, and providing this act shall take effect immediately.*

Stats 1943,  
p 2135,  
amended

[Approved by Governor June 21, 1944. Filed with Secretary of State June 21, 1944.]

In effect  
immediately

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

SECTION 1. Section 3 of the act cited in the title hereof is amended to read:

Stats 1943,  
p 2135

Sec. 3. The board of supervisors of each county shall submit a budget of proposed postwar construction projects on county highways to the department, showing the estimated expenditure of such funds recommended to be made. Projects shall be selected on the basis of importance, as farm to market roads, or feeder roads to the State Highway System, or county highways

Budget of  
postwar  
construction  
projects

of major importance within cities. Such budget shall be submitted on such forms as the department may specify. Such budget may include projects outside or within the boundaries of the county, and as to any such projects, funds under this act may be used to cooperate with other governmental agencies interested in the project, upon such terms as may be agreed upon.

The department may refuse to approve any such budget or any item thereof, if, in the opinion of the department, the work proposed to be done, or the expenditures proposed to be made, as outlined therein, are excessive, or if, in the opinion of the department, the proposed project does not comply with the requirements of this act as to the type of projects to be selected.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

It is vitally necessary that plans be made at this time for postwar construction and that funds be made available for the most useful types of projects which can be chosen. There are many instances in the State where counties are desirous of aid projects without their boundaries and unless the amendment made by this act is given immediate effect, the appropriation heretofore made for postwar construction will not be available for such projects, with the result that the necessary planning for such projects will be delayed to the extent that construction will not be possible at the close of the war when the need for postwar employment will be most pressing.

## CHAPTER 58

*An act to submit to the people at the general election on November 7, 1944, a proposed amendment to the Constitution of this State, relating to compensation of officers, to declare the urgency of this act, and to provide that this act shall go into immediate effect.*

In effect  
immediately

[Approved by Governor June 21, 1944. Filed with Secretary of State June 21, 1944.]

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

Submission  
of amend-  
ment to  
Constitution

See Stats  
1945, p. 282

Drafting of  
argument

SECTION 1. Senate Constitutional Amendment No. 1, a proposal by the Legislature adopted in extraordinary session commencing on the fifth day of June, 1944, to amend Section 5 of Article XI of the Constitution of the State of California shall be submitted to the people of the State at the general election to be held on the seventh day of November, 1944.

SEC. 2. (a) Within five days after the taking effect of this act the author of the proposed amendment, or in case the author declines, one member of the Senate voting in favor of the proposed amendment, shall be appointed by the President of the

Senate to draft an argument for the proposed amendment; and within a like period

(b) A qualified person shall be appointed by the President of the Senate to draft an argument against the proposed amendment.

(c) Each argument shall be not more than 500 words in length, and shall be submitted to the Secretary of State within 20 days after this act takes effect.

SEC. 3. If an argument for or against said amendment shall not be filed with the Secretary of State in accordance with the provisions of this act, the Secretary of State shall by general press release request voters to submit arguments. Procedure if no argument filed

SEC. 4. The press release shall be mailed upon the twenty-fifth day after this act takes effect and shall consist of an announcement containing: Press release

(a) A summary of the essential nature or purpose of the proposed amendment.

(b) A statement as to whether the affirmative, negative, or both arguments have been filed.

(c) An invitation to any and all voters or groups of voters to submit and file with the Secretary of State prior to or upon the forty-fifth day after this act takes effect, arguments for or against the proposed amendment, as to which an argument for or against has not been filed.

The Legislative Counsel Bureau shall prepare the summary of the proposed amendment.

SEC. 5. Any voter or any group of voters may at any time within the time limit prepare and file an argument for or against the proposed amendment as called for by the press release. Right to file argument

SEC. 6. If more than one argument for or more than one argument against the proposed amendment are filed within time, the Secretary of State shall select one of the arguments for printing in the voters' pamphlets. In selecting the argument the Secretary of State shall give preference and priority in the order named to the arguments of the following: More than one argument

- (a) Members of the Legislature.
- (b) Bona fide associations of citizens.
- (c) Individual voters.

SEC. 7. The provision of Division 4, Chapter 1, and Division 6, Chapter 2, of the Elections Code so far as they are applicable and are not contrary to provisions of this act are incorporated herein by reference and made a part of this act for submission of the proposed amendment to the people with the same force and effect as if the proposed amendment were expressly mentioned in such provisions of the Elections Code. Law applicable

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall, therefore, under the provisions of Section 1 of Article IV of the Constitution take effect immediately. The facts constituting such necessity are as follows: Urgency

The Legislature in extraordinary session has considered and proposed to the people a certain amendment to the Constitution

relating to the compensation of officers. In order that the people may be informed of the contents and of the arguments for and against the proposed constitutional amendment it is necessary that this act take effect immediately so that this information can be prepared for the voters prior to the election at which this proposed constitutional amendment is to be submitted, and that the right to vote may be exercised intelligently with full knowledge of the facts thereby effectively safeguarding the public peace, health and safety.

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## CHAPTER 59

*An act to add Section 20495 to the Education Code and to add Article 14 to Chapter 7 of Division 4 of said code, relating to the education of veterans, making an appropriation, declaring the urgency of this act, and providing that this act shall take effect immediately.*

In effect  
immediately

[Approved by Governor June 21, 1944 Filed with Secretary of State  
June 21, 1944 ]

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

SECTION 1. Article 14 is added to Chapter 7 of Division 4 of the Education Code, to read :

### ARTICLE 14. VETERANS EDUCATION

Contracts  
for educa-  
tion of  
veterans

9201. Subject to the provisions of this article, the Department of Education acting by and through the Director of Education is hereby authorized to enter into an agreement, or agreements, with the Veterans Administration, or any other agency of the Federal Government, for the education of veterans in any of the schools and colleges of the public school system. Such contract shall provide for the payment to such schools and colleges through the Department of Education or otherwise of the maximum amount permitted by the act, or acts, of Congress under which the agreement, or agreements, is entered into by the Veterans Administration, or any other agency of the Federal Government.

Powers of  
director

9202. The Director of Education is vested with all necessary power and authority to cooperate with any such agency of the Federal Government in the administration of any applicable act of Congress and rules and regulations adopted thereunder.

Agreements  
with school  
districts

9203. The Department of Education through the Director of Education is authorized to enter into agreements with governing boards of school districts for the education by such districts of veterans in accordance with the agreement between the Department of Education and the agency of the Federal Government.

9204. The Department of Education shall exercise general supervision over, and shall provide for the coordination of, all services and facilities performed and provided by school districts for the education of veterans to the end that the needs of the veterans shall be met in the most adequate manner.

Supervision  
by  
department

9205. The governing board of any school district which entered into an agreement with the Department of Education under this article may do any and all things required or authorized by such agreement of the board or district, including, but not limited to, the purchase of books, supplies and equipment for veterans educated under such agreement.

Powers of  
school  
district  
board

9206. The provisions of Article 12 of this chapter shall apply to all funds received by the State or any agency of the State under this article.

Funds

SEC. 2. Section 20405 is added to the Education Code, to read:

20405. The Director of Education is authorized to do any and all things required or authorized to be done by him or by any school or college under the jurisdiction of the Department of Education under any agreement entered into by him under Article 14 of Chapter 7 of Division 4 of this code including, but not limited to, the purchase of books, supplies and equipment for veterans educated in such school or college under such agreement.

Education  
of veterans

SEC. 3. Out of any moneys in the State treasury not otherwise appropriated there is hereby appropriated to the Department of Education the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary to be expended during the Ninety-sixth Fiscal Year by the Director of Education for the performance of his powers and duties under Article 14 of Chapter 7 of Division 4 of the Education Code.

Appropriation

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of facts constituting such necessity is as follows:

Urgency

There are now many, and there will be increasing numbers of, veterans of World War II the rehabilitation of whom, through agencies of the Federal Government, will require the facilities and services of the public school system to an unprecedented degree. In order that such facilities and services can be made available for such veterans immediately and thus facilitate their rehabilitation, it is necessary that this act take immediate effect.

CHAPTER 60

*An act to add Section 20344.1 to the Education Code, relating to the support of the public schools, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor June 21, 1944 Filed with Secretary of State June 21, 1944.]

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

SECTION 1. Section 20344.1 is added to Education Code, to read:

Education of veterans: Federal funds

20344.1. All moneys received by or for any school or college under the jurisdiction of the Department of Education from any agency of the Federal Government, directly or indirectly, for the education of veterans, are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The purpose of this act is to facilitate the providing of adequate services and facilities for the education of veterans. In order that this purpose may be accomplished at the earliest possible time, it is necessary that this act take immediate effect.

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CONCURRENT AND JOINT  
RESOLUTIONS AND CONSTITUTIONAL  
AMENDMENTS

FOURTH EXTRA SESSION

1944

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# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE FOURTH EXTRA SESSION OF THE  
FIFTY-FIFTH LEGISLATURE

## CHAPTER 1

*Senate Concurrent Resolution No. 1—Relative to Joint Rules  
of the Legislature.*

[Filed with Secretary of State June 8, 1944 ]

*Resolved by the Senate of the State of California, the Assembly* Joint Rules  
*by thereof concurring, That the Joint Rules of the Legislature  
of the Fifty-fifth (Third Extraordinary) Session, as the same  
appear in Senate Concurrent Resolution No. 1 of that session,  
be and the same are hereby adopted as the Joint Rules of  
the Legislature for this Fifty-fifth (Fourth Extraordinary)  
Session.*

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## CHAPTER 2

*Senate Concurrent Resolution No. 2—Relative to the death of  
Ralph H. Clock.*

[Filed with Secretary of State June 8, 1944 ]

WHEREAS, The members who served in the Senate during the 1931 Session were shocked a few days ago by the announced death of Senator Ralph H. Clock and the pleasant associations which grew out of that service were severed when he passed from life into eternity. Death of  
Ralph H.  
Clock

Senator Clock was elected at a special election held in the early part of 1931 to fill an unexpired term. He entered the Senate upon its reconvening after the constitutional recess in 1931. His pleasing personality, his knowledge of the law and his whole-hearted cooperation in bringing into existence constructive legislation soon won for him the admiration, respect and friendship of all the members of the Senate. When he voluntarily left the Senate, there was a general regret expressed by all those who knew him.

Senator Clock was a native of Iowa. He was born in 1878. He graduated from Drake University at Des Moines in 1904. Like many other Iowans, he moved to California and became a



resident of this State in 1910. He was an able lawyer. He served as judge of the Superior Court of Los Angeles County, but being interested in wild life, he accepted an appointment on the State Fish and Game Commission and was an advocate of those measures which were necessary in the protection of game and in affording hunting privileges to the sportsmen.

His untimely death is unfortunate, but as the life of all is in the hands of our Maker, we must bow to the inevitable.

Ralph Clock is gone, but his memory will remain with us as long as we survive; therefore, be it

*Resolved*, That when we adjourn today, we do so out of respect to our departed member; and be it further

*Resolved*, That this resolution be printed in the official records of the Senate, and an engrossed copy sent to the bereaved widow.

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### CHAPTER 3

*Senate Concurrent Resolution No. 3—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 15, 1944.*

[Filed with Secretary of State June 8, 1944 ]

City of  
San Jose:  
Charter  
amendments

WHEREAS, Proceedings have been had and taken for the purpose of adoption and ratification of two amendments, hereinafter set forth, to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, as set forth in the certificate of the President of the Council and the City Clerk of said City of San Jose, as follows, to wit:

#### CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SAN JOSE OF CERTAIN CHARTER AMENDMENTS.

State of California, }  
County of Santa Clara, } ss.  
City of San Jose. }

Certificate

We, the undersigned, EARL C. CAMPBELL, President of the Council of the City of San Jose, County of Santa Clara, State of California, and DOROTHY COVILL, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, is now, and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1915 has been, and

now is, organized, existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at the general municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California on the 12th day of May, 1915 (Statutes 1915, page 1869);

That the legislative body of said City, being the Council of the City of San Jose, by Ordinance No. 2968, duly adopted on March 13, 1944, and Ordinance No. 2972, duly adopted on April 8, 1944, directed that two propositions for the amendment of the charter of said City, designated as Charter Amendment No. 1 and Charter Amendment No. 2, be submitted to the electors of said City at the general municipal election to be held in said City on May 15, 1944, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and directed the City Clerk to print upon the ballot to be used at said election two proposals summarizing said proposed amendments, and to give notice of the submission of said proposed charter amendments in accordance with the above mentioned constitutional provisions, and the election laws applicable to such matters;

That said general municipal election was duly and regularly called and held on said 15th day of May, 1944, which day was not less than forty, nor more than sixty days after the completion of the publication and advertising of said proposed amendments in the newspaper hereinafter mentioned;

That said proposed amendments were published and advertised in accordance with the requirements of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of San Jose, on the following dates: Proposed Charter Amendment No. 1 on March 22, 1944, and Proposed Charter Amendment No. 2 on March 29, 1944, in the San Jose News, a daily newspaper of general circulation published, printed and circulated in the City of San Jose, County of Santa Clara, State of California, and in each edition thereof during the days of said publication; that copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and that until the day fixed for said election, and as required by Section 8 of Article XI of the Constitution of the State of California and by the Charter of the City of San Jose, a notice was advertised and published in the San Jose News, a daily newspaper of general circulation published, printed and circulated in said City, that copies of said proposed charter amendments might be had upon application therefor at the office of the City Clerk of said City of San Jose;

That such copies could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election;

That copies thereof were mailed to each of the qualified electors of said City, as required by law ;

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and of the Charter of said City of San Jose, and Resolution No. 6847 of the legislative body thereof, duly adopted on April 3, 1944, there was held in the City of San Jose on the 15th day of May, 1944, a general municipal election, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, and of said charter, and said resolution, the said proposed charter amendments were submitted to the qualified electors of said City for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of, and did ratify both of said proposed amendments to the Charter of said City, being Charter Amendments Nos. 1 and 2, as hereinafter set forth ;

That the Council of the City of San Jose, in accordance with the law in such cases made and provided, did meet on the 15th day of May, 1944, at its usual time and place of meeting, and duly canvassed the returns of said election, as certified by the election boards, and duly found, determined and declared that said proposed amendments to the charter of the City of San Jose, designated Charter Amendment No. 1 and Charter Amendment No. 2, and each of them, were ratified by a majority of the qualified electors of said City voting thereon ;

That the amendments to the said Charter, so ratified by the electors of said City of San Jose, are in words and figures as follows :

#### CHARTER AMENDMENT NO. 1

San Jose  
Unified  
School  
District

Section 124. The Government, maintenance, and administration of the San Jose Unified School District shall be in accordance with and pursuant to the provisions of the School Code of the State of California as it now exists and as the same may be hereafter changed and amended. Such district shall be governed by an elective board of education of five members as provided by said School Code.

The members of said Board of Education shall serve as follows :

Commencing with the election of 1946, elections of members of said Board of Education shall be held at the times and in the manner provided by the School Code of the State of California, provided, however, that the three members to be elected at said election shall so classify themselves by lot that the term of one shall expire in 1949 and the term of two shall expire in 1950.

At the election of 1948, two members of the said Board of Education shall be elected at the time and in the manner provided by the School Code, provided, however, that they shall so classify themselves by lot that the term of one shall expire in 1951 and the term of the other in 1952.

All articles, sections and parts of sections in conflict herewith are repealed, and Sections 125, 126 and 127 of the Charter of the City of San Jose are hereby expressly repealed.

## CHARTER AMENDMENT NO. 2

### Qualifications

Section 77. Every person appointed to the police and fire departments, excepting the respective chiefs thereof, subsequent to the first day of July, 1916, shall be not less than twenty-one nor more than thirty-five years of age, and must possess the physical qualifications prescribed by the civil service commission. They must also pass a satisfactory mental examination under the rules prescribed by the civil service commission.

Police and  
Firemen's  
Age  
require-  
ments

That we have compared the foregoing amendments (Charter Amendments Nos. 1 and 2) with the original proposals submitted to the qualified electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof;

And we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

IN TESTIMONY WHEREOF, we have set our hands, and caused the same to be authenticated by the seal of said City of San Jose this 29th day of May, A. D. 1944.

Certificate

EARL C. CAMPBELL

President of the Council of the City of  
San Jose

DOROTHY COVILL

City Clerk of said City

[SEAL]

WHEREAS, Said proposed amendments to the charter of the City of San Jose, so ratified by the majority of the electors voting thereon at the general election held on the fifteenth day of May, 1944, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring*, A majority of all members elected to each house voting for the adoption of this resolution and concurring therein, the said amendments to the charter of the City of San Jose, as proposed, adopted and ratified by the electors of the said City of San Jose, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the City of San Jose.

Approval

CHAPTER 4

*Senate Concurrent Resolution No. 4—Approving certain amendments to charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the eleventh day of April, 1944.*

[Filed with Secretary of State June 8, 1944 ]

City of  
San  
Leandro  
Charter  
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, as set out in certificate of the Mayor and City Clerk of the city of San Leandro, as follows, to wit:

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA } SS  
CITY OF SAN LEANDRO }

Certificate

We, the undersigned, Thomas O. Knick, Mayor of the City of San Leandro, State of California, and E. F. Hutchings, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Leandro, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants but less than fifty thousand population and has been ever since the twentieth day of July, 1933, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the twelfth day of July, 1933, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the Twentieth day of July, 1933. (Statutes of 1933, p. 3196).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its amended Resolution No. 627 C M.S., entitled, "Resolution providing for the holding of a general municipal election of three members of the City Council, City Clerk, City Treasurer, and three members of the Board of Education, proposing six amendments to the City Charter, and providing that notice of said election be given", duly and regularly submitted to the qualified electors of said city three certain proposals to amend the charter of said city and to be voted on by qualified electors at a regular municipal election called and held for that purpose in said city on the 11th day of April, 1944.

That said three certain proposals were designated and entitled as follows:

“PROPOSITION NO. 2

Shall Article XVII Section 3 of the City Charter of the City of San Leandro be amended to facilitate an employees' retirement system, to exclude from the city tax limit of one dollar per hundred dollars valuation taxes for the purpose of raising the amount estimated to be required to provide sufficient revenue to meet the annual obligation of this City to the State of California Employees' Retirement System by reason of participation therein by the eligible employees of this City?"

“PROPOSITION NO. 5

Shall Article VI Section 5b of the Charter of the City of San Leandro be amended to require publication of ordinances before, rather than after, final passage?"

“PROPOSITION NO. 6

Shall Article V Section 6 of the Charter of the City of San Leandro be amended to provide that the office of any member of the City Council be vacated who absents himself from all regular meetings thereof for a period of 55 consecutive days after the last regular meeting which he attended, unless by permission of a majority of the City Council?"

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of San Leandro, on the 25th day of February, 1944, in "The San Leandro News-Observer", a weekly newspaper of general circulation published in the City of San Leandro and the official newspaper of said City of San Leandro, and in each edition thereof, during the day of publication.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, said proposed amendments were submitted to the voters at said general election on the 11th day of April, 1944, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in "The San Leandro-News Observer", the official newspaper of said City.

That thereafter on the eighteenth day of April, 1944, the City Council of the City of San Leandro in the manner provided by law, did regularly canvass the returns of said election, and did on said day duly certify the result of the canvass of the said returns of said municipal election by Resolution No. 634 adopted on the said 18th day of April, 1944, and declared the result of said municipal election as determined from the canvass of the returns thereof; and by said Resolution did find, determine and declare that said proposed amendments to the Charter of the

City of San Leandro were ratified by a majority of electors of said City voting thereon.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of San Leandro so ratified by the electors of said City are in words and figures as follows, to-wit:

That Article XVII of the City Charter be amended by amending Section 3 thereof to read as follows:

Tax limit

“Section 3. Dollar limit. The amount of the annual tax levy, exclusive of taxes for school purposes and for the purpose of raising the amount estimated to be required to provide sufficient revenue to meet the annual obligation of this City to the State of California Employees’ Retirement System by reason of participation therein by the eligible employees of this City, shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed.

Nothing in this section shall be construed to prevent the City from having or contracting a bonded indebtedness or from collecting in addition to the taxes herein authorized to be levied and collected such taxes as are required by law for the payment of such indebtedness and the interest thereon.”

That Article VI of the City Charter be amended by amending section 5b thereof to read as follows:

Enactment  
of  
ordinances

“5b. The enacting clause of all ordinances shall be as follows: ‘The City Council of the City of San Leandro does ordain as follows: Every ordinance must be signed by the mayor and attested by the clerk and must be published by the City Council prior to its final passage at least once in the official newspaper referred to in Article XVIII Section 4 hereof.’”

That Article V of the City Charter be amended by amending Section 6 thereof to read as follows:

Absence  
of City  
Councilman

“Section 6 Absence. In case a member of the City Council absents himself from all regular meetings thereof for a period of 55 consecutive days after the last regular meeting which he attended, unless by permission of a majority of the City Council, his office shall become vacant and the same shall be filled as in the case of other vacancies.”

Certificate

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Leandro with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this nineteenth day of April, 1944.

THOMAS O. KNICK  
Mayor of the City of San Leandro  
E. F. HUTCHINGS  
City Clerk of the City of San Leandro

[SEAL]

WHEREAS, Said proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, A majority of all members elected to each house voting therefor, and concurring therein, that the amendments to the charter of the City of San Leandro, as proposed to, and adopted and ratified by the qualified electors of the City of San Leandro, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as parts of, the charter of the City of San Leandro.*

CHAPTER 5

*Senate Concurrent Resolution No. 6—Approving a certain amendment to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the sixteenth day of May, 1944.*

[Filed with Secretary of State June 9, 1944]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, as set out in the Certificate of the Mayor of the City of San Bernardino and the City Clerk of said City, as follows, to wit:

CERTIFICATE

State of California }  
 County of San Bernardino } ss.  
 City of San Bernardino }

We, the undersigned, W. C. Seccombe, Mayor of the City of San Bernardino, and John H. Osborn, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, now is and at all times herein mentioned was a city containing a population of more than thirty-five hundred inhabitants but less than fifty thousand inhabitants, and is now, and has been, ever since the 8th day of February, 1905, organized, existing and acting under a freeholders Charter adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the



State of California, which Charter was duly ratified by the qualified electors of said City, at an election held for that purpose, on the 6th day of January, 1905, and approved by the Legislature of the State of California on the 8th day of February, 1905 (Statutes 1905, page 940, et seq.).

That in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, on its own motion, the Council of the City of San Bernardino, by Ordinance No. 1712, duly and regularly submitted to the qualified electors of the said City of San Bernardino that certain proposed amendment to the Charter of the City of said City, said Charter amendment being designated as proposed Charter amendment Number One, to be voted upon by said qualified electors at a special election called and held for that purpose in said City on the 16th day of May, 1944, consolidating said special election with State special election to be held in said City on the 16th day of May, 1944, and authorizing said Board of Supervisors to canvass the return for said special Charter election.

That said proposed Charter amendment was published and advertised in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, on the 25th day of March, 1944, in the San Bernardino Daily Sun, a daily newspaper of general circulation published in said City and of general circulation therein, there being no official newspaper in said City, and in each edition thereof during said day of publication.

That said City contained a population less than fifty thousand inhabitants and, therefore, no distribution of copies of said proposed Charter amendment was necessary. However, that copies of said proposed Charter amendment were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors of said City, in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the Office of the City Clerk of the City of San Bernardino was each day duly and regularly published in the San Bernardino Daily Sun, a newspaper of general circulation published in said City, up to and including May 16, 1944, the day of said election, all as required by Section Eight of Article XI of the Constitution of the State of California;

That copies of said pamphlet containing said proposed Charter amendment could be had upon application therefor at the office of the City Clerk to and including the 16th day of May, 1944, the date fixed for said election.

That said City of San Bernardino is a municipal corporation of the State of California, having a population of more than thirty-five hundred inhabitants but less than fifty thousand inhabitants.

That the Common Council of said City, by an Ordinance designated "Ordinance No. 1712," did call and order the hold-

ing of a special municipal election in the City of San Bernardino on the 16th day of May, 1944, which date was not less than forty days nor more than sixty days after the completion of the publication of such proposed Charter amendment to said Charter in the San Bernardino Daily Sun, and which said Ordinance calling said election specified, ordered and ordained that said proposed Charter amendment be submitted to the qualified electors of said City, at said special election, for their ratification and rejection, and that said Common Council did by said Ordinance No. 1712 order said special election consolidated with the State special election to be held in the City of San Bernardino on said 16th day of May, 1944.

That said special municipal election was held in the City of San Bernardino on the 16th day of May, 1944, and that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify said Charter amendment to the Charter of said City, being Proposition Number One, hereinafter specifically set forth, and that the Board of Supervisors of said County of San Bernardino did in accordance with the law in such cases made and provided, duly and regularly canvass the returns of said election and did duly find, determine and declare the result of said special election, as determined from the canvass of the returns thereof, to be that a majority of the qualified electors of said City voting on said Charter amendment hereinafter set forth, and designated as Proposed Charter amendment No. One, voted for and ratified said amendment, and that the City Council of the City of San Bernardino, in accordance with the law in such cases made and provided, did duly and regularly adopt and approve the canvass so made and declared by the Board of Supervisors of the County of San Bernardino, and on the 29th day of May, 1944, found, determined and declared that said Proposed Charter amendment No. One, was ratified by a majority of the electors of said City voting thereon, and thereafter the City Clerk and ex-Officio Clerk of the Mayor and Common Council of the City of San Bernardino did enter the record thereof in the Minutes of said Mayor and Common Council.

That said amendment to the Charter of the City of San Bernardino so ratified by the electors of the City of San Bernardino is in words and figures, as follows, to-wit:

#### PROPOSED CHARTER AMENDMENT NO. ONE

That the City Charter of the City of San Bernardino be amended by adding thereto a new section, which section shall read as follows, to-wit:

“Section 234(a). The Mayor and Common Council shall, with all due diligence, contract with the Board of Administration of the State Employees Retirement System, and do all things necessary to provide for the participation by the City of San Bernardino and the employees thereof, in the State Employees Retirement System, with full credit being given to the employees of said City for prior service rendered; Retirement system

(b). That any contract so entered into by said Mayor and Common Council with the Board of Administration of the State Employees Retirement System shall only be terminated by an ordinance adopted by a majority vote of the electorate of the City of San Bernardino;

(c). The Mayor and Common Council shall each year levy a tax to meet the obligations of the City to the State Employees Retirement System, and the limitations of the Charter with respect to the levy and collection of taxes shall not apply to any such tax so levied.”

Certificate

That we have compared the foregoing amendment with the original proposal submitted to the qualified electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of San Bernardino to be affixed hereto this 3rd day of June, 1944.

W. C. SECCOMBE  
Mayor of the City of San Bernardino

[SEAL]

JOHN H. OSBORN  
City Clerk of the City of San Bernardino.

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section Eight of Article Eleven of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Senate of the State of California, the Assembly concurring,* (a majority of all the members elected to each house voting therefor and concurring therein), That said amendment to the charter of the City of San Bernardino as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as amendment to and as part of the charter of the said City of San Bernardino.

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## CHAPTER 6

### *Assembly Concurrent Resolution No. 1—Relative to the death of William D. Stephens.*

[Filed with Secretary of State June 9, 1944]

Death of  
William D.  
Stephens

WHEREAS, William D. Stephens, former Governor of California, came to his death on April 25, 1944, in the City of Los Angeles; and

WHEREAS, William D. Stephens had long held an honored place in public life in this State, having served as Mayor of the City of Los Angeles, President of the Board of Water Commissioners, President of the Los Angeles Chamber of Commerce, Representative in Congress, and having from 1917 to 1923 held the office of Governor of this State; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members of this Legislature by this resolution express their profound regret upon learning of the loss to California of this distinguished citizen and statesman, and that when this Legislature this day adjourns it do so out of respect to the memory of former Governor William D. Stephens; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a suitably engrossed copy of this resolution to Mrs John Neill Osburn, the daughter of former Governor William D. Stephens.

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## CHAPTER 7

### *Assembly Concurrent Resolution No. 2—Relating to the celebration of the Centennial Anniversary of the Young Men's Christian Association*

[Filed with Secretary of State June 9, 1944]

WHEREAS, This day, June 6, 1944, marks the one hundredth anniversary of the founding of the Young Men's Christian Association and the completion of its first century of contribution to the intellectual, physical, moral and spiritual betterment of men and boys throughout the world, regardless of race or creed; and

Anniversary  
of Young  
Men's  
Christian  
Association

WHEREAS, In the present great world conflict this Association is rendering friendly aid, assistance and brotherly guidance to Allied soldiers through the U. S. O. in all parts of our land, and to Allied prisoners of war in the prison camps of our adversaries; and

WHEREAS, Its work as a guide to youth, both rich and poor, and of all cultures and creeds, is one of the great forces for building character and preventing youthful delinquency in 68 countries; and

WHEREAS, The Young Men's Christian Association in America encourages and promotes the American way of life for our boys and young men, and is marching forward with plans to make even a greater contribution to the needs of humanity; and

WHEREAS, The Young Men's Christian Association founded one of its earliest branches in California and is now aiding young men and boys throughout the length and breadth of this great State; and

WHEREAS, Hundreds of the citizens of Berkeley, who are friends of the Berkeley Y. M. C. A., are meeting together tonight

at a Centennial Celebration that will exemplify such meetings throughout the Nation; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the best wishes of the Legislature of California are hereby extended to the Young Men's Christian Association on the occasion of its Centennial Celebration and birthday observance; and be it further

*Resolved,* That the California Legislature takes this means of expressing its appreciation and congratulation in common with the citizens of California on the occasion of this noteworthy anniversary; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the National and State Presidents of the Young Men's Christian Association, and an appropriately engrossed copy to the Berkeley Y. M. C. A.

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## CHAPTER 8

### *Senate Joint Resolution No. 2—Relative to the release of trucks for sale to farmers.*

[Filed with Secretary of State June 9, 1944]

Release of  
trucks to  
farmers

WHEREAS, The farmers of this State are in dire need of trucks for farming purposes; and

WHEREAS, There exists a great number of trucks frozen in the possession of dealers, on which interest charges are accumulating at the rate of one per cent (1%) a month; and

WHEREAS, This situation results not only in depriving the farmers of the ability to purchase said trucks and put them to use in maintaining and increasing the food supply so essential to the war effort, but also in an unwarranted increase in the price of said trucks, if and when they are released for sale, by the amount of the accumulated carrying charges; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Office of Price Administration be and is hereby memorialized to cause the release of such trucks for sale to farmers for agricultural purposes without further delay; and, be it further

*Resolved,* That if the Office of Price Administration fails to make available to farmers these idle trucks, the Congress of the United States be and it is hereby memorialized to enact such legislation as may be necessary to make such trucks available to the farmers for the purpose of maintaining and augmenting the Nation's food supply; and be it further

*Resolved,* That copies of this resolution be transmitted forthwith by the Secretary of the Senate to the President and Vice President of the United States, the Speaker of the House of Representatives, the members of the Congress of the United States from the State of California, and the Honorable Chester M. Bowles, Director of the Office of Price Administration.

## CHAPTER 9

*Senate Joint Resolution No. 3—Relative to the production of commercial blue poppies.*

[Filed with Secretary of State June 9, 1944 ]

WHEREAS, The commercial blue poppy has been grown for many years in California for the production of seed for food purposes, such seed being utilized as spices, condiments, and for bakery products, and has come to be known as the edible blue poppy; and

Production  
of com-  
mercial blue  
POPPY

WHEREAS, The policy of the State of California has been established by legislation in the Health Safety Code to provide for the growing of edible blue poppy as an agricultural crop under permit from the State Division of Narcotics as a safeguard against any possible conflict or confusion with the illicit production of opium; and

WHEREAS, The covenants and agreements with foreign governments are silent relative to the growth of poppies as an agricultural crop for food purposes; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Congress of the United States be memorialized to enact legislation recognizing the importance of the production of edible blue poppy seed for food uses and permitting the production of this currently important food crop under such Federal supervision as may be necessary to prevent illicit use of the edible blue poppy; and be it further

*Resolved,* That the Secretary of the Treasury and the Federal Office of Narcotic Enforcement be memorialized to take such steps as may be possible in the absence of Federal legislation to permit the harvesting of edible blue poppy seed for food uses to the end that this highly important crop be not lost to the Nation at this time when the need for food is so great; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to forward copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and to each Member of the House of Representatives from California in the Congress of the United States, to the Secretary of the Treasury and to the Chief of the Federal Office of Narcotic Enforcement.

## CHAPTER 10

*Senate Joint Resolution No 4—Relating to the statutory compact between the United States and the State of California, evidenced by the Boulder Canyon Project Act and the California Water Limitation Act, and opposing ratification of the treaty between the United States of America and the United Mexican States, signed at Washington, D C, February 3, 1944, and pending before the Senate of the United States, on the ground that such treaty would constitute a breach of the said compact.*

[Filed with Secretary of State June 9, 1944 ]

Colorado  
River  
compact

WHEREAS, The United States of America and the State of California heretofore entered into a certain statutory compact, which compact was made in the manner following:

The Boulder Canyon Project Act (45 Stat. 1057) provided that if, in consideration of the passage of said act, California should within six months adopt an act limiting her use of Colorado River water to certain quantities, and if California and certain other States should ratify the Colorado River Compact, then said Project Act and all the provisions thereof should become effective, but otherwise should not become effective.

California did, within said time, expressly in consideration of the passage of said Project Act, adopt such a Limitation Act (Cal. Stats 1929, 38), and did ratify the Interstate Compact, known as the Colorado River Compact (Cal. Stats. 1929, 37), all in precise conformity to the requirements of the Project Act. The President thereupon proclaimed the Project Act effective; and

WHEREAS, California by the adoption of said Limitation Act did subject herself, her lands and people to a drastic reduction of the amount of water of the Colorado River otherwise available for use in California; and did by the adoption of said Ratifying Act subject herself, her lands and people to the burdens imposed by the Colorado River Compact; and

WHEREAS, Said Boulder Canyon Project Act contains the following provisions, a part of said statutory compact, which were intended to protect and safeguard the availability to California of the quantity of water to which California limited herself, to wit, provisions: (1) that the water of the Colorado River to be conserved by Boulder Dam should be used "exclusively within the United States"; (2) that no person should have the use of the water conserved by Boulder Dam, except by contract made by the Secretary of the Interior on behalf of the United States; and (3) that such contracts should be for permanent service; and

WHEREAS, The Secretary of the Interior, on behalf of the United States, has entered into contracts authorized by said Project Act with public agencies of the State of California for the delivery to them, for domestic and irrigation uses, of large

quantities of water of the Colorado River conserved by Boulder Dam and for other rights and benefits authorized by the Project Act; and

WHEREAS, Said Limitation Act and said Ratifying Act were adopted by California and said contracts were entered into by California's public agencies in absolute reliance upon the full performance and observance by the United States of the above mentioned protective provisions of the Project Act and this Legislature declares that it would not have adopted said Limitation Act nor said Ratifying Act, nor would said contracts have been executed by said public agencies, had not said Project Act contained said protective provisions; and

WHEREAS, There is pending before the Senate of the United States a treaty, signed February 3, 1944, between the United States of America and the United Mexican States, whereby the United States would guarantee to Mexico delivery annually and in a certain prescribed manner of a quantity of the water of the Colorado River, which quantity can not be delivered to Mexico in such manner without delivering to her water conserved by Boulder Dam; and

Pending  
treaty  
with  
Mexico

WHEREAS, Said treaty, if ratified, would impair the ability of the United States to render permanent service of water under said California contracts and otherwise perform said contracts; and

WHEREAS, Said treaty, if ratified, would create a right in water conserved by Boulder Dam, by means other than by contract with the Secretary of the Interior; and

WHEREAS, Said treaty, if ratified, would make it impossible for the Secretary of the Interior to fulfill the contracts which he has executed on behalf of the United States under the authority of the Project Act and would make it impossible for the United States to observe and perform its obligations under said Statutory Compact, to wit, the above mentioned protective provisions of said Project Act; and

WHEREAS, Said treaty, if ratified, would cause the consideration for the adoption by California of said Statutory Compact to fail and said Statutory Compact would be thereby breached by the United States; now, therefore, be it

*Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urgently represents to the President and the Senate of the United States that the ratification of the pending treaty would constitute a breach of the solemn Statutory Compact entered into between the United States of America and the State of California and evidenced by the above mentioned statutes, to the great and irreparable damage of California; and be it further*

*Resolved, That said Legislature urges that the pending treaty be not ratified; and further urges that in any treaty that may be entered into between the United States of America and the United Mexican States, the rights of the State of California under said Statutory Compact and the contractual*



rights of her public agencies be fully protected; and be it further

*Resolved*, That the Governor is hereby requested to transmit certified copies of this resolution to the President of the United States, the Secretary of State, the Secretary of the Interior, the Vice President of the United States as President of the Senate, the Chairman and each member of the Committee on Foreign Relations of the Senate, also to each of the Senators and Representatives from California in the Congress of the United States.

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## CHAPTER 11

*Senate Concurrent Resolution No. 9—Approving certain amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified voters of said City of Napa at a special municipal election held therein on the first day of May, 1944*

[Filed with Secretary of State June 9, 1944]

City of  
Napa:  
Charter  
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments as hereinafter set forth to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as set forth in the Certificate of the Mayor of the City of Napa and the city clerk of said city, under the seal thereof, as follows, to wit:

STATE OF CALIFORNIA }  
County of Napa } ss.  
City of Napa }

### CERTIFICATE OF RATIFICATION OF THREE AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA.

Certificate

We, the undersigned CHAS. F. MOFFITT, Mayor of the City of Napa, and WHITFIELD GRIFFITHS, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on March 20, 1944, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa three proposed amendments to the Charter of said City of Napa, said charter amendments being designated as Proposals No. 1, No. 2 and No. 3, respectively, filed in the office of the Clerk of said City of Napa on said March 20, 1944, and further ordered that said charter amendments should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 1st day of May 1944, and consolidated said special election with the General Municipal Election to be held in said City on said 1st day of May, 1944.

That said proposed charter amendments and each of them were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 21st day of March, 1944 in "The Napa Register," a daily newspaper of general circulation printed and published in said City of Napa, (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

That said special municipal election was held in said City of Napa on May 1, 1944 and that at said election a majority of the qualified voters voting thereon voted in favor of each of said proposed charter amendments designated as said Proposals Nos 1 to 3, inclusive, and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City voting on each of said proposed charter amendments had voted for and ratified each of said amendments, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendments to the Charter of the City of Napa, so ratified by the electors of said City of Napa, are in words and figures as follows, to wit:

#### PROPOSAL NO. 1

To amend Section 58 of the Charter of the City of Napa as follows:

"Counting cash.

Sec 58. The cash in the Treasury shall, at least once a month, be counted and audited under the direction of the City Council and a report thereof made in writing to the City Council." <sup>Counting cash</sup>

#### PROPOSAL NO. 2

To amend Section 60 of the Charter of the City of Napa as follows:

"Meetings.

Council  
meetings

Sec. 60. At twelve o'clock noon on the first Monday in June following a general municipal election, the city council shall meet at the usual place for holding its meetings, at which time any newly elected mayor, or councilman shall assume the duties of his office. Thereafter the city council shall meet at such times and places as may be prescribed by ordinance or resolution except that it shall meet regularly at least once a month. The city council shall prescribe the manner in which special meetings may be called; provided, however, that no final action shall be taken in any matter concerning the department of an absent councilman unless such business has been made a special order of the day by action at a previous meeting of the city council or such action is taken at a regular meeting of the city council.

At all meetings of the city council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the city council previously by ordinance may have prescribed. The mayor shall preside at all meetings of the city council and shall be entitled to vote upon all matters coming before the council. In the absence of the mayor at any meeting of the city council, if three members be present, they may choose one of their number as mayor pro tem, and if by reason of absence from the city, sickness or any other cause, the mayor is unable to perform the duties of his office, the city council shall appoint one of their number mayor pro tem, who shall have all the power and authority which the mayor would have possessed if personally present to attend such duties."

### PROPOSAL NO. 3

To amend Section 64 of the Charter of the City of Napa as follows:

"When ordinances take effect.

When  
ordinance  
takes  
effect

Sec. 64. All ordinances passed by the City Council shall be in effect from and after the date of their passage, except as otherwise in this Charter provided."

Certificate

That we have compared the foregoing amendments, and each of them, with the original proposals submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendments to said Charter are, and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 8th day of May, 1944.

CHAS. F. MOFFITT  
Mayor of the City of Napa, State of California.

[SEAL]

WHITFIELD GRIFFITHS  
City Clerk of the City of Napa, State of California.

and

WHEREAS, The said proposed amendments as ratified, as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval and ratification as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of all the members elected to each house voting therefor and concurring therein), that said amendments to the charter of the City of Napa as proposed to and adopted and ratified by the electors of said city and as hereinabove fully set forth be and the same hereby are, and each of them is, approved as a whole without amendment or alteration for and as amendments to and as parts of the charter of said City of Napa. Approval

## CHAPTER 12

### *Assembly Concurrent Resolution No. 5—Relative to the illness of Arthur McHenry.*

[Filed with Secretary of State June 9, 1944.]

WHEREAS, Arthur McHenry has for the past eight years served this Legislature in the Office of Legislative Counsel faithfully and well, and had advanced to the position of Chief Deputy Legislative Counsel prior to his transfer to the office of the Attorney General; and Illness  
of Arthur  
McHenry

WHEREAS, Arthur returned to the Office of Legislative Counsel for the third extraordinary session of this Legislature in January, and literally worked night and day without regard to his health; and

WHEREAS, The members of the Legislature are grieved to learn that shortly after the January session Arthur was confined to his bed at home and later entered the Sutter Hospital, where he still remains, valiantly fighting the illness to which he refused to submit while serving the Legislature; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members of this Legislature extend their sympathy to Arthur McHenry and his loyal wife Betty, who has so courageously helped him endure his long confinement; and be it further

*Resolved*, That the members of this Legislature hereby express their confidence that Arthur will soon conquer his long illness and be restored to full health and to his many friends; and be it further

*Resolved*, That the Chief Clerk of the Assembly be directed to prepare and transmit a suitably engrossed copy of this resolution to Arthur and Betty McHenry.

## CHAPTER 13

*Assembly Concurrent Resolution No. 3—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said city and county at a special election held therein on the sixteenth day of May, 1944.*

[Filed with Secretary of State June 9, 1944.]

City and  
County of  
San  
Francisco  
Charter  
amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county six (6) amendments, and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did within fifteen (15) days of the order for submission of each of said amendments cause said six (6) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than ten point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for said special election on said charter amendments, advertised in said the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a special election to be held in the City and County of San Francisco on the sixteenth day of May, 1944, the said six (6) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said special election was held in said City and County of San Francisco on the sixteenth day of May, 1944, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said the "San Francisco Chronicle" and each edition thereof as hereinbefore set forth; and

WHEREAS, The board of supervisors of said city and county did thereafter, in regular meeting assembled, by resolution duly adopted by said board and entered in the minutes thereof, direct that a canvass of the votes cast at said special election held on the sixteenth day of May, 1944, be made by the registrar of voters, commencing on Monday, the twenty-second day of May, 1944, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said special election held on the sixteenth day of May, 1944, from each election precinct in the City and County of San Francisco in which polls were opened would theretofore have been received by the said registrar of voters, and

WHEREAS, Thereafter, to wit, on the first day of June, 1944, said board of supervisors duly approved the "official statement" of votes cast at the special election held in the City and County of San Francisco, State of California, on Tuesday, the sixteenth day of May, 1944, and

WHEREAS, At said special election so held on the sixteenth day of May, 1944, six (6) of said proposed amendments to the Charter of the City and County of San Francisco were ratified by a majority of the electors of said city and county voting thereon, six (6) being the total number of proposed charter amendments submitted to the electors of said city and county at the special election heretofore referred to, and

WHEREAS, The six (6) charter amendments so ratified by the electors of the City and County of San Francisco at the special election held on the sixteenth day of May, 1944, are now submitted to the Legislature of the State of California for approval or rejection each as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

#### CHARTER AMENDMENT NO. 1

#### PROPOSED CHARTER AMENDMENT—ACQUISITION OF MARKET STREET RAILWAY.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at a special election to be held therein on May 16, 1944, a proposal to amend, as hereinafter set forth, the Charter of said City and County by adding thereto a new section to be known as Section 119.1, relating to the acquisition of the operative properties of the Market Street Railway Company and providing for the payment of the cost thereof, and providing

for the consolidation of the operative properties of said Market Street Railway Company with the Municipal Railway of the City and County of San Francisco.

**EXTENSION OF MUNICIPAL RAILWAY BY UNIFICATION WITH MARKET STREET RAILWAY.**

**Section 119.1.**

Extending  
Municipal  
Railway

1. The City and County of San Francisco shall have power and is hereby authorized, in addition to all other powers howsoever conferred upon said City and County, to extend the existing San Francisco Municipal Railway by the acquisition of the operative properties of Market Street Railway Company, hereinafter called "said operative properties," and to acquire said operative properties, thereby supplying said City and County and the inhabitants thereof with a unified street railway system and incidentally furnishing transportation in and to San Mateo County.

2. The adoption of this section shall be deemed to and shall constitute a finding by the people of the City and County of San Francisco that the public interest and necessity demand the extension of the existing Municipal Railway by the acquisition of said operative properties, thereby providing a unified Municipal Railway System for the benefit of said City and County and its inhabitants.

3. Upon the payment in full of the cost of said operative properties, as herein provided, said operative properties shall be consolidated with the present Municipal Railway and shall become a part thereof and both of said systems so consolidated, and all additions, betterments and improvements thereto, shall constitute the Municipal Railway of the City and County of San Francisco, and shall be subject to all the provisions of this Charter then in effect. Prior to the payment in full, as herein provided, of the cost of said operative properties the same shall be operated by the Public Utilities Commission, hereinafter called "Commission," and the provisions of Section 74, 127, 128, 128.1, 129 and 130 of this Charter shall not be applicable to said operative properties, the operation thereof, or the revenues derived therefrom, nor shall any other provision of this Charter, inconsistent with the provisions of this Section 119.1, be applicable; provided, however, that said Commission shall nevertheless manage, control and operate said properties as an extension of the Municipal Railway with uniform fares and transfer privileges so as to constitute a unified street railway system.

Prior to the acquisition of said operative properties, the Commission shall submit, and the Mayor shall approve and the Board of Supervisors shall adopt, a budget relating to such unified operation in the same manner and subject to the same conditions except time as provided in the Charter and in this Section 119.1, for the submission and approval of the annual budget, the annual appropriation ordinance and the annual

salary ordinance. Provided that such budget and ordinances shall become effective upon such acquisition.

For the purpose of accounting for the revenues derived from the operation of said operative properties prior to the payment in full of the cost thereof, 57 per cent of the gross revenues of the Municipal Railway and said operative properties shall be deemed to be and shall constitute the revenues applicable to and derived from the operation of said operative properties, and said revenues shall be set aside by the Controller in a special fund, which is hereby created, to be designated "Municipal Railway-Market Street Extension Fund," hereinafter called "extension fund" and shall be held separate and apart from all other moneys in the treasury.

Out of the moneys estimated to be received in said extension fund there shall be appropriated by the Board of Supervisors the amounts recommended by the Commission for the following purposes and in the following order: Appropriation

(a) The operating expenses of said operative properties, including pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may establish or the Board of Supervisors may require in connection with said operative properties. The aggregate amount provided from said extension fund for such requirements in any year shall be 55.96 per cent of the annual cost of all of the operating expenses and above described charges and payments made on account of both the existing Municipal Railway and said operative properties then operated as a unified system;

(b) All amounts provided for repairs and maintenance of said operative properties. The aggregate amount provided from said extension fund for such requirements in any year shall be 56.49 per cent of the annual cost of repairs and maintenance of both the existing Municipal Railway and said operative properties, then operated as a unified system;

(c) Amounts determined by the Commission to be necessary to create and maintain a reconstruction and replacement fund applicable to said operative properties, not exceeding for the first year after such acquisition \$500,000, and not less than \$300,000, and in subsequent years, until the purchase price shall have been paid in full, a sum not exceeding \$750,000 for the first year and not less than \$500,000 per annum thereafter. Any unencumbered balance remaining in said reconstruction and replacement fund at the close of each fiscal year shall become a part of the moneys to be paid to the Market Street Railway Company pursuant to sub-paragraph (d) hereof;

(d) The entire balance remaining in the extension fund which shall be paid to Market Street Railway Company as required by the terms of the purchase contract, but in any event not later than thirty days after the close of the fiscal year of the City and County. It is hereby found and determined that the ratios herein established for gross revenues,



operating expenses and other charges and repairs and maintenance of the Municipal Railway and said operative properties represent the exact ratios prevailing between said systems based on a study and report of the Commission which is hereby approved and adopted.

4. All amounts herein required to be paid from the extension fund shall be paid by the Treasurer of the City and County upon presentation of a Controller's Warrant drawn at the demand of the Commission. It is hereby made the duty of the Commission to make such demand in accordance with the terms of the purchase contract and for the purposes herein provided.

All moneys paid to Market Street Railway Company shall be applied first to the payment of interest on the purchase price and the balance to the unpaid principal of said purchase price. None of the moneys in said special trust fund shall be diverted to any other purpose or used or applied for any other City and County purposes or transferred to any other fund.

5. The provisions of this Section 119.1 shall prevail over any other provision of this Charter or general law, and the method herein provided for the extension of the existing Municipal Railway by acquisition of said operative properties shall be deemed to constitute an additional method of providing for such extension by the acquisition of said operative properties and for the payment of the cost thereof.

Whenever the Commission, with the advice and approval of the Mayor, shall agree with the Market Street Railway Company upon the terms and conditions of such acquisition of said operative properties, it shall be the duty of the Commission and the Mayor to execute such contract for and on behalf of the City and County of San Francisco and in its name. Subject only to the provisions of this Section 119.1, such contract may provide, among other things:

Purchase  
price

(a) That the maximum purchase price shall be \$7,500,000, whereof \$2,000,000 shall be paid forthwith from surplus in any of the funds of the existing Municipal Railway derived from earnings of the existing Municipal Railway, which surplus is hereby determined to exist and to be available for, and is hereby appropriated for, said purpose, and the City and County shall be obligated solely to pay the balance of said purchase price exclusively from the moneys in said extension fund, as herein provided. The unpaid balance of said purchase price shall bear interest at the rate of not to exceed four (4) per cent per annum, payable annually.

It is hereby found and determined that after making said initial payment herein provided to be made to Market Street Railway Company there will remain in the funds of the Municipal Railway moneys fully sufficient to pay and discharge all current obligations of the bonds issued by the City and County for the acquisition, construction and completion of said Municipal Railway and all other costs and charges now payable from said funds;

(b) That the title to said operative properties shall be transferred to the City and County upon payment of said \$2,000,000 and the execution of proper instruments of conveyance and shall be good and merchantable title free and clear of all claims, liens and encumbrances of every kind and character, whether in favor of the Market Street Railway Company or in favor of any one other than Market Street Railway Company;

(c) That upon the delivery of such instruments of conveyance, Market Street Railway Company shall assign and transfer to the City and County all franchises, permits and licenses of any kind or character necessary or desirable in connection with the operation of said operative properties, and shall surrender and cancel its existing operating permit, whereupon all rights, privileges and obligations under said operating permit and all other permits and franchises granted by the City and County shall be terminated and canceled;

Termination  
of franchises,  
etc

(d) That uniform rates, fares and charges, and universal transfer privileges shall be established and maintained by the Commission and that except for school children and other special cases pursuant to which reduced or free transportation now exists in accordance with the existing practice of the Municipal Railway, the regular fare for transportation of passengers on said unified street railway system, shall not be less than 7 cents per passenger until the purchase price of said operative properties shall have been paid in full as herein provided; and provided, however, that said fares shall not be increased in excess of 7 cents per passenger except in accordance with the procedure of Section 130 of the Charter;

Fares

(e) That the City and County of San Francisco and all commissions, boards, officers and employees thereof shall comply with the terms and conditions of said contract and this Section 119.1. Such contract may contain such other terms and conditions not inconsistent with the provisions of this section, as the Commission may deem appropriate for the purpose of carrying out the objects and purposes of this section, including but without being limited to the agreement that the City and County will operate said operative properties and maintain the same in good running order, and otherwise utilize said operative properties in an efficient and economical manner in accordance with the established operating and business standards and practices of the street railway industry, subject only to breakdown and other causes beyond the control of the City and County; that the City and County will not make any extensions, radical changes or alterations to said operative properties or abandon any substantial portion thereof except only to the extent that such extensions or abandonments are required by reason of the unification of the operations of said operative properties with those of the Municipal Railway. The City and County, however, shall not be obligated to pay any of the costs or expenses provided to be paid under such contract from any source other than said extension fund.

Contract

Payment  
of balance  
of purchase  
price

6. Except for the sum of \$2,000,000 to be paid Market Street Railway Company as herein provided, the obligation of the City and County to pay the balance of said purchase price, interest thereon, all operating expenses, all other charges of any other kind or character incurred in connection with said operative properties shall be limited exclusively to moneys in said extension fund as herein provided and under no circumstances shall the payment of any part thereof constitute a debt, liability or obligation of the City and County of San Francisco, nor shall the City and County be obligated to pay any part thereof from any moneys derived from the levy or collection of taxes upon the taxable property of the City and County of San Francisco, provided that nothing herein or elsewhere in the Charter contained shall prevent the City and County from paying any part of the balance of said purchase price and interest thereon or any other charges in connection with the operation or maintenance of said operative properties from any funds of the Municipal Railway appropriated by the Board of Supervisors for that purpose, which said funds the Board of Supervisors may in its discretion appropriate; and in the event of such appropriation the provisions of Section 129 of the Charter, insofar as the revenues of the Municipal Railway are concerned, shall be suspended until the cost of the acquisition of said operative properties is paid in full, and provided further that under no circumstances shall the City and County make such payments from its general funds or from any funds other than as provided by this Section 119.1.

7. The acquisition of said operative properties in the manner herein provided is hereby determined to be and shall constitute an extension and improvement of the existing Municipal Railway.

Rates,  
charges,  
and fares

8. Until the purchase price of said operative properties shall have been paid in full, the Commission is hereby authorized to fix, establish and collect uniform rates, charges and fares for the transportation of persons on both the Municipal Railway and the said operative properties, without regard to Section 130 of the Charter, except as herein provided, and provided that such rates, charges and fares shall not be less than those specified in this Section 119.1. After the purchase price of said operative properties shall have been paid in full all rates, charges and fares for transportation service furnished by the then unified and extended Municipal Railway shall be fixed, established and collected only in accordance with the then existing provisions of the Charter, without regard to this Section 119.1.

Ordered Submitted—Board of Supervisors, San Francisco, March 27, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan.

Noes: Supervisor Uhl.

I hereby certify that the foregoing Charter Amendment, was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

apr 3-1t\*

DAVID A. BARRY,  
*Clerk.*

## CHARTER AMENDMENT NO. 2

### LEAVES OF ABSENCE

Amending Section 153 of the Charter giving protection to the status of eligibles after service in the United States armed forces.

Describing and setting forth a proposal to the electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 153 thereof so as to protect the status of eligibles on civil service lists who are in the military service and providing that leaves granted for services directly connected with the prosecution of the war shall be known as war effort leaves.

The Board of Supervisors of the City and County of San Francisco hereby submits to the electors of the City and County of San Francisco at a special election to be held on May 16, 1944, a proposal to amend the Charter of said City and County by amending Section 153 thereof so that the same shall read as follows:

### LEAVES OF ABSENCE

Section 153. Leaves of absence to officers and employees of the City and County shall be governed by rules established by the Civil Service Commission, provided that leave of absence to any officer or employee for the purpose of leaving the City and County, taking a position outside of the City and County service, or accepting a position in some department or office of the City and County other than the one in which he is employed and where the duties are in no way related to the duties covered by his civil service classification, shall be limited to six months; and provided, further, that no limit shall be placed on a leave of absence granted to enable an officer or employee to accept promotion to a non-civil service position in the same department in which he holds civil service status, or promotion to co-related work in another department or office of the City and County.

Leaves of absence shall be granted to officers and employees of the City and County of San Francisco and non-certificated officers and employees of the San Francisco Unified School District for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for such time thereafter as may be provided by rule of the Civil Service Commission, but not to exceed two years after the proclamation of peace, except in case of disability incurred while in active service with the armed forces or the merchant marine when such disability shall extend beyond such period.

Military  
leaves of  
absence

Whenever any officer or employee of the City and County of San Francisco, or any non-certificated officer or employee of the San Francisco Unified School District shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from his office or position during the time of such service and for a period not to exceed three months after the expiration thereof. Officers and employees entering or being inducted into any of the services requiring military leave as provided in this section shall file with the Civil Service Commission a copy of the orders necessitating such service prior to the effective date of the leave of absence. Leaves granted pursuant to the provisions of this and the preceding paragraph of this section shall be designated "military leaves."

The Board of Supervisors may, on the recommendation of the Civil Service Commission, provide by ordinance that leaves of absence shall be granted to officers and employees during time of war or during any emergency declared by the President of the United States, for other service directly connected with the prosecution of the war or national defense or preparedness. Leaves granted under authority of ordinances enacted pursuant to the provisions of this paragraph shall be designated "war effort leaves."

Any officer or employee on military leave, who, prior to such leave, has been appointed to a permanent position in the city and county service, shall be entitled to resume such position at the expiration of his leave, and in determining and fixing rights, seniority, salary and otherwise, which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted a part of his service under the city and county except that such military leave shall not be considered nor counted in the computation of sick leave, vacation and service under the retirement provision of the charter.

Eligibles  
on list

Eligibles on civil service lists entering or being inducted into any service for which military leaves are authorized for officers or employees shall, prior to the date of expiration or cancellation of such civil service list as provided in Section 145 of this charter, file with the Civil Service Commission a copy of the orders requiring such service, or other competent proof of such service in order to qualify under any of the provisions of this section.

Persons serving in the armed forces of the United States or the State of California during time of war or during any emergency lawfully declared by the President of the United States, who have standing on an eligible list, shall retain their places thereon, and upon presenting an honorable discharge or certificate of honorable active service from such military

service within the period of time and subject to the conditions as prescribed by rules of the Civil Service Commission, shall be preferred for appointment for a period of four years after the proclamation of peace or the termination of said emergency in the order of standing upon such register at the time of entering such military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service. If while in said military service the names of such persons are reached for certification to permanent positions, appointments shall be made to serve until such persons in the military service shall present to the Civil Service Commission an honorable discharge or certificate of honorable active service within the period of time and subject to the conditions as prescribed by rules of the Civil Service Commission, but not less than ninety (90) days nor more than one (1) year after the date of discharge of each such eligible, when they shall be certified and assume the duties of positions in said class and their certification to said positions for the purpose of lay-off only shall be deemed to be the date when their names on such eligible lists were reached for certification, provided that no such persons shall be certified to entrance positions in the uniformed ranks of the police and fire departments under this provision who are more than thirty-five (35) years of age unless the names of such persons were reached for certification to such positions before such persons reached said age.

Persons who participate in a regular written civil service examination and who by reason of their active services in the Army, Navy or Marine Corps are unable to complete all parts of the examination, and who present their orders or other competent proof of service in the same manner as is required of eligibles, shall acquire standing on eligible lists in accordance with the relative excellence attained by participation in the part or parts of the examinations already completed; provided that upon presenting their honorable discharges or certificates of honorable active service within the time limits specified in this section covering eligibles, they must qualify in the remainder of the examinations. When qualified they shall be certified as of the date they would have been reached for certification in accordance with the relative excellence attained by their participation in the entire examination.

The Civil Service Commission shall adopt rules to govern the administration of leaves as herein provided and to govern lay-offs occasioned by the return of officers, employees, or eligibles who have been appointed and granted leaves or certified as provided in this section.

All leaves of absence granted under Rule 31.2 of the Civil Service Commission are hereby ratified and approved.

For the purposes of certifications, appointments, leaves or any other matters concerning the rights of persons who are serving in the armed forces of the United States or the State of California, the provisions of this section shall be retroactive to

Retroactive  
effect

September 16, 1940, and any persons heretofore granted military leaves for any purpose other than to enter the armed forces of the United States shall be deemed to have been granted war effort leaves by the Civil Service Commission in accordance with the provisions of this section.

Illness, etc

The Civil Service Commission, by rule and subject to the approval of the Board of Supervisors by ordinance, shall provide for leaves of absence due to illness or disability, which leave or leaves may be cumulative, if not used as authorized, provided that the accumulated unused period of sick leave shall not exceed six months, regardless of length of service, and provided further that violation or abuse of the provisions of said rule and ordinance by any officer or employee shall be deemed an act of insubordination and inattention to duties.

Ordered submitted: Board of Supervisors, San Francisco, March 27, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY, Clerk.

april 1-1t\*

### CHARTER AMENDMENT NO. 3

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 156 thereof, relating to "Transfer of Disabled."

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco, at an election to be held therein on May 16, 1944, a proposal to amend the Charter of said City and County by amending Section 156 thereof, so that the same shall read as follows:

#### Transfer of Disabled

Transfer of disabled employees

Section 156. When a permanent civil service employee, other than a member of the Fire Department and Police Department, who has served not less than three years in his position, has become incapable through **ADVANCED** age, accident or other disability, of performing the duties of his position, the Civil Service Commission may, with the consent of the appointing officer **OR APPOINTING OFFICERS INVOLVED**, transfer him to a position within his capacities to perform whether or not within the **CLASSIFICATION** for which he qualified for appointment, but such position shall **NOT BE IN A CLASSIFICATION HAVING A HIGHER** compensation **SCHEDULE** than the one from which he **IS** transferred, and his compensation shall not thereafter be increased **BEYOND THE MAXIMUM SALARY FOR THE CLASSIFICATION TO WHICH SUCH EMPLOYEE IS TRANSFERRED**, NOR IN ANY

EVENT SHALL HIS SALARY BE INCREASED TO EQUAL THE SALARY SUCH EMPLOYEE WOULD HAVE RECEIVED HAD HE REMAINED IN HIS FORMER POSITION: PROVIDED, HOWEVER, THAT A PERMANENT EMPLOYEE WHO HAS BECOME INCAPABLE OF RESUMING HIS FORMER POSITION THROUGH DISABILITY INCURRED WHILE ON ACTIVE SERVICE WITH THE ARMED FORCES WHILE ON MILITARY LEAVE MAY UPON APPLICATION AFTER HIS DISCHARGE FROM MILITARY SERVICE BE TRANSFERRED UNDER THE PROVISIONS OF THIS SECTION, REGARDLESS OF HIS LENGTH OF SERVICE.

EMPLOYEES TRANSFERRED UNDER THE PROVISIONS OF THIS SECTION MAY, UPON RECOVERY FROM THE DISABILITY, AND WITH THE CONSENT OF THE CIVIL SERVICE COMMISSION, RETURN TO A VACANCY IN THEIR FORMER CLASSIFICATION.

POSITIONS FILLED UNDER THE PROVISIONS OF THIS SECTION SHALL NOT BE SUBJECT TO SALARY STANDARDIZATION, BUT THE SALARIES THEREAFTER SHALL BE FIXED BY THE CIVIL SERVICE COMMISSION WITHIN THE LIMITATIONS HEREIN PROVIDED. THE CIVIL SERVICE COMMISSION SHALL MAKE RULES TO CARRY OUT THE INTENT OF THIS SECTION AND SUCH RULES SHALL GOVERN ALL TRANSFERS MADE UNDER THE PROVISIONS OF THIS SECTION.

Ordered Submitted—Board of Supervisors, San Francisco.  
April 3, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisor Green.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,  
Clerk.

apr 4-1t<sup>2</sup>

#### CHARTER AMENDMENT NO. 4

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE QUALIFIED ELECTORS OF THE CITY AND COUNTY OF SAN FRANCISCO TO AMEND THE CHARTER OF SAID CITY AND COUNTY BY ADDING A NEW SECTION THERETO TO BE DESIGNATED SECTION 36.2 PROVIDING FOR ADDITIONAL COMPENSATION FOR CERTAIN MEMBERS OF THE FIRE DEPARTMENT DURING THE EXISTING WAR BETWEEN THE UNITED STATES OF AMERICA AND THE AXIS POWERS AND FOR SIX MONTHS AFTER THE TERMINATION THEREOF.



The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at a special election to be held on the 16th day of May, 1944, a proposal to amend the Charter of said City and County by adding a new section thereto to be designated as Section 36.2 providing for additional compensation for certain members of the San Francisco Fire Department during the existing war between the United States of America and the Axis Powers and for six months after the termination of the same.

Additional  
compensa-  
tion for  
members  
of fire  
department

Section 36.2. For the purpose of properly compensating the members of the uniformed force of the San Francisco Fire Department whose compensations are provided for in Section 36 of this Charter and the members of the Salvage Corps, which corps is provided for in Section 38.1 of this charter, during the existing war between the United States of America and the Axis Powers and for six months after the termination of said war, the compensation provided for the several ranks of the uniformed force mentioned in Section 36 of this Charter and the compensation of members of the Salvage Corps mentioned in Section 38.1 of this Chapter is hereby increased \$25.00 per month for each person serving in said uniformed rank and in said Salvage Corps.

If the amendment containing this section is ratified by the Legislature prior to July 1, 1944, it shall become effective on said last mentioned date, and if ratified at a later date, it shall become effective within fifteen days after the date of its ratification.

Ordered Submitted—Board of Supervisors, San Francisco, April 3, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisor Green.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,  
Clerk.

apr 5-1t\*

#### CHARTER AMENDMENT NO. 5

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE BONA FIDE ELECTORS OF THE CITY AND COUNTY OF SAN FRANCISCO TO AMEND THE CHARTER OF SAID CITY AND COUNTY BY ADDING A NEW SECTION THERETO TO BE DESIGNATED AS SECTION 36.1, AUTHORIZING THE FIRE COMMISSION TO ALLOW MEMBERS OF THE UNIFORMED FORCE OF SAID FIRE DEPARTMENT TO WORK ON THEIR DAYS OFF AND DURING VACATION PERIODS AND TO BE COMPENSATED FOR SAID ADDITIONAL SERVICE.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at a special election to be held on the 16th day of May, 1944, a proposal to amend the charter of the City and County of San Francisco by adding a new section thereto to be designated as Section 36.1, providing that the Fire Commission may permit members of the uniformed force of said Fire Department to work on their days off and during vacation periods and providing for additional compensation to said members of said department for said additional service rendered

Section 36.1. (a) The tours of duty provided for in section 36 of this charter and the length thereof, and the platoon system provided for in said section for the officers and members of the uniformed ranks shall continue as now set forth in said section. Permitting  
firemen to  
work on  
days off

(b) Each member of the uniformed force shall be entitled to at least one day off in each seven and such additional days or time off as may be approved by the Fire Commission.

(c) When, in the judgment of the Fire Commission, it is in the public interest that any member of the uniformed force of said Fire Department should work on his day off and said member consents to so work, he may at the direction of the Chief Engineer of the department work on said day off, and in addition to the regular compensation provided for said member as set forth in section 36 of this charter, said member shall be entitled to be compensated at his regular rate of pay as provided for in section 36 for said extra time served.

(d) Each member of the uniformed force of the Fire Department shall be entitled to a vacation period of two weeks as provided for in section 151 of this charter, provided, however, that if in the judgment of the Fire Commission it is in the public interest that any member of the said department should continue his service to the department during his vacation period, and said member consents to continue his said service, the Chief Engineer of the Department may permit said member to continue such service, and said member shall in addition to his annual vacation pay, be paid additional compensation for said vacation period, which said compensation shall be equal to the vacation pay allowed to said member of the department.

(e) Salary warrants for extra time served by officers and members of the uniformed force of the department shall be payable from the regular salary appropriation of said uniformed force for the prevailing fiscal year, and at no time shall extra compensation be authorized or paid in amounts exceeding the available unencumbered balance in said appropriation.

(f) Nothing in this section contained shall in any way interfere with the sick or disability leave provided for in section 301, Part I, of the San Francisco Municipal Code.

(g) This section shall be effective on the first day of July, if the same is ratified prior thereto by the Legislature of the State of California, and if not so ratified shall be effective within fifteen days after the date of its ratification.

(h) The provisions of this section shall continue in force for a period of six months after the termination of the present war between the United States and the Axis Powers.

Ordered Submitted—Board of Supervisors, San Francisco, April 3, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisor Green.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,  
Clerk.

apr 5-1t\*

### CHARTER AMENDMENT NO. 6

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE ELECTORS OF THE CITY AND COUNTY OF SAN FRANCISCO TO AMEND THE CHARTER OF SAID CITY AND COUNTY BY ADDING SECTION 35.5½ THERETO, PROVIDING FOR THE STABILIZATION OF THE BASIC WORK WEEK FOR MEMBERS OF THE POLICE DEPARTMENT, AND PROVIDING THAT THE POLICE COMMISSION SHALL HAVE POWER TO REQUIRE ADDITIONAL SERVICE FROM SAID MEMBERS AND TO ALLOW ADDITIONAL COMPENSATION OR TIME OFF FOR SAID SERVICE.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at a special election to be held on the 16th day of May, 1944, a proposal to amend the Charter of said City and County by adding a new section thereto to be designated as Section 35.5½ providing for the stabilization of the basic work week for members of the Police Department, and providing that the Police Commission shall have power to require additional service from said members and to allow additional compensation or time off for said service.

Basic  
work week

Section 35.5½. (a) The word "member" or "members" as used in this section shall mean the members of the several ranks in the Police Department set forth in Section 35.5 of this Charter.

(b) The basic week of service for each member shall be forty-eight (48) hours and the annual compensation set forth in section 35.5 of this Charter shall be based upon said basic week of service.

(c) Each member shall be entitled to one day off during each week, except as hereinafter provided.

(d) Whenever in the judgment of the Police Commission public interest requires the services of any member to serve in excess of the basic week of service during any week, the said Police Commission may authorize the Chief of Police to permit said service, and said member shall be compensated therefor or

shall receive equivalent time credited to him in lieu thereof in accordance with this subsection. For service performed in excess of the basic week, members shall be compensated on the basis of straight time in accordance with the ratio, which said excess service bears to the basic week of service and the annual compensation provided therefor in Section 35.5, or in lieu thereof equivalent time off duty with pay.

(e) Nothing contained in this section shall be deemed to interfere with a vacation, as provided for in section 151 of this Charter, or the normal day off per week; provided, however, that when in the judgment of the Police Commission public necessity requires the services of any member to serve on his vacation, or part thereof, or normal day off, the said Commission may authorize the Chief of Police to permit said member to serve during said vacation, or part thereof, or normal day off, and he shall receive additional compensation for the period so served. Said additional compensation shall be computed on the basis of straight time in accordance with the ratio which said extra service performed bears to the basic week of service and the annual compensations provided therefor in section 35.5.

(f) The Police Commission is hereby authorized to require a member or members to work more than forty-eight (48) hours per week in any week when public necessity requires such services, and the member or members so serving more than forty-eight (48) hours shall be granted added compensation or time off with pay for said extra service performed.

(g) Nothing in this section shall abridge or limit in any way the provisions of section 301, Part 1, of the San Francisco Municipal Code, approving Rule 32 of the Civil Service Commission, insofar as sick leaves and disability leaves for members are concerned.

(h) Whenever in the judgment of the Police Commission the efficient performance of police duty requires that one or more members of the Police Department should report for roll call, orders, and assignments, prior to going on duty, the said Commission may designate a period not to exceed fifteen (15) minutes in any one day for said reporting, and the said periods of fifteen (15) minutes need not be compensated for in money or in time off with pay.

(i) Notwithstanding the provisions of any of the foregoing subsections, the Police Commission is empowered to designate certain legal holidays as additional days off with pay for members of the Police Department and members required to perform police service in said department on said days shall be compensated on the basis of straight time as herein computed or shall be granted equivalent time off duty with pay in the judgment of said Commission.

(j) This section shall become effective on the 1st day of July, 1944, provided the same is ratified prior to said date by the Legislature of the State of California. If not ratified prior to said date, this section shall become effective on the 1st day of the month immediately following the date of ratification.

Ordered Submitted—Board of Supervisors, San Francisco, April 3, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisor Green.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,

apr 5-1t?

Clerk.

STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

} SS

Certificate

This is to certify that we, DAN GALLAGHER, President of the Board of Supervisors of the City and County of San Francisco, and DAVID A. BARRY, Clerk of the Board of Supervisors of said City and County have compared the six (6) foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals, submitting the same to the electors of said City and County at a special election held on Tuesday, the sixteenth day of May, One Thousand Nine Hundred Forty-four, and find that the foregoing are full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this 1st day of June, One Thousand Nine Hundred Forty-four.

DAN GALLAGHER

President of the Board of Supervisors of the City and County of San Francisco

DAVID A. BARRY

Clerk of the Board of Supervisors of the City and County of San Francisco

[SEAL]

Now therefore be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 14

*Assembly Concurrent Resolution No. 4—Relative to approving an amendment to the charter of the City of Piedmont, a municipal corporation of the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general city election held therein on April 11, 1944.*

[Filed with Secretary of State June 13, 1944.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth in the Charter of the City of Piedmont, a Municipal Corporation in the County of Alameda, State of California, as set out in the Certificate of the President of the City Council and the City Clerk of said City of Piedmont as follows, to wit:

City of Piedmont Charter amendments

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA } SS  
CITY OF PIEDMONT }

We, the undersigned, Lawrence F. Moore, President of the City Council of the City of Piedmont, State of California and Weare C. Little, City Clerk of said City do hereby certify and declare as follows:

Certificate

THAT the City of Piedmont is a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a City containing a population of more than thirty-five hundred (3500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized, existing and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of the City at an election duly held for that purpose February 27, 1923, and approved by the Legislature of the State of California on the 15th day of March 1923. (Statutes 1923, Page 1564)

THAT in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its motion, the Council of the City of Piedmont, being the legislative body of said City, by its Resolution duly and regularly submitted to the qualified electors of said City a certain proposal, designated as "Charter Amendment No. 47" to amend the Charter of said City and to be voted on by said qualified electors at the regular municipal election held in said City on the 11th day of April, 1944.

THAT said proposed Amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 25th of February 1944, in the "Oakland Tribune", a daily newspaper

of general circulation within the said City of Piedmont and in all the editions thereof issued during the day of publication, there being no official newspaper within the said City of Piedmont.

THAT said regular municipal election was duly and regularly held in said City of Piedmont, after due notice given, on the 11th day of April 1944, which day was not less than forty (40) days nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Amendment in the "Oakland Tribune".

THAT the returns of said election were, in accordance with law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers, thereunto duly and properly authorized, that said proposed Amendment to the Charter of the City of Piedmont, was ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution duly declare the results of said election as determined by the canvass of the returns thereof.

THAT as to said Amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

THAT said Amendment to the Charter of the City of Piedmont so ratified by the electors of said City is in words and figures as follows:

Shall the Piedmont Charter be amended by adding a new Section thereto to be numbered 47, in words and figures following to-wit:

#### SECTION 47—PENSION PLAN

Pension  
plan

ARTICLE 1. A Board whose duty it shall be to handle and administer pensions for retired members and benefits for members, their nominees and the widows and minor children of deceased members of the Police and Fire Departments of the City of Piedmont is hereby created. The Pension Board shall be the Mayor City Treasurer, one Councilman, one member of the Police Department and one member of the Fire Department. Each said Department member shall be selected from the rank and file of each of his respective departments. The Council members shall be selected by the members of the Council of the City of Piedmont.

The Pension Board shall select its own Chairman and Secretary and shall administer all matters pertaining to pensions in accordance with the provisions of this Section.

"Board"

The Pension Board shall have power, by Resolution, to provide Rules and Regulations for the administration of all matters pertaining to pensions and benefits hereunder.

ARTICLE 2. Definitions. The term "Board" shall mean the "Pension Board"; the term "Member" shall mean every person in full time active service in either the Police or Fire Departments of the City of Piedmont; the term "Fund" shall mean the "Pension Fund".

ARTICLE 3. There is hereby established a Pension Fund <sup>Pension fund</sup> for hereafter retired members, and for benefits for eligible members, their nominees and the eligible widows and minor children of deceased members of the Police and Fire Departments of the City of Piedmont, as hereinafter defined. The Fund shall receive its funds as provided in Article 4 of this Section and payment shall be made from such fund except as provided in this Section.

No interest shall be paid from or out of this Fund to or for the account of any member or to or for the account of any widow or minor child or minor children.

The balance of money on hand in that certain fund heretofore created by Ordinance No. 107 (New Series) and any and all investments made from the cash from said fund, either War Bonds or otherwise, shall be transferred and/or credited to the Pension Fund created by Article 3 hereunder.

ARTICLE 4. There shall be paid to the Fund of the City <sup>Contributions to fund</sup> of Piedmont such sums as may be determined by the City Council of the City of Piedmont from time to time by tax levy or otherwise and the City Council, if necessary, shall levy a tax to provide extra revenue for maintaining said Pension Fund.

Each member shall pay to the Fund a monthly payment of a sum equal to 5% of the salary of said member, which payment shall be deducted from the monthly salary of said member, and each member shall be deemed to consent and agree to such deduction.

The City shall pay to such fund each year an amount of money which, in the aggregate shall equal the total of the said 5% deductions from said salaries for each said year, irrespective of whether any portion of such deductions from said salaries shall have been paid from said fund to any member, his heirs, representatives, or nominees, pursuant to any provisions of this Section, provided, however, that should the City Council of the City of Piedmont, by the affirmative vote of at least four of its members determine the existence of an emergency and the then inadequacy of the fund to meet the same, then and in that event the City may, pursuant to a Resolution of the City Council, make further and additional payments into such fund.

Interest earned and received on cash balances and income on investments shall be paid into the fund.

The Board shall be empowered and authorized to receive and accept all donations, gifts or bequests for said fund, and any and all fines imposed upon any member or members for the violation of any Rules and Regulations shall be paid into said Fund.

ARTICLE 5. Any person who was a member, either at the <sup>Members</sup> time of the adoption of this Section or who shall thereafter become a member and who shall have been in active service for a period of at least thirty (30) years or shall have attained the age of sixty (60) years and shall have been in active service for a period of at least twenty (20) years, shall be eligible for retirement. The Board, upon satisfactory proof to it of such



Retirement facts by order of such Board may retire and relieve from service such member, and from the date of the making of such order by said Board, the services of such member shall cease and such member so retired shall thereafter be paid from the fund, and not otherwise, during the remainder of his lifetime such amount as is provided and set forth in Article 10 of this Section, Provided, however, that no portion of any member's years of service prior to January 1, 1923 shall be used for the purpose of computing and determining the monthly sum he shall receive from the fund under the provisions of said Article 10.

Death resulting from employment  
 ARTICLE 6. Whenever a member who has been in active service for a period of more than one year shall lose his life due to an injury, disability or disease caused by and received in the course of his employment and in the performance of his duty, then upon satisfactory proof of such facts made to it, said Board shall order and direct the sum of \$50.00 per month be paid from said fund, and not otherwise, to the widow of said deceased member as long as she shall remain unmarried. Should said deceased member leave no widow but should leave an orphan child or children under the age of 18 years, or should the said deceased member leave a widow and child or children under the age of eighteen (18) years and the widow die without remarrying while such child or children are yet under the age of eighteen (18) years, said monthly amount shall be paid to such child or children collectively until the youngest child attains the age of eighteen (18) years, provided, that no child shall receive any payment after attaining the age of eighteen (18) years or after marrying before attaining the age of eighteen (18) years.

Disability  
 Whenever a member who has been in active service for a period of more than one year is injured or has become physically disabled or ill due to any injury, disability, or disease, caused by and received in the course of his employment and in the performance of his duty and shall have become so physically disabled as to render necessary his retirement from active service, then upon satisfactory proof of such facts made to it said Board shall order and direct the payment to said member of an amount equal to 50% of his average monthly salary received during the period of five (5) years immediately preceding the date of his injury, disability or disease, but a member who is eligible to receive the benefit provided in this Article who has been in active service for a period of less than five (5) years shall receive a sum equal to 50% of the average monthly salary received by a member of the same rank during the period of five (5) years immediately preceding the date of the injury, disability or disease of the said member who has been in active service for the period of less than five (5) years, and said payment to cease upon his death or upon the cessation of his disability or his restoration as a member, and the Board shall have discretion to determine whether or not the disability of any member has ceased.

All payments set out in this Article 6 shall be subject to the deductions set out in Article 9 of this Section.

ARTICLE 7. In the event a member dies from natural causes before retirement (and his death is not due to an injury, disability, or disease received in the course of his employment and in the performance of his duty), a sum equal to the aggregate amount of payments paid by such member into said fund as provided in Articles 3 and 4 herein shall be paid from said fund, and not otherwise, to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with said Board, but in the event said member is married, his wife shall join in the execution of said nomination, Death not  
resulting  
from  
employment

In the event a member leaves the service before retirement and has rendered satisfactory service, and the Board shall so find and shall give to such member a certificate of honorable dismissal, a sum equal to the aggregate amount of the payments paid by said member into said fund, as provided in Articles 3 and 4 herein, shall be paid from said fund, and not otherwise, to said member so leaving the service. Leaving  
service  
before  
retirement

Also in the event a retired member dies before he has received in pension payments a sum equal in the aggregate to the aggregate amount paid by said member into said fund, as provided in Articles 3 and 4 herein, a sum equal to the difference between the said aggregate sum received in pension payments by said retired member and the aggregate sum paid into said fund by said member shall be paid from said fund, and not otherwise, to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with the said Board, but in the event said member is married, his wife shall join in the execution of said nomination. Death of  
retired  
member

Notwithstanding any payments paid to any member as provided in Article 7 herein, no payments theretofore made to the fund by the City shall be withdrawn by said City except for the payments made under the provisions of Articles 6 and 10.

ARTICLE 8. For the purpose of qualifying and becoming eligible under the provisions of this Section, a member who has served or may serve in the future in each of said Police and Fire Departments, in computing his total years of active service may use the aggregate number of years served in said Departments, provided, however, concurrent service shall be computed as if it were entirely in one of said Departments, and provided further, that if a member shall leave the service of the City before retirement and his leaving is not due to injury, illness, disability, disease, leave of absence, or because of his induction into or his volunteering into the military service within the meaning of the Act of Congress of the United States cited as "Soldiers' and Sailors' Civil Relief Act of 1940" and such member is not reemployed into the active service of the City within a period of 30 days after he shall have left the service of the City, then no portion of the time prior to his leaving the Computation  
of service

employment of the City may be used in computing his total active years of service.

Deduction:

ARTICLE 9. In the event any retired member, widow, minor child or children are receiving payments from said fund under the provisions of Articles 6 or 10 of this Section and are also receiving or are eligible to receive a payment or payments from any other public source pursuant to the provisions of any Federal and/or State Relief, Pension Statute or State Compensation Insurance Fund, said payment or payments so received shall be deducted from time to time from the amount payable under the provisions of Articles 6 or 10 of this Section. Provided, however, the monthly payments received under the provisions of Article 6 or Article 10 of this Section, together with the payments from such other public source in the aggregate shall not exceed or be less than the sum said member, widow, minor child or children would normally receive under the provisions of Articles 6 or 10.

Retirement  
pay

ARTICLE 10. Whenever any member is retired by the Board as provided in Article 5 he shall receive from the fund a monthly pension in a sum equal to one-sixtieth of his average monthly salary, received during the period of five years immediately preceding the date of his retirement, multiplied by the number of years of active service.

Military  
service

ARTICLE 11. In the event a member is inducted into or volunteers in the military service within the meaning of the Act of Congress of the United States cited as the Soldiers' and Sailors' Civil Relief Act of 1940 and leaves active service of the City and, upon the termination of his military service, he is reemployed by the City as a member, the period of time said person was not in the active service of the City shall not be considered in computing the years of active service for the purpose of qualifying and becoming eligible under the provisions of Article 5 of this Section. In the event said member leaves the active service of the City and withdraws a sum equal to the aggregate amount of the payments paid by said member into said fund and later is re-employed by the City, in order to qualify under the provisions of Article 5 of this Section said member shall repay to said fund the amount so withdrawn.

Application  
for  
payments

ARTICLE 12. When a widow, minor child or children become eligible for a payment or payments under the provisions of this Section, application to the Board must be filed within ninety days after the date of eligibility, and said Board shall act on said application within ninety days after the filing thereof.

Hearing

ARTICLE 13. Before making any order for the payment of any sum or sums from said fund, the Board may call and conduct hearings, and may subpoena such witnesses, hear and take such evidence in relation to the subject as in its discretion it may deem proper.

Repeal

ARTICLE 14 Section 37-a- of the Charter of the City of Piedmont is hereby repealed.

IN WITNESS WHEREOF we have hereunto set our hands and caused the Seal of said City of Piedmont to be affixed hereto this 29th day of April 1944.

LAWRENCE F. MOORE  
President of the City Council  
WEARE C. LITTLE  
City Clerk—City of Piedmont

[SEAL]

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 Article XI of the Constitution of the State of California; now therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* <sup>Approval</sup> The majority of all members elected to each house voting therefor and concurring therein, that said amendment to the charter of the City of Piedmont as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be, and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as a part of the charter of the said City of Piedmont.

CHAPTER 15

*Senate Concurrent Resolution No. 5—Relative to approving certain amendments to the charter of the City of Pacific Grove, a municipal corporation of the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on May 12, 1944.*

[Filed with Secretary of State June 13, 1944.]

WHEREAS, Proceedings have been had and taken for the purpose of adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of Pacific Grove, a municipal corporation of the County of Monterey, State of California, as set forth in the certificate of the Mayor and the City Clerk of said City of Pacific Grove, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PACIFIC GROVE OF CERTAIN CHARTER AMENDMENTS.

State of California }  
County of Monterey } ss.  
City of Pacific Grove }

We, the undersigned, E. K. BRAMBLETT, Mayor of the City of Pacific Grove, and John D. Irwin, City Clerk of said City, do hereby certify and declare as follows:

That the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, is now, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants and less than fifty thousand inhabitants, and has been ever since the 22nd day of April, 1927, and is now, organized, existing, and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 9th day of April, 1927, and approved by the Legislature of the State of California by a concurrent resolution approved by the Legislature of the State of California on the 22nd day of April, 1927 (Statutes 1927, page 2329).

That pursuant to, and in accordance with, the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of the City of Pacific Grove, being the legislative body thereof, on its own motion, duly and regularly submitted a certain proposal for the amendment of certain sections of the Charter of said City, to be voted upon by the qualified electors of said City at a special municipal election held in said City on the 12th day of May, 1944, which said proposal was designated as Proposition No. 1.

That pursuant to resolution duly adopted by the City Council of said City of Pacific Grove, the said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the PACIFIC GROVE TRIBUNE, a weekly newspaper of general circulation published in said City of Pacific Grove and the official newspaper of said City, in the four editions thereof published on the 31st day of March, 1944, and the 7th, 14th, and 21st days of April, 1944, those being the days on which said paper was published in the respective weeks.

That copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Pacific Grove was published in the said PACIFIC GROVE TRIBUNE, a weekly newspaper of general circulation in said City, on the 31st day of March, 1944, and on the publication date of said paper each week thereafter, until and including the 5th day of May, 1944, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed Charter amendments could be had upon application therefor at the office of said City Clerk until the day fixed for said special municipal election.

That the Council of the City of Pacific Grove, being the legislative body of said City, by its Resolution No. 3743, did order the submission of said proposed amendments to the Charter of said City at said special municipal election to be held on May 12, 1944, according to the terms of the Charter of said City of

Pacific Grove providing for special municipal elections on the call of the Council, which Resolution was pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, and the date of said special municipal election was at least forty days after the completion of the advertising of the proposed Charter amendments in said official newspaper of said City and was not more than sixty days after the completion of said advertising and did provide in said Resolution for the submission of the proposed amendments to the Charter of said City to the qualified electors of said City for their ratification at such special municipal election.

That thereafter said special municipal election was duly and regularly held on Friday, May 12, 1944, and the City Council of said City of Pacific Grove did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 15th day of May, 1944, by Resolution No. 3744, duly declare and certify the result of said special municipal election as determined from the canvass of the returns thereof.

That at said election a majority of the qualified electors voting on said proposal to amend the Charter of said City of Pacific Grove voted in favor thereof, and the said City Council of said City did, by said Resolution No. 3744, find, determine, and declare that the said proposed amendments to the Charter of the City of Pacific Grove, being said Proposition No. 1, was ratified by a majority of the qualified electors of said City voting thereon.

That said amendments to the Charter so ratified by the qualified electors of the City of Pacific Grove at said special municipal election, are in words as follows, to wit:

#### “PROPOSITION NO. 1

“(A). That Section 61A be added to said Charter, which will read as follows:

‘Section 61A. RECREATION BOARD. The recreation program of the City shall be managed by a Board of five Recreation Trustees. The salaries and compensation of all officers and employees appointed by the Board of Recreation Trustees shall be paid out of the moneys received by the City from the special levy for the maintenance and support of a recreation program.’”

“(B). That the following subsection be added to Section 50 of said Charter, which said addition shall read as follows:

‘(D). For the maintenance and support of a recreation program for said City, and the tax levied for such purposes shall not exceed one and one-half mills on each dollar of the assessed valuation of the real and personal property within the City.’”

“(C). That the second paragraph of Section 34 of the City Charter be amended to read as follows:

‘A Board of five Library Trustees, a Board of five Museum Trustees, and a Board of five Recreation Trustees shall be

Recreation Board

Recreation program tax

Appointment of boards

appointed by the Mayor, subject to the confirmation of a majority of the Council.'”

Certificate

And we further certify that we have compared the foregoing amendments with the original proposal filed and submitted to the qualified electors of the City of Pacific Grove, as aforesaid, and find that the foregoing is a full, true, and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Pacific Grove to be affixed hereto this 17th day of May, 1944.

E. K. BRAMBLETT

Mayor of the City of Pacific Grove

[SEAL]

JOHN D. IRWIN

City Clerk of said City

WHEREAS, Said proposed amendments to the charter to the City of Pacific Grove, so ratified by the majority of electors voting thereon at a special municipal election held on the twelfth day of May, 1944, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Senate of the State of California, the Assembly concurring,* A majority of all members elected to each house voting for the adoption of this resolution and concurring therein, that said amendments to the charter of the City of Pacific Grove, as proposed, adopted and ratified by the electors of the said City of Pacific Grove, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the City of Pacific Grove.

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## CHAPTER 16

*Assembly Joint Resolution No. 2—Memorializing the Congress of the United States to make a survey of the needs of various schools for adult manual education, before authorizing disposal of equipment or machinery used in the production of war material.*

[Filed with Secretary of State June 13, 1944 ]

Survey  
for adult  
education

WHEREAS, From now on the United States Government and its agencies will have for disposal in increasing quantities equipment and machinery built primarily for the production of war materials but much of it still usable or adaptable for use in manual training schools; and

WHEREAS, Because of the return of many physically handicapped service men to civilian life and of the more or less temporary war and postwar economic readjustments, there will

be an increasing need of adult mechanical training, in which much machinery and equipment now owned by the Federal Government and its agencies could be well used; now, therefore, be it

*Resolved*, That before disposing of equipment or machinery which is fitted or may be adapted for use in manual training schools for adult education, the Congress of the United States be and it is hereby memorialized to cause a survey to be made of the needs of adult training schools throughout the country, with a view to making available to them such machinery and equipment belonging to the Federal Government and its agencies, and no longer needed, as may be fitted or adapted to the use of such schools; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to forward copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and to each Member of the House of Representatives from California in the Congress of the United States.

## CHAPTER 17

*Assembly Joint Resolution No. 3—Relative to memorializing Congress to provide adequate support for the maintenance of the San Joaquin Experimental Range by the Forest Service, United States Department of Agriculture.*

[Filed with Secretary of State June 13, 1944]

WHEREAS, There is in the County of Madera, State of California, the San Joaquin Experimental Range of the United States Forest Service, Department of Agriculture, established in 1935 for the major purposes of: (a) Making studies of the proper utilization of natural range through conservation, reseeding, introduction of new species, fertilization, cultivation, and management, and (b) making studies of the proper management of livestock on the range; and

WHEREAS, The studies now being carried on at this station are proving to be of marked benefit to the livestock industry, and give promise of immeasurably greater benefits if continued; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Congress of the United States be memorialized to give consideration to the appropriation of adequate funds for the continuance of this vital work by the Forest Service, Department of Agriculture; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Secretary of Agriculture, and each Member of the Senate and the House of Representatives from California in the Congress of the United States.



## CHAPTER 18

*Assembly Joint Resolution No. 6—Relative to making shotgun shells available to farmers.*

[Filed with Secretary of State June 13, 1944]

Shotgun  
shells for  
farmers

WHEREAS, It is essential to the production of food and fiber that rice and other grains be protected against the damage done by mud hens and resident ducks; and

WHEREAS, It is necessary that shotgun shells be made available in adequate quantities for purchase by farmers to provide for such protection; and

WHEREAS, The War Production Board, by its order L-286, as amended August 25, 1943, promulgated an elaborate set of regulations governing the allotment of shotgun shells to farmers and others, under which farmers and ranchers have received permits enabling them to purchase shotgun shells; and

WHEREAS, Such permits have been of little benefit to farmers and ranchers because they have been unable to obtain such shells as they have been purchased by other persons holding permits from the War Production Board; and

WHEREAS, It is necessary either to increase the allotment of shotgun shells to California so that farmers and ranchers holding permits may be able to purchase the shells covered thereby or, if such can not be done, to limit the permits issued to persons other than farmers and ranchers; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the War Production Board be memorialized either to make more shotgun shells available to farmers and ranchers holding permits to purchase such shells in California or, if the necessities of war prevent such increased allotment, to limit the granting of permits to persons other than farmers and ranchers so that shells may be obtained by the latter in order to protect their growing grain and thus to augment the food supply of this Nation; and, be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President and Vice President of the United States, to Donald M. Nelson, Chairman of the War Production Board, and J. Joseph Whelan, recording secretary thereof, and to the members in the Congress of the United States from California.

## CHAPTER 19

*Assembly Joint Resolution No. 9—Relative to requesting priorities on pasteurizing equipment for the manufacture of cheese.*

[Filed with Secretary of State June 13, 1944]

Priorities  
Pasteurizing  
equipment

WHEREAS, The Assembly and Senate of the State of California have passed a bill to require that unripened and uncurd

cheese must be pasteurized or made from pasteurized milk products; and

WHEREAS, Such legislation is necessary in order to prevent the recurrence of a recent outbreak of communicable disease traceable to uncured and unpasteurized cheese; and

WHEREAS, The California cheese industry has no objection to such a requirement but is unable to obtain priorities for the equipment necessary to continue its current volume of production; and

WHEREAS, The California cheese industry sells more than one-half of its production to the armed forces of the United States, and unless provision is made for the necessary equipment production will be diminished; and

WHEREAS, At least 12 pasteurizing units and 24 recording thermometers will be needed immediately in order to continue cheese production at its current volume; and

WHEREAS, Under present priority ratings months may elapse before this urgently needed equipment will be obtainable; and

WHEREAS, The granting of priorities sufficiently high to permit immediate acquisition of the necessary equipment would accomplish a desirable end and further, rather than detract from, the war effort; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of California urgently requests the granting of priorities in the purchase of at least 12 pasteurizing units and 24 recording thermometers to the cheese manufacturers in this State who require such equipment; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the War Food Administration, the Secretary of the Navy, the Secretary of War, and to each member from California in the Congress of the United States

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## CHAPTER 20

### *Assembly Concurrent Resolution No. 8—Relative to the retirement of Judge W. T. O'Donnell.*

[Filed with Secretary of State June 13, 1944 ]

WHEREAS, W. T. O'Donnell, Judge of the Superior Court of the County of Solano, refused to stand for reelection at the primary election on May 16, 1944, and has announced his intention to retire from the bench; and

WHEREAS, Judge O'Donnell will have completed almost 30 years of service as superior court judge when he retires on January 1, 1945; and

WHEREAS, Since his appointment in July, 1915, Judge O'Donnell has brought credit and respect to the judiciary of this State and has received state-wide recognition for his ability and integrity; and

Retirement  
of Judge  
W T  
O'Donnell

WHEREAS, Judge O'Donnell has always been kindly and just in his decisions and has "tempered justice with mercy" and devoted many hours to the welfare of the children of the county outside of his regular duties as judge; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature extends to Judge O'Donnell its heartfelt appreciation of his service to the State of California and its regret at the loss of so valuable a servant of the people, and that it bespeaks for Judge O'Donnell and his wife, Maude, many years of happiness and well-being; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit to Judge W. T. O'Donnell a suitably engrossed copy of this resolution.

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## CHAPTER 21

*Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 5 of Article XI, relating to compensation of officers*

[Filed with Secretary of State June 15, 1944 ]

Constitution:  
Article XI,  
Section 5

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, in Extraordinary Session commencing on the fifth day of June, 1944, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that Section 5 of Article XI of the Constitution of the State be amended to read as follows:

Compensation of  
county  
officers

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties.

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of sections 7½, 7½a and 8½ of this article, relating to county or city and county charters. That certain act entitled "An act to add a

new section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature at its Fiftieth Session, is hereby validated and made fully and completely effective.

The compensation of any county, township or municipal officer shall not be increased after his election or during his term of office, nor shall the term of any such officer be extended beyond the period for which he was elected or appointed. Increase in compensation

The Legislature by a two-thirds vote of the members of each house may suspend the provision hereof prohibiting the increase of compensation of any county, township or municipal officer after his election or during his term of office for any period during which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they prevent any increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified.

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## CHAPTER 22

*Senate Concurrent Resolution No. 7—Relative to providing site in Siskiyou County upon which the Federal Government may construct an airport.*

[Filed with Secretary of State June 15, 1944 ]

WHEREAS, The United States is engaged in a total war and has called upon all State Governments to lend every assistance in the furtherance of the prosecution of the war; and Airport Siskiyou County

WHEREAS, During the early stages of the war the War Department requested that there be provided in Siskiyou County a site upon which to construct an airport for the use of bombers in the Army Air Forces, on which project the War Department will expend approximately two million dollars (\$2,000,000) to construct and equip said airport; and

WHEREAS, Such a site was not possessed by the County of Siskiyou which could be turned over to the Federal Government; and

WHEREAS, The need was immediate and the urgent request of the War Department had to be met; and

WHEREAS, In November of 1942 the former Director of Finance agreed to make available from the Emergency Fund the sum of twenty-five thousand dollars (\$25,000) with which

to purchase a site upon which said airport is being constructed; and

WHEREAS, Condemnation proceedings have required over two years to clear the required title to the property and the State is now called upon to provide the money which it agreed to make available; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the State Director of Finance be requested to fulfill the agreement previously made by the Director of Finance and to use whatever legal means are available to provide a site in Siskiyou County upon which the Federal Government may construct said airport; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to send a copy of this resolution to the State Director of Finance.

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## CHAPTER 23

*Senate Concurrent Resolution No. 8—Requesting the State Park Commission to accept Mendocino Woodlands as a part of the State Park System if this tract is made available to the State as a gift from the Federal Government.*

[Filed with Secretary of State June 15, 1944]

Mendocino  
Woodlands  
as State  
park

WHEREAS, It appears that the Federal Government desires to abandon the project known as Mendocino Woodlands and may be willing to make a gift of this tract of land to the State of California; and

WHEREAS, The Federal Government has spent a total of five hundred thirty-six thousand five hundred sixty-seven dollars (\$536,567) in acquiring and developing this park area, which provides camping and outdoor recreational facilities for from 350 to 400 organized campers, which facilities are grouped in three separate areas to provide for family and organization camping; and

WHEREAS, This tract adjoins the Russian Gulch State Park and is easily accessible by automobile on an all-year road and is a short distance from the airport now being constructed at Little River; and

WHEREAS, Excellent steelhead and trout fishing is a real attraction in this area; and

WHEREAS, It appears that the area can readily be made a part of the State Park System; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Park Commission is hereby requested to accept the area known as the Mendocino Woodlands in Mendocino County as a gift from the Federal Government if so made available, to be maintained and operated as a part of the State Park System; and be it further

*Resolved,* That a copy of this resolution be transmitted to the California State Park Commission.

## CHAPTER 24

*Senate Joint Resolution No. 1—Relative to memorializing Congress to enact legislation to provide that the 160 acre limitation in the Federal Reclamation Law shall not apply to the Central Valley Project.*

[Filed with Secretary of State June 15, 1944 ]

WHEREAS, The Central Valley Project is being constructed as a wholly Federal project under the provisions of the Federal Reclamation Law; and

Central  
Valley  
Project

WHEREAS, The Federal Reclamation Law provides that all acreage in excess of 160 irrigable acres in a single ownership shall not be eligible to receive water until sold by the owner under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior (Sec. 423e, Title 43, United States Code); and

WHEREAS, The Federal Reclamation Law was originally devised for the reclamation and irrigation of lands in the Great Plains region in order to open up Government-owned land for settlement and development; and

WHEREAS, The Central Valley Project is superimposed upon an established agricultural economy and will principally affect lands already in private ownership; and

WHEREAS, The application of the excess land provisions to a situation such as is presented by the Central Valley Project will cause great disruption and will have results which probably were not anticipated by the Congress when it enacted such provision; and

WHEREAS, Representative Elliot's amendment to H. R. 3961 was designed to remove this limitation as to the Central Valley Project and this amendment was favored by practically all Californians interested in the project or the area covered by it; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Congress of the United States be memorialized to enact suitable legislation to provide that the excess land provision of the Federal Reclamation Law (Section 423e, Title 43, United States Code) shall not apply to the Central Valley Project nor to lands irrigated thereby; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to send copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, and to each of the Senators and Representatives from California in the Congress of the United States.

## CHAPTER 25

*Senate Joint Resolution No. 5—Relative to designation of the Sausalito lateral as an access road.*

[Filed with Secretary of State June 15, 1944 ]

Road:  
Sausalito  
Lateral

WHEREAS, The Golden Gate Bridge, spanning the waters of San Francisco Bay, is an indispensable connection between the United States Army reservations at Forts Baker, Barry and Cronkhite in Marin County, California and the Presidio of San Francisco and between many other military and naval establishments in this State; and

WHEREAS, Without this bridge the movement of the armed forces of the United States would be seriously interrupted, and the transportation of troops, munitions, supplies and the implements of war rendered almost impossible without the use of water transport; and

WHEREAS, The main northern approach to the bridge in Marin County, the so-called Waldo approach, has a steep 6 per cent grade, and has been the scene of numerous slides of rock and mud during winter, which have interrupted the flow of traffic and might easily block the highway for extended periods of time; and

WHEREAS, The present alternative northern approach, the Sausalito lateral, which passes through winding and narrow streets in the city of Sausalito, is of limited capacity and dangerous even to slow moving traffic; and

WHEREAS, It is vitally necessary to construct an extension to the Sausalito lateral to provide a low grade, fast highway and approach to the Golden Gate Bridge, available at all times and under any weather conditions; and

WHEREAS, Construction of such an extension would represent a tremendous saving in gasoline and maintenance on military and naval vehicles using the Golden Gate Bridge, particularly heavy duty trucks and equipment, would assist materially in solving the traffic problem and eliminate the congestion resulting from workers driving to and from the Marinship shipbuilding yards in Sausalito, result in conserving time now wasted in negotiating the Waldo grade or traversing the present inadequate lateral, and would be in the interest of public safety and National defense; and

WHEREAS, Its construction would facilitate naval operations for the defense of San Francisco harbor by providing a fast route to naval as well as military establishments in the area; and

WHEREAS, This vital extension can not be constructed under present war emergency conditions unless it is designated as an access road under the National Defense Road Act; and

WHEREAS, The State Senate Interim Committee on the Golden Gate Bridge and Highway District recommended construction of this project in its report submitted to the State Senate in April, 1943; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Federal Works Administration and the Federal Public Roads Administration be memorialized to designate the Sausalito lateral extension approach to the Golden Gate Bridge in California as an access road under the National Defense Highway Act of 1942, as amended; and be it further

*Resolved,* That the Secretary of the Senate forward copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Member of the House of Representatives from California in the Congress of the United States, to the Secretary of War and the Secretary of the Navy, to the War Production Board, to the Director of the Federal Works Administration, to the Director of the Federal Public Roads Administration, and to Lieutenant General Delos Emmons, Commander of the Western Defense Command of the United States Army.

#### CHAPTER 26

*Assembly Joint Resolution No. 7—Relative to making manpower available for the Geneva Steel Plant at Provo, Utah.*

[Filed with Secretary of State June 15, 1944 ]

WHEREAS, The Geneva Steel Plant at Provo, Utah, is now engaged in the production of shipplate, which is vital to the continued operation of shipyards in California; and

Manpower:  
Geneva  
Steel  
Plant

WHEREAS, The Geneva Steel Plant is not running at full production on shipplate due to a shortage of manpower; and

WHEREAS, The Geneva Steel Plant is not permitted to recruit additional labor in the adjacent region due to certain orders of several Federal war agencies which have taken steel off the critical list; and

WHEREAS, The California Commission on Interstate Cooperation has been working with the Utah Commission on Interstate Cooperation in establishing the operation of the Geneva Steel Plant as a wartime and postwar regional asset; and

WHEREAS, Unless the Geneva Steel Plant, which is a vital source of shipplate for California shipyards, is permitted to operate at full capacity on shipplate production, the production of California shipyards will be curtailed for lack of this vital material; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California does urge the appropriate officials of the War Production Board and the War Manpower Commission to modify their orders which affect the Geneva Steel Plant so that it can recruit necessary labor in the adjacent region; and be it further

*Resolved,* That copies of this resolution be forwarded to the Honorable Donald Nelson, Chairman of the War Production Board, the Honorable Paul V. McNutt, Chairman of the War Manpower Commission, and the Honorable Grover Giles, Chairman of the Utah Commission on Interstate Cooperation



## CHAPTER 27

*Assembly Joint Resolution No. 8—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a postwar construction project.*

[Filed with Secretary of State June 15, 1944]

Mammoth  
Pass Road

WHEREAS, Sound postwar planning demands that the Federal Government undertake many construction projects employing vast numbers of men, and economical management requires that the government's money be spent upon projects of lasting benefit; and

WHEREAS, The National Government has assisted in the construction of a National highway from the Mexican border to the Canadian line, known as United States Highway No. 395, and

WHEREAS, The United States Highway No. 395 connects with various other highways leading to other portions of California; and

WHEREAS, Present direct traffic routes from the San Joaquin and Santa Clara Valleys through the Sierra Nevada Range connecting with said U. S. Highway No. 395, are closed for a large part of the year by heavy snows; and

WHEREAS, The Mammoth Pass, which is within a few miles of United States Highway No. 395, is much lower and in more open country and is not closed with snow for as long a time in the winter months as the other passes; and

WHEREAS, A portion of said proposed highway has been constructed by the Forestry Department, building from both sides of the mountain range, leaving a distance of approximately 45 miles to connect the said Highway No. 395 and State Highway No. 125 and State Highway No. 126; and

WHEREAS, The proposed highway will connect with U. S. Highway No. 99 from which several State highways lead across the Coast Range to the Santa Clara Valley on the west side of the said range, and connect with U. S. Highways Nos. 101 and 466; and

WHEREAS, The construction of the highway over the said Mammoth Pass which could be kept open during the entire year through the use of modern machinery would provide an important east-west traffic route through the Sierras and would be in every way a desirable postwar construction project.

WHEREAS, The construction of the proposed highway would not only be of importance from the standpoint of National defense, but would be of inestimable advantage from an economic standpoint, in that it would:

(a) Afford an opportunity for the development of a virgin territory with extensive natural lumber resources amounting to upwards of 2,800,000,000 board feet of a present commercial value and an additional 2,000,000,000 board feet of potential pulp timber and substantial deposits of iron, lead and silver;

(b) Attract a large number of visitors to view the priceless heritage of forests, mountains, game animals, birds and other scenic beauties of the region which would be open to tourist and other travel;

(c) Provide a loop trip for those persons traveling from Southern California to the Owens River Valley by the eastern route;

(d) Assist in the full power and irrigation storage development of the upper San Joaquin River in order to meet the needs of the Central Valley Project; and

WHEREAS, The building of the proposed highway would contribute in great measure to the future and increasing growth and prosperity of the San Joaquin Valley and of other portions of this State; and

WHEREAS, On August 13, 1940 Representative Gearhart of California introduced in the House of Representatives of the Congress of the United States, H. R. 10348 of the Seventy sixth Congress, Third Session, authorizing the Secretary of Agriculture to construct, extend, and improve that highway; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President and the Congress of the United States be memorialized to take such steps as may be necessary to have the said Mammoth Pass Road constructed to commence at or near Casa Diablo in Mono County, on United States Highway No. 395, and continue over Mammoth Pass at the most feasible location and connect with State Highway No. 125 and Highway No. 126 in Madera County, a distance of approximately 45 miles; and be it further

*Resolved,* That the Congress of the United States be memorialized to take up again the consideration of, and pass, the said bill, H. R. 10348, or to otherwise make a suitable appropriation and order the construction of said highway as soon as possible; and be it further

*Resolved,* That a copy of this resolution be sent by the Chief Clerk of the Assembly, to the President and Vice President of the United States, to General P. B. Fleming, Federal Works Administrator, to the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Representative from California and from Nevada in the Congress of the United States; and the Senators and Representatives from California and Nevada are hereby respectfully urged to request such action.

## CHAPTER 28

*Senate Concurrent Resolution No. 10—Relative to augmenting the appropriation for the Joint Committee on the Tax Structure of the State.*

[Filed with Secretary of State June 15, 1941]

Joint  
Interim  
Committee  
of Tax  
Structure

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That in addition to any money heretofore made available, the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the Joint Interim Committee on the Tax Structure of the State (created by Senate Concurrent Resolution No. 10, Resolution Chapter 122, Statutes of 1943) and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

## CHAPTER 29

*Senate Concurrent Resolution No. 11—Relating to the investigation of the malaria hazard in California.*

[Filed with Secretary of State June 15, 1944]

Malaria  
hazard

WHEREAS, Records show that malaria has been endemic in California since the earliest settlers arrived; and

WHEREAS, Anopheline mosquitoes, which are the vector of malaria, are widespread in the State, being especially prevalent in the irrigated areas of the great Central Valley; and

WHEREAS, The State Department of Public Health and the University of California started the control of malaria and of Anopheline mosquitoes more than 30 years ago and have continued to foster the development of mosquito control through local agencies, particular mosquito abatement districts under an act of the Legislature in the year 1915, all of which has resulted in a marked control of malaria in peacetime; and

WHEREAS, The return of the armed forces from tropical theaters of war is and will continue to be a threat to the public health of the people of California, because of the high incidence of malaria infection among discharged personnel and convalescents on furlough; and

WHEREAS, The normal measures for the control of malaria may become insufficient under war or postwar conditions; now, therefore, be it

*Resolved, by the Senate of the State of California, the Assembly thereof concurring,* That the Director of the State Department of Public Health is hereby respectfully urged to consider

existing and alternative methods of mosquito control and abatement, including an evaluation of the comparative effectiveness, feasibility and cost of each such alternative method and to submit a report and his recommendations to the Governor and to the Legislature not later than the Fifteenth Legislative Day of the Fifty-seventh Regular Session of the Legislature; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to forward a copy of this resolution to the Director of the State Department of Public Health.

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## CHAPTER 30

*Senate Concurrent Resolution No. 12—Relative to adjournment sine die of the Fifty-fifth (Fourth Extraordinary) Session of the Legislature of the State of California.*

[Filed with Secretary of State June 15, 1944.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Fourth Extraordinary Session of the Fifty-fifth Legislature of the State of California, which convened at 11 o'clock on the fifth day of June, 1944, pursuant to a proclamation issued by the Governor of the State of California under date of May 23, 1944, shall adjourn sine die at 11 o'clock p.m. on Tuesday, June 13, 1944.

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## CHAPTER 31

*Senate Joint Resolution No. 7—Relative to United States House Resolution No. 4184.*

[Filed with Secretary of State June 15, 1944.]

WHEREAS, There is now pending before the Congress of the United States H. R. 4184, which proposes to repeal the requirement for land grant deductions in railroad transportation charges by railroads heretofore receiving land grants, and

WHEREAS, The passage of said bill is being urged by the Interstate Commerce Commission, the Board of Investigation and Research created by the Transportation Act, of 1940 the National Association of Railroads and Utilities Commissioners, the Mountain-Pacific States Conference on Public Service Commissioners, the Railroad Commission of the State of California, the National Industrial Traffic League, the National Association of Shippers Advisory Boards, the Railway Labor Executives Association, the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Railroad Trainmen, the Brotherhood of Locomotive Engineers, and many other labor organizations and organizations of shippers; and

U S House  
Resolution  
4184  
re railroads:  
Land  
grant  
deductions

WHEREAS, The State of California is particularly interested in the establishment and maintenance of fair and equitable freight rates for railroad transportation, and in the maintenance of a sound financial structure for the railroads serving this State, and

WHEREAS, The ownership of freight has no relation to the cost incurred by a railroad in performing transportation services, and the transportation of government traffic at reduced rates imposes additional costs upon all civilian shippers of freight by shifting to civilian shippers an undue portion of the whole cost of transportation, and since all shippers, both government and civilian, should share alike in defraying the cost by paying similar rates for similar services; now therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of California heartily approves H. R. 4184 now pending before the Congress and hereby memorializes Congress to enact said measure; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of California.

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## CHAPTER 32

### *Assembly Concurrent Resolution No. 12—Relative to providing court reporters in criminal divisions of the municipal court in misdemeanor cases*

[Filed with Secretary of State June 15, 1944]

Court  
reporters in  
municipal  
courts

WHEREAS, There are no court reporters present to report and transcribe testimony in criminal divisions of the municipal court hearing misdemeanor cases; and

WHEREAS, Under the present practice and existing rule of the judges of the municipal court, defendants charged with the commission of misdemeanors, which in many cases provide for severe penalties in the event of a conviction, in order to obtain a record must pay the reporter fee; and

WHEREAS, Many persons accused are indigent and unable to pay such fee, particularly those represented by the Public Defender, who should not be penalized on account of their indigency; and

WHEREAS, Under the present system, the only means of appeal is by a bill of exceptions based upon the memory of the judges of the court; and

WHEREAS, Under the provisions of Section 274c, Code of Civil Procedure, the court may order proceedings in criminal cases in the municipal court reported by an official reporter without expense to the defendant; now, therefore, be it

*Resolved by the Assembly of the State of California the Senate thereof concurring,* That on the request of the defendant or his attorney the judge presiding in any misdemeanor trial, after a plea of not guilty has been entered, in the municipal court, whether by court or jury, shall appoint an official reporter to take down in shorthand all the testimony, objections made, the rulings of the court, and all statements and remarks made, and oral instructions given by the judge as provided in Section 274c, Code of Civil Procedure, and if an appeal is taken therefrom, to transcribe it in the manner provided by law; and it is further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Presiding Judge of the Municipal Court of the City of Los Angeles and all other cities wherein there is a municipal court.

CHAPTER 33

*Assembly Concurrent Resolution No. 13—Relative to the approval of that certain amendment to the charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon on the sixth day of June, 1944.*

[Filed with Secretary of State June 15, 1944.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of that certain amendment to the charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the President of the City Commission and the City Clerk of the City of Alhambra, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THAT CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA }  
 COUNTY OF LOS ANGELES } SS.  
 CITY OF ALHAMBRA }

We, the undersigned, CHARLES W. VARNEY, JR., President and presiding officer of the City Commission of the City of Alhambra, and R. B. WALLACE, City Clerk and ex-officio Clerk of the Commission of said City, do hereby certify and declare as follows:

That the City of Alhambra, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mention was a City containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1915 has been and now is organized, existing

and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by concurrent resolution No. 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740).

That the City Commission of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 8192, adopted on April 4th, 1944, duly proposed to the qualified electors of the City of Alhambra a certain amendment to the Charter of said City designated as Proposed Charter Amendment Number I, and ordered said charter amendment to be submitted to said qualified electors at the general municipal election to be held in said City on the 6th day of June, 1944; that said proposed amendment was, on April 25th, 1944, published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Alhambra Post-Advocate", and in all the editions thereof issued during such day of publication, said "Alhambra Post-Advocate" being a daily newspaper of general circulation printed, published and circulated in said City, and being the official newspaper of said City.

That said City Commission did by Ordinances Nos. 2035 and 2036 order the holding of a General and Special Municipal Election in said City of Alhambra on June 6th, 1944, for the purpose, among other things, of submitting to a vote the said proposed charter amendment, and which date of said election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment, as aforesaid; and pursuant to said charter, resolution and ordinances, the said proposed amendment was submitted to the qualified electors of said City for its ratification on said June 6th, 1944, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify the proposed amendment to the Charter of said City.

That the City Commission of the City of Alhambra, in accordance with the law in such cases, made and provided, did meet on the 12th day of June, 1944, at an adjourned regular meeting of such Commission and duly canvassed the returns of said election and duly found, determined and declared that the said proposed Amendment No. I of the Charter of the City of Alhambra was ratified by a majority of the electors of said City voting thereon.

That the said amendment to the Charter so ratified by the electors of the City of Alhambra is in words and figures as follows, to wit:

## PROPOSED CHARTER AMENDMENT NO. I

## ARTICLE XXVI

## STATE EMPLOYEES' RETIREMENT ACT

“Section 204: The “State Employees’ Retirement Act”, as now amended or as it may hereafter be amended, is hereby adopted for the City of Alhambra. Plenary authority and power is hereby vested in the City of Alhambra, its Commission, and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted or required, whereby said City, under the provisions of said Retirement Act, shall become a contracting City fully participating in the State Employees’ Retirement System, on the same basis as State employees wherever and whenever said Act permits, provided, however, that the legislative body of the City of Alhambra may terminate any contract entered into with the Board of Administration of the State Employees’ Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City of Alhambra. The employees of the Alhambra City Library shall be considered and held to be employees of the City of Alhambra for the purpose of the establishment and maintenance of the retirement system hereby authorized.

State  
Employees'  
Retirement  
Act adopted

The Commission shall levy and collect taxes sufficient to pay all costs and expenses to be paid by the City of Alhambra to enable said City to participate in the State Employees’ Retirement System, and the limitations of Article XVIII, Section 128, of the Charter of the City of Alhambra, with respect to the levying and collection of municipal taxes shall not apply to any tax authorized by this Article”.

Taxes

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to such charter is true.

Certificate

That as to the said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate Seal of the City of Alhambra to be affixed hereto this 12th day of June, 1944.

CHARLES W. VARNEY, Jr.  
President of the Commission of the  
City of Alhambra  
R. B. WALLACE  
City Clerk and ex-officio clerk of  
the Commission of the City of  
Alhambra

[SEAL]



and

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* A majority of all the members elected to each house voting therefor and concurring therein, that the aforementioned amendment to the charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the charter of the City of Alhambra.

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## CHAPTER 34

### *Assembly Concurrent Resolution No. 14—In tribute to Arthur David McHenry.*

[Filed with Secretary of State June 15, 1944]

Death of  
Arthur  
David  
McHenry

Words are sorry substitutes for the love that all of us have for Arthur McHenry; hopelessly ineffectual to express the sorrow that pervades us on the passing of a pure spirit, an unselfish heart and a truly magnificent mind; pitifully inadequate to express our personal loss as Arthur's friends.

His talents as a lawyer have always been devoted to the service of man, first for the Legal Aid Society of Alameda County in 1934, and thereafter in State service beginning in 1936. Starting as one of Fred Wood's boys as a Junior Deputy Legislative Counsel, Arthur's devotion to his two mistresses—the law and the State of California—brought him to the position of Chief Deputy Legislative Counsel in 1943. After the close of the 1943 Regular Session he was drafted by Attorney General Robert W. Kenny and at once was one of his most valuable aids.

Paradoxically, the same unswerving loyalty to his State and the high sense of duty that won for him our love and recognition, has taken him from us, for in rising from his sick bed in January, 1944, to complete the drafting and presentation of legislation entrusted to him Arthur suffered the irreparable injury to his health that called him from us yesterday at the age of 35 years.

Solace in the hour of their bereavement may be found by Elizabeth Lamson McHenry, his wife, and Aida and Joseph McHenry, his mother and father, not alone in the certitude that we share the sadness that is theirs but in the knowledge that Arthur truly served his family, his profession, and his State above and beyond the call of duty; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That when this Legislature closes this fourth extraordinary session at 5 o'clock p.m. this thirteenth day of June, 1944, it adjourn sine die in tribute to Arthur David McHenry; and be it further

*Resolved,* That the Chief Clerk of the Assembly cause suitably engrossed copies of this resolution to be prepared and transmitted to Elizabeth Lamson McHenry, and to Aida and Joseph McHenry.

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## CHAPTER 35

### *Assembly Joint Resolution No. 4—Relative to the establishment of a Veterans' Hospital in Central California.*

[Filed with Secretary of State June 15, 1944 ]

WHEREAS, The hospitalization and rehabilitation of veterans is one of our first and foremost duties; and Veterans' hospital

WHEREAS, The climatic and geographic conditions in Central California offer an ideal site for a veterans' hospital and home for domiciliary care; and

WHEREAS, There has been introduced by Bertrand W. Gearhart, Member of Congress from California, a bill known as H. R. 4560 to provide for the erection of a United States Veterans' Administration hospital and home of domiciliary care in Central California; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That Congress is hereby respectfully memorialized to act favorably on H. R. 4560; and be it further

*Resolved,* That the Chief Clerk of the Assembly be and he is hereby directed to send copies of this resolution to the President, Vice President, Speaker of the House of Representatives, and to the Senators and Representatives from California in the Congress of the United States.

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## CHAPTER 36

### *Assembly Joint Resolution No. 10—Relative to an interregional highway connecting San Diego and the extreme southern part of the State with the easterly regions of the United States.*

[Filed with Secretary of State June 15, 1944 ]

WHEREAS, The Congress of the United States now has before it for consideration a plan of establishing a system of interregional highways; and Highways in Southern California

WHEREAS, The establishment of a direct interregional highway connecting the San Diego and Imperial Valley region with the easterly regions of this country would be of immeasurable

benefit to Southern California by affording a more direct route of communication between Southern California and the Eastern States; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Congress of the United States be memorialized to include within any interregional highway system authorized by the Congress a route directly connecting the San Diego-Imperial Valley region with the easterly portions of the United States; and be it further

*Resolved,* That copies of this resolution shall be transmitted by the Chief Clerk of the Assembly to the President and Vice President of the United States, to General P. B. Fleming, Federal Works Administrator, Washington, D. C., to the Speaker of the House of Representatives, and to the members of the Congress of the United States from the State of California.

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## CHAPTER 37

*Assembly Joint Resolution No. 11—Relative to the postwar disposition of temporary and demountable war housing by the Federal Government through appropriate State and local governmental authority.*

[Filed with Secretary of State June 15, 1944 ]

Sale of  
war housing  
and  
facilities

WHEREAS, There exist in the State of California many thousands of units of temporary and demountable war housing and facilities now under the management and control of the Federal Public Housing Authority; and

WHEREAS, The retention of said housing units and facilities in their present location will tend to depress the market value of real property and have a detrimental effect upon home building enterprises in those areas during the postwar period; and

WHEREAS, Said housing units and facilities can be used satisfactorily to improve much of the agricultural housing in the State of California during the postwar period; and

WHEREAS, The several State departments and organizations interested in postwar farm problems have been engaged in cooperative discussions with the Federal Public Housing Authority relative to ways and means of making said temporary and demountable war houses available for agricultural housing purposes in the postwar period; and

WHEREAS, The Agriculture Committee of the California Commission on Interstate Cooperation has been seeking to assist in these cooperative efforts; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California does commend these groups for the efforts they are exerting in bringing about a proper solution to this problem, and be it further

*Resolved*, That the Congress of the United States, the Federal Public Housing Authority, and the State Departments in California interested in this problem be and they are urged to continue their efforts, and through appropriate legislative and administrative orders act to clear up any difficulties and carry the attack on the problem through to a successful conclusion; and be it further

*Resolved*, That copies of this resolution be sent to the Vice President of the United States, the Speaker of the House of Representatives of the United States, each of the Senators and Representatives from California in the Congress of the United States, the Federal Public Housing Authority, and the Agriculture Committee of the California Commission on Interstate Cooperation.

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## CHAPTER 38

*Assembly Joint Resolution No. 12—Relative to memorializing the United States Veterans' Administration to establish a rehabilitation home and hospital in the Redwood Empire area of California.*

[Filed with Secretary of State June 15, 1944 ]

WHEREAS, It is a clear obligation of the United States to furnish every means possible for the hospitalization and rehabilitation of the members of the armed services, now fighting on many fronts throughout the world; and

Veterans'  
hospital  
Redwood  
Empire

WHEREAS, The Redwood Empire area along the northwestern coast of California is generally recognized as an ideal region for the location of rehabilitation homes, farms and hospitals for incapacitated veterans by reason of its ideal climate, water and soil, as well as its location outside congested areas and its ready means of accessibility from centers of population; and

WHEREAS, The Redwood Empire area offers every necessity for such an institution, including adequate transportator facilities; and

WHEREAS, A hospital in this area would serve a very large number of veterans who have no ready access to any other veterans' hospital; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California does hereby urge the United States Veterans' Administration to establish and maintain a veterans' rehabilitation home and hospital in the Redwood Empire area; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to forward a copy of this resolution to Brigadier General Frank T. Hines, Administrator of Veterans' Affairs, and Honorable Clarence F. Lea, Member of Congress from the First Congressional District.

## CHAPTER 39

*Assembly Joint Resolution No. 13—Relative to the enactment by Congress of H.R. 4915, providing Federal Aid for post-war highway construction.*

[Filed with Secretary of State June 15, 1944.]

Postwar  
highways

WHEREAS, The need for public works projects following the termination of the war to furnish employment for returning service men and those no longer needed in war industries will be one of the most pressing problems facing the Nation; and

WHEREAS, A program of highway construction is ideally suited to meet a substantial portion of this need; and

WHEREAS, There is now pending in the Congress of the United States H.R. 4915 which will appropriate Federal funds for postwar highway construction, the funds to be apportioned among the States, to be expended by the States; and

WHEREAS, The method of apportionment between the States, and, as to the amount received by each State, between the various types of highways therein, is eminently fair and designed not only to provide employment where it will be most needed, but to improve the highways which are most in need thereof; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States be and it is hereby memorialized to enact H.R. 4915; and be it further

*Resolved,* That the Chief Clerk of the Assembly prepare and transmit copies of this resolution to the President and Vice President of the United States; to the Speaker of the House of Representatives of the Congress of the United States; and to each of the Senators and Representatives from California.

## CHAPTER 40

*Assembly Joint Resolution No. 16—Relative to the establishment of an Optometric Corps in the United States Army.*

[Filed with Secretary of State June 15, 1944.]

Optometrists  
in armed  
forces

WHEREAS, For the efficient functioning of the members of the armed forces of the United States it is necessary that their visual requirements be adequately cared for; and

WHEREAS, The War Department estimates that 20 per cent of United States soldiers require correction of their visual needs by the use of eyeglasses (approximately 2,200,000 individuals); and

WHEREAS, At present the supplying of the visual needs is under the direction of the Medical Corps administered by the Surgeon General of the Army; and

WHEREAS, To help fulfill these needs the Medical Corps is using the services of approximately 1,000 optometrists; and

WHEREAS, The Surgeon General and The Adjutant General have declared that more optometrists are needed to insure adequate visual care for all members of the armed forces; and

WHEREAS, These optometrists are being drafted as privates, and only in rare instances are they permitted to attain even noncommissioned rank; and

WHEREAS, All these optometrists must be (1) Graduates of a four year professional course in optometry at an approved university or school of optometry, and (2) Licensed in one of the States of the United States; and

WHEREAS, Many optometrists have sought and obtained commissioned rank in other branches of the United States Army, so that they might attain the recognition accorded others with similar education and professional attainments; and

WHEREAS, With adequate recognition most of the optometrists who are now serving in other branches of the armed forces would transfer to an Optometric Corps and help provide the needed personnel; and

WHEREAS, Many optometrists now in private practice would join the armed forces if they were able to do so in the manner permitted to other professionals, such as physicians, dentists and nurses; and

WHEREAS, The Surgeon General has stated that optometrists can not be commissioned in the Medical Corps, as only licensed physicians can receive such commissions; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of this State indorse the formation of an Optometric Corps in the United States Army and in the Army of the United States and request the members of Congress to enact the same into law; and be it further

*Resolved,* That the Chief Clerk of the Assembly prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that the Senators and Representatives from California are hereby respectfully urged and requested to support the establishment of the said Optometric Corps.

## CHAPTER 41

*Assembly Concurrent Resolution No. 6—Amending the Joint Rules of the Senate and Assembly by adding Rule 39, relative to a Joint Committee on Legislative Organization and Procedure.*

[Filed with Secretary of State June 15, 1944 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly be amended by adding thereto Rule 39, to read :*

*Rule 39. The Joint Committee on Legislative Organization and Procedure, consisting of the members of the Senate and of the Assembly Committees on Legislative Organization, is hereby created. It is charged with the duty of ascertaining facts and making recommendations concerning legislative organization and procedure and facilities for the accommodation of legislative officers and employees, and information and assistance that can be made available to the Legislature, each house, their committees and members, including research and analysis in the fact-finding field ; and of assisting committees of the Legislature and of either house in their work. It is authorized to act both during sessions of the Legislature and after final adjournment. The committee and its members shall have and exercise all of the powers and duties conferred or imposed upon such a committee or its members by the Joint Rules.*

## CHAPTER 42

*Assembly Concurrent Resolution No. 9—Relative to an investigation and report by the Superintendent of Public Instruction as to the advisability of establishing a junior college in the Sixth Congressional District.*

[Filed with Secretary of State June 15, 1944 ]

*WHEREAS, There is no junior college in the Sixth Congressional District, and the absence of a junior college in this district is depriving the present students of this educational asset due to the long distances they are required to travel to reach a junior college ; and*

*WHEREAS, The increase in the population within this district and the contemplated building and actual construction of many homes within this district indicates a continuance in this increase in population, and with the general increase in population throughout the State, it is obvious that additional junior college facilities must be provided as soon as conditions warrant their construction ; and*

*WHEREAS, There are in the district, hospital and rehabilitation facilities established by the United States Government, serving many thousands of the members of our armed forces, which will be continued after the termination of hostilities until all of our returning servicemen who need rehabilitation and*

training in different schools have taken the opportunity to avail themselves of these privileges, thereby indicating that Federal assistance for the construction and operation of a junior college in this location may be available; and

WHEREAS, The area immediately adjacent to the City of Hayward is the focal point which would best serve the eastern part of the City of Oakland and the City of San Leandro as well as the rural sections of southern and eastern Alameda County and appears to be a suitable spot for the construction of a junior college which would serve the needs of this area and make available to students at a more convenient place the facilities of a junior college; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Board of Education be and it is hereby requested to require that the Superintendent of Public Instruction make an investigation and report to the Legislature as to the advisability of the establishment of a junior college in the general location suggested above; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby instructed to forward a copy of this resolution to the Superintendent of Public Instruction.

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## CHAPTER 43

### *Assembly Concurrent Resolution No. 10—Requesting the Governor of the State of California to proclaim a “Special Registration Week” for California.*

[Filed with Secretary of State June 15, 1944 ]

WHEREAS, The voter registration in this State by comparison with that of other States is low in proportion to population; and Special  
registration  
week

WHEREAS, This discrepancy is emphasized by the fact that although this State is now third in the Union in point of population it is below third in the number of registered voters; and

WHEREAS, The failure of any qualified citizen to register and to vote is the neglect of a valuable privilege and the violation of a duty owing by every qualified person living under a representative government, and to that extent the government becomes less a government by the people and for the people; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Governor of the State of California is hereby requested to proclaim the week of September 11, 1944, as a “Special Registration Week” throughout the State; and, be it further

*Resolved,* That the proclamation be given the widest possible publicity throughout the State and that the civic bodies, public officials, the press, the radio, junior chambers of commerce, and other public-minded organizations be urged to promote the program and to secure as large a registration of voters as possible.



## CHAPTER 44

*Assembly Concurrent Resolution No. 11—Relative to the death of Gene Grier.*

[Filed with Secretary of State June 15, 1944 ]

Death of  
Gene  
Grier

WHEREAS, Gene Grier of Upland, California, departed this life on the twenty-second day of February, 1944, at the age of 61 years, having been a resident of this State for many years; and

WHEREAS, Mr. Grier at the time of his death was a member of the Board of Supervisors of San Bernardino County, and had been a member of that board for 26 years and chairman thereof for 12 years; at the time of his death was Chairman of the San Bernardino County Flood Control District, and was Past President of the Supervisors Association of California, having faithfully and efficiently served his community in those capacities; and

WHEREAS, Mr. Grier was also an outstanding authority on tax matters; and

WHEREAS, He was always active in the social and political life of State and county and was loved and respected by all who knew him; and

WHEREAS, Mr. Grier is survived by his widow, Mrs. Dorothy Grier; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members of the Legislature of the State of California express their sorrow at the passing of a good citizen and devoted public servant; and be it further

*Resolved,* That the Clerk of the Assembly be, and he is hereby, directed to have a copy of this resolution duly engrossed and presented to the widow of Gene Grier; and be it further

*Resolved,* That the Clerk of the Assembly be, and he is hereby, directed to forward a copy of this resolution to the Board of Supervisors of San Bernardino County.

## CHAPTER 45

*Assembly Joint Resolution No. 14—Relative to establishment of feeder air transportation connecting up the small cities of California.*

[Filed with Secretary of State June 21, 1944 ]

Air trans-  
portation  
facilities

WHEREAS, There are now pending before the Civil Aeronautics Board applications for proposed feeder air transportation service connecting up small cities on the West Coast, including the small cities of California; and

WHEREAS, A public hearing will be held on these applications by the Civil Aeronautics Board in the late summer or early fall of this year; and

WHEREAS, There is a great need for air service between the smaller cities of California, because of the general increase in population and business activity throughout the State, which has imposed unusual burdens on other means of transportation and has also resulted in an increased need for the time saving which results from air transportation; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Civil Aeronautics Board is requested to give favorable consideration to any application or applications proposing to establish air transportation connecting up the smaller cities of California or supplying feeder service from such small cities to the larger cities; and, be it further

*Resolved,* That copies of this resolution be sent to the Civil Aeronautics Board and to members of the California delegation in Congress.