# STATUTES OF CALIFORNIA

## FIRST EXTRAORDINARY SESSION

## 1946

*Began on Monday, January 7, 1946, and Adjourned*
*Tuesday, February 19, 1946*

L-6700

# PROCLAMATIONS BY THE GOVERNOR

## CONVENING THE LEGISLATURE IN FIRST EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

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 in extraordinary session at Sacramento, California, on Monday, the seventh day of January, 1946, at 11 o'clock a.m. of said day for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation relating to veterans of wars in which the United States of America is or has been engaged.

2. To consider and act upon legislation to provide for the development of housing facilities and to provide for state assistance to local governmental agencies in acquiring, managing and disposing of such facilities.

3. To consider and act upon legislation to make an appropriation to cities, counties, and cities and counties to aid in carrying out the provisions of the Community Redevelopment Act (Chapter 1326, Statutes of 1945).

4. To consider and act upon legislation to appropriate money for public works.

5. To consider and act upon legislation to provide for the creation of a state agency to make continuous economic surveys and investigations and to recommend measures necessary to provide for continuous employment of persons within the State.

6. To consider and act upon legislation relating to the personnel and duties of the Reconstruction and Reemployment Commission.

7. To consider and act upon legislation relating to child care centers.

8. To consider and act upon legislation relating to on-the-job and apprenticeship training and to make an appropriation to the Apprenticeship Council.

9. To consider and act upon legislation to accept upon behalf of the State the provisions of any federal law providing grants-in-aid for hospitals and to provide for a survey of hospital facilities and needs.

10. To consider and act upon legislation to make an appropriation for additional support of the State Fire Marshal for the administration of Chapter 727, Statutes of 1945, relating to fireproofing of tents and awnings, and Chapter 728, Statutes of 1945, relating to inflammable fabrics.

11. To consider and act upon legislation authorizing the use of public personnel, property, and funds for cities, counties, cities and counties, and public districts to meet emergencies caused by or incident to the reconversion from a wartime to a peacetime economy.

12 To consider and act upon legislation to extend the effective period of Chapter 581 of the Statutes of 1943, as amended, relating to the determination of the population of cities and cities and counties

13. To consider and act upon legislation to provide for a medical school and center at the University of California at Los Angeles.

14. To consider and act upon legislation to provide for the prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry.

15. To consider and act upon legislation to make an additional appropriation for the support of the Department of Motor Vehicles to provide for increased services by the California Highway Patrol and the Division of Registration.

16. To consider and act upon legislation to make an additional appropriation to the Department of Public Health for the purpose of mosquito abatement work.

17. To consider and act upon legislation to increase the limitation imposed upon assessments of mosquito abatement districts.

18. To consider and act upon legislation to make the provisions of the District Investigation Act of 1933 inapplicable to mosquito abatement districts.

19. To consider and act upon legislation to provide for sickness and disability payments to unemployed persons.

20. To consider and act upon legislation to make an appropriation to school districts in distress as a result of war-created conditions.

21. To consider and act upon legislation to make permanent the temporary weekly payments provided by Section 4460 of the Labor Code.

22. To consider and act upon legislation relating to amending Section 13204.1 of the Education Code to provide for the reinstatement of employees of school districts after service with the American Red Cross.

23. To consider and act upon legislation relating to the taking over by the State of the functions and services of the United States Employment Service.

24. To consider and act upon a constitutional amendment, amending Section 14 of Article I of the State Constitution, broadening the authority of the State and other public agencies to obtain immediate possession of property being condemned for public use by the State and such agencies.

25. To consider and act upon legislation authorizing the State Compensation Insurance Fund to acquire and own real property for branch offices.

26. To consider and act upon legislation to repeal Section 38g of the Alcoholic Beverage Control Act, relating to the authority of the State Board of Equalization to regulate by rule the wholesale marketing and distribution of beer.

27. To consider and act upon legislation to amend Section 634 of the Welfare and Institutions Code, relating to the appointment and tenure of probation officers.

28. To consider and act upon legislation to amend Section 17704 of the Health and Safety Code, relating to paint stores in apartment house or hotel buildings.

29. To consider and act upon legislation authorizing the State to make payments to counties for services rendered in inspecting agencies for the care of the aged and for child care and home finding.

30. To consider and act upon legislation to repeal Chapter 771 of the Statutes of 1943, the Minors Emergency War Employment Act.

31. To consider and act upon legislation to repeal Chapter 14 of the Statutes of 1943, the War Production Act, relating to employment and working conditions of female employees essential to the war effort.

32. To consider and act upon legislation to make an additional appropriation for support of the State Personnel Board to cover the increased cost of administration caused by the termination of duration appointments.

33. To consider and act upon legislation to make an additional appropriation for the support of the Department of Justice to be expended in the protection of the title of the State of California in tide and submerged lands.

34. To consider and act upon legislation to make appropriations to the Department of Mental Hygiene to provide for additional outpatient clinics and to provide for the establishment and maintenance of a new temporary state hospital.

35. To consider and act upon legislation increasing the amount authorized to be paid by the Department of Mental Hygiene for the support of mental patients in boarding homes.

36. To consider and act upon legislation authorizing Municipal Utility Districts to lend funds to other districts.

37. To consider and act upon legislation amending Section 9102 of the Government Code to delete provisions which fix the salaries of legislative secretaries in the legislative offices in Alameda, Los Angeles, and San Francisco Counties.

38. To consider and act upon legislation to make an additional appropriation from the Fish and Game Preservation Fund for the support of the Division of Fish and Game for construction, improvements and equipment.

39. To consider and act upon legislation to repeal Chapter 873 of the Statutes of 1929 and to authorize the Governor to contract upon behalf of the State with private persons for the prosecution, collection and recovery of claims of the State against the United States for disbursements made by the State in aid of the General Government during the Civil, Spanish, Indian and other wars.

40. To consider and act upon legislation extending the present temporary authority of the Department of Public Works to perform work for or on behalf of the United States.

41. To consider and act upon legislation to establish an agency for the promotion, encouragement and regulation of aviation in California.

42. To consider and act upon legislation to make an additional appropriation for the support of the Department of Industrial Relations for the administration of mediation services under Section 65 of the Labor Code.

43. To consider and act upon an amendment to the Constitution to enable the State to stimulate and encourage the reconversion and establishment of small businesses.

44. To consider and act upon legislation to facilitate, insure and integrate research relative to the production, sale, and consumption of agricultural products in California.

45. To consider and act upon legislation to extend the time within which registration without examination shall be granted to owners or managers of clothes cleaning establishments, cleaning and dyeing shops, or spotting, sponging or pressing establishments pursuant to Section 9552 of the Business and Professions Code.

46. To consider and act upon legislation to increase the registration fees of osteopathic physicians.

47. To consider and act upon legislation to provide for the establishment of community service districts to combine within one district the authority granted to different types of districts.

48. To consider and act upon legislation to make an additional appropriation to the Division of Forestry in the Department of Natural Resources for use in reforestation.

49. To consider and act upon legislation to empower the Department of Education to act as agent for the schools of the State in acquiring surplus property from the Federal Government.

50. To consider and act upon legislation extending the effective period of Chapter 4 of Division 2 of the Agricultural Code, relating to the prevention of livestock diseases through the control of garbage and food stores from vessels and aircraft.

51. To consider and act upon legislation to amend Sections 3700 and 3701 of the Labor Code to clarify an ambiguity regarding the jurisdiction of the Director of Industrial Relations over self-insurers under the Workmen's Compensation Law.

52. To consider and act upon legislation to validate the organization, boundaries, governing officers or boards, acts, proceedings and bonds of public bodies.

53. 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 second day of January, 1946.

(Signed) EARL WARREN, *Governor of California*

(SEAL)

ATTEST: FRANK M. JORDAN, *Secretary of State*

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

WHEREAS, The Legislature of the State of California convened on January 7, 1946, in extraordinary session pursuant to my Proclamation dated January 2, 1946, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated January 2, 1946, 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:

54. 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-sixth Legislature, and to appropriate such money as may be necessary therefor.

55. To consider and act upon legislation relating to the acquisition of land in this State by the United States of America.

56. To consider and act upon legislation to amend Sections 6963, 6974, and 6994 of the Public Resources Code relating to the renewal of leases made by the State for taking minerals from the waters of streams or lakes or lands within the original meander lines thereof.

57. To consider and act upon legislation to make Chapter 10, Part 1, Division 4, of the Labor Code applicable to volunteer workers under the California Disaster Act.

58. To consider and act upon legislation to permit payment of increased disability indemnities in workmen's compensation cases.

59. To consider and act upon legislation to regulate the speed of motor vehicles.

60. To consider and act upon legislation to provide an additional judge of the Superior Court in and for the County of Ventura.

61. To consider and act upon legislation to provide that school districts which through error in fixing the tax rate have become ineligible for the equalization aid provided by Chapter 13 5, Division 3, of the Education Code, shall be eligible for such aid and to provide for assistance to such districts.

62. To consider and act upon legislation relating to the location of the Medical Facility of the Department of Corrections.

63. To consider and act upon legislation relating to the recordation of crop and personal property mortgages and the satisfaction or discharge of mortgages.

64 To consider and act upon legislation to amend Section 44 of the County Employees Retirement Act of 1937, relating to the period within which an elective officer must file a declaration to become a member of a county retirement association.

65. To consider and act upon legislation providing for the reorganization of the state agencies concerned with veterans and veterans affairs and providing for

the incorporation of the State Athletic Commission within the Department of Professional and Vocational Standards.

66. To consider and act upon legislation to provide for participation by the State of California in the celebration to be held at Sonoma on June 14, 1946, commemorating the centennial of the raising of the Bear Flag of the California Republic.

67. To consider and act upon legislation to provide for participation by the State of California in the celebration to be held at Monterey on July 7, 1946, in commemoration of the centennial of the raising of the American Flag at Monterey by Commodore Sloat.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-fifth day of January, 1946.

(Signed) EARL WARREN, *Governor of California*

(SEAL)

ATTEST: FRANK M. JORDAN, *Secretary of State*

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

WHEREAS, The Legislature of the State of California convened on January 7, 1946, in extraordinary session pursuant to my Proclamation dated January 2, 1946, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated January 2, 1946, 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 and in the amendatory and supplemental Proclamation dated January 25, 1946:

68. To consider and act upon legislation to make the provisions of law applicable to commercial fishing in Fish and Game District 12E also applicable to such fishing in portions of Fish and Game District 12 in San Pablo Bay and Carquinez Straits.

69. To consider and act upon legislation relative to the options to make contributions to the State Employees' Retirement System granted to patrol members and warden members of the system by Sections 20602, 20602.1, 20602.5, and 20602.6 of the Government Code, and to extend the period for the exercise of those options.

70. To consider and act upon legislation relative to retirement allowances payable by the State Employees' Retirement System in cases of retirement for disability.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twelfth day of February, 1946.

(Signed) EARL WARREN, *Governor of California*

(SEAL)

ATTEST: FRANK M. JORDAN, *Secretary of State*

# STATUTES OF CALIFORNIA

## PASSED AT THE 1946 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

## CHAPTER 1

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

[Approved by Governor January 25, 1946. Filed with Secretary of State January 25, 1946.] In effect immediately

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

SECTION 1. The sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated for contingent expenses of the Assembly for the Fifty-sixth (First Extraordinary) Session of the Legislature, including expenses of committees created at that session. Appropriation: Contingent expenses of Assembly

SEC. 2. 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

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## CHAPTER 2

*An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.*

[Approved by Governor January 26, 1946, with the reduction herewith noted. Filed with Secretary of State, January 26, 1946.] In effect immediately

At the request of the author, I object to the item of $100,000 in Section 1 of Senate Bill No. 1 and I reduce said amount to $50,000. My reason for making this reduction is that the author of the bill has requested the reduction to clear the way for the introduction of another appropriation bill under Item 54 of my proclamation of January 25th, supplementing my proclamation of January 2, 1946, calling the Fifty-sixth Legislature into extraordinary session.

EARL WARREN
Governor of California

*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 Appropriation: Contingent expenses of Senate

appropriated out of any money in the State treasury not otherwise appropriated for the contingent expenses of the Senate, without regard to fiscal years, including expenses of committees composed in whole or in part of Members of the Senate.

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.

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## CHAPTER 3

*An act making an appropriation from the State Lands Act Fund for the additional support of the Department of Justice, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor February 1, 1946. Filed with Secretary of State February 1, 1946.]

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

Appropriation: Department of Justice

SECTION 1. The sum of one hundred thousand dollars ($100,000) is hereby appropriated out of any money in the State Lands Act Fund for the additional support of the Department of Justice during the Ninety-seventh and Ninety-eighth Fiscal Years.

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 as such shall take effect immediately. The facts constituting such necessity are as follows: For 100 years, the Government of the United States, the courts of the United States, and the courts of this State have recognized that the absolute ownership of all lands beneath tidewaters and of all lands beneath navigable waters within the boundaries of California was vested in the State of California. In reliance upon this long settled rule of property, the State, counties, cities, port authorities, harbor districts, and other public agencies have invested and expended huge sums of money in the reclamation, improvement and development of such lands. The Government of the United States has questioned the title of the State and its successors to such tide and submerged lands and has now filed suit against the State in the Supreme Court of the United States seeking a determination that title to said lands is vested in the United States. There is also pending before the Congress of the United States House Joint Resolution No. 225 to quiet the title of the States against the United States. Additional funds must be made available at once to the Department of Justice to enable it to continue to represent the interest of the State in this matter before the Supreme Court of the United States, before the Congress, and before other Federal agencies, and it is therefore essential that this act take effect immediately.

## CHAPTER 4

*An act to amend Section 16111 of the Education Code, relating to the computation of income of veterans for the purpose of determining tuition fees of their children.*

[Approved by Governor February 4, 1946 Filed with Secretary of State February 4, 1946.] In effect May 21, 1946

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

SECTION 1. Section 16111 of the Education Code is amended to read:

16111. No State-owned college, university, or other school shall charge any tuition, or incidental fees to any child of any veteran of the United States military service who has a service connected disability, and whose annual income not including governmental compensation for such service connected disability, does not exceed one thousand eight hundred dollars ($1,800). Nothing contained in this section shall prevent The Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition in accordance with Section 20003, nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to colleges and schools under the jurisdiction of the Department of Education, or the Director of Education. Children of disabled veterans

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## CHAPTER 5

*An act to amend Section 15n of the Municipal Utility District Act, relating to municipal utility districts, authorizing the temporary use of utility district funds for special districts for sewage disposal purposes, declaring the urgency thereof and providing that this act shall take effect immediately.* Stats 1921, p 245, amended

[Approved by Governor February 4, 1946 Filed with Secretary of State February 4, 1946.] In effect immediately

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

SECTION 1. Section 15n of the Municipal Utility District Act is amended to read: See also Stats 1947, Ch 97

Sec. 15n. The board of directors may use temporarily any utility district funds for the payment of any costs or expenses incident to the proposed or actual creation of any special district for sewage disposal purposes or the acquisition, construction or completion of any works, lands, structures, rights, or any and all other property necessary or convenient for the collection, treatment or disposition of sewage matter for said special district or incident to the operation or maintenance of said special district. The board shall recover all utility district Reimbursement of expenses

funds so advanced by means of special taxes levied upon all property within such special district or from any future revenues of such special district; provided, however, that nothing in this section contained shall compel reimbursement if the tax required therefor would amount to less than one mill ($0.001) on each one hundred dollars ($100) of the assessed value of the property within said special district. Nothing in this section shall be construed to limit the general powers of a municipal utility district with reference to the matter of sewage disposal.

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, Article IV, of the Constitution and therefore shall take effect immediately.

The following is a statement of the facts constituting such necessity: The discharge of untreated sewage into San Francisco Bay has created nauseating, unwholesome and insanitary conditions. Proceedings have been initiated to eliminate the causes of this widespread pollution and in order that these proceedings may be prosecuted to a successful conclusion it is necessary that this act take immediate effect.

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## CHAPTER 6

*An act to repeal Sections 877, 981.6, and 985.4 of the Military and Veterans Code, relating to eligibility of veterans for educational aid and farm and home purchases.*

In effect May 21, 1946

[Approved by Governor February 4, 1946. Filed with Secretary of State February 4, 1946.]

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

Repeals

SECTION 1. Sections 877, 981.6, and 985.4 of the Military and Veterans Code are repealed.

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## CHAPTER 7

*An act to amend Sections 3700 and 3701 of the Labor Code, relating to self-insurers under the workmen's compensation law.*

In effect May 21, 1946

[Approved by Governor February 11, 1946 Filed with Secretary of State February 11, 1946.]

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

SECTION 1. Section 3700 of the Labor Code is amended to read:

Securing payment of compensation

3700. Every employer except the State and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his employees.

SEC. 2. Section 3701 of said code is amended to read:

3701. The Director of Industrial Relations may require a self-insuring employer to deposit with the State Treasurer a bond or securities, but not both, approved by the Director of Industrial Relations, and in an amount determined by the Director.

Deposit of bond or securities

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## CHAPTER 8

*An act to validate bonds of Zone One of the Ventura County Flood Control District and proceedings relating thereto and making final and conclusive, as therein provided, the canvass of election returns of the election at which said bonds were voted, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 11, 1946. Filed with Secretary of State February 11, 1946.]

In effect immediately

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

SECTION 1. Bonds in the amount of three million four hundred thousand dollars ($3,400,000) of Zone One of the Ventura County Flood Control District, and all the acts and proceedings of said district, leading up to and including the authorizing and issuance of said bonds, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, which district was created by the Ventura County Flood Control Act, approved June 20, 1944, Statutes of the Fourth Extraordinary Session of 1944, Chapter 44, and which bonds were authorized by virtue of an election held in said district on October 16, 1945, at which more than two-thirds of the votes cast were in favor of incurring such bonded indebtedness, as found and determined by the board of supervisors of said district upon canvassing such election returns, and which finding and determination of the result of said election shall be and is hereby declared to be final and conclusive against all persons except the State of California upon suit commenced by the Attorney General. Any such suit must be commenced within 30 days after this act takes effect and not otherwise.

Validation of bond issue, etc., Ventura County Flood Control District

And all said bonds when issued and sold as in said act provided shall be and are hereby declared to be legal and valid obligations of Zone One of said district, and the faith and credit of Zone One of said Ventura County Flood Control District is

hereby pledged for the prompt payment and redemption of the principal and interest of said bonds and said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings leading up thereto, and that they were duly authorized at said election.

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:

Flood and storm waters constitute an annual threat to lives and property in Ventura County. The construction of flood control works can best be carried on during the dry season of the year and it is essential that such works be commenced in time to provide facilities for flood control before the next rainy season commences. In order to sell the bonds which are validated by this act in time to provide for the financing of the work of constructing facilities for the control of flood and storm waters in Ventura County and to permit the commencement of such work during the dry season of the year, it is essential that this act take effect immediately.

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## CHAPTER 9

*An act making an additional appropriation for support of the State Personnel Board in the Ninety-seventh and Ninety-eighth Fiscal Years, to take effect immediately.*

In effect immediately

[Approved by Governor February 11, 1946. Filed with Secretary of State February 11, 1946.]

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

Appropriation. State Personnel Board

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of two hundred forty-nine thousand one hundred fifty-two dollars ($249,152) for support of the State Personnel Board during the Ninety-seventh and Ninety-eighth Fiscal Years in augmentation of Item 33 of the "Budget Act of 1945."

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 repeal the Minors Emergency War Employment Act and to revoke all permits issued thereunder.* Stats 1943, p 2547, repealed

[Approved by Governor February 11, 1946. Filed with Secretary of State February 11, 1946.] In effect May 21, 1946

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

SECTION 1. The act cited in the title hereof (Chapter 771 of the Statutes of 1943) is repealed. Repeal

SEC. 2. All permits issued under said act are revoked Permits revoked

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## CHAPTER 11

*An act to amend Section 9552 of the Business and Professions Code, relating to owners and managers of clothes cleaning establishments, of cleaning and dyeing shops, and spotting, sponging and pressing establishments, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 11, 1946. Filed with Secretary of State February 11, 1946.] In effect immediately

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

SECTION 1. Section 9552 of the Business and Professions Code is amended to read:

9552. Every person who, on September 15, 1945, was actually engaged as the owner or manager of a clothes cleaning establishment, a cleaning and dyeing shop, or a spotting, sponging or pressing establishment, shall be granted a registration certificate without an examination if application for such certificate is filed with the board on or before the date or dates fixed by the board with the approval of the director. The date fixed by the board shall in no case be later than June 30, 1946 Existing owners, etc

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

A large number of persons now engaged as owners or managers of clothes cleaning establishments, of cleaning and dyeing shops, and spotting, sponging or pressing establishments, who in excusable ignorance of the fact that they have been operating in violation of the law, or because of other extenuating circumstances, are now operating in violation of the provisions of Chapter 18 of the Business and Professions Code, are liable to prosecution under the penal provisions of said chapter. Because the process of examination for registration certificates would

take a considerable length of time, many such owners and operators may close their establishments because of fear of prosecution, unless the law be amended at once. It is necessary, in the interest of public health and safety, that such establishments be allowed to operate, and, therefore that such persons be given a reasonable extension of time within which to apply for certificates to operate. It is therefore essential to the immediate preservation of the public peace, health and safety that each and every part of this act be enacted and be immediately effective.

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## CHAPTER 12

*An act to amend Sections 813, 815, 986.3, and 986.5 of the Military and Veterans Code, relating to the purchase of farms and homes by veterans.*

In effect May 21, 1946

[Approved by Governor February 12, 1946. Filed with Secretary of State February 12, 1946.]

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

SECTION 1. Section 813 of the Military and Veterans Code is amended to read:

Purchase of farms and homes by board

813. The board may purchase such farm or home from the owner thereof upon the terms agreed if:

(a) The board is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the board actually to reside on the property within 60 days from the date of purchase by the board.

(c) The purchase price to the board of the property does not exceed the sum of thirteen thousand five hundred dollars ($13,500) in the case of a farm, or seven thousand five hundred dollars ($7,500) in the case of a home.

SEC. 2. Section 815 of said code is amended to read:

Maximum cost to board

815. The cost of a home to the board shall not exceed the sum of seven thousand five hundred dollars ($7,500), and a veteran purchasing the home may advance the difference between the purchase price of the home and the cost of the home to the board, but in no case shall the total purchase price thereof exceed ten thousand dollars ($10,000). The cost of a farm to the board shall not exceed thirteen thousand five hundred dollars ($13,500), and a veteran purchasing the farm may advance the difference between the purchase price of the farm and the cost of the farm to the board, but in no case shall the total purchase price thereof exceed fifteen thousand dollars ($15,000).

SEC. 3. Section 986.3 of said code is amended to read:

Purchase of farms and homes by board

986.3. The board may purchase such farm or home from the owner thereof upon the terms agreed if:

(a) The board is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the board actually to reside on the property within 60 days from the date of purchase by the board.

(c) The purchase price to the board of the property does not exceed the sum of thirteen thousand five hundred dollars ($13,500) in the case of a farm, or seven thousand five hundred dollars ($7,500) in the case of a home.

SEC. 4. Section 986.5 of said code is amended to read: See also Stats 1947, Ch 99

986.5. The cost of a home to the board shall not exceed the sum of seven thousand five hundred dollars ($7,500), and a veteran purchasing the home may advance the difference between the purchase price of the home and the cost of the home to the board, but in no case shall the total purchase price thereof exceed ten thousand dollars ($10,000). The cost of a farm to the board shall not exceed thirteen thousand five hundred dollars ($13,500), and a veteran purchasing the farm may advance the difference between the purchase price of the farm and the cost of the farm to the board, but in no case shall the total purchase price thereof exceed fifteen thousand dollars ($15,000). Maximum cost to board

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## CHAPTER 13

*An act to add Section 973 to the Military and Veterans Code, relating to the county service officer, to take effect immediately.*

[Approved by Governor February 12, 1946. Filed with Secretary of State February 12, 1946.] In effect immediately

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

SECTION 1. Section 973 is added to the Military and Veterans Code, to read:

973. The county service officer shall have power to administer and certify oaths and affirmations, take and certify affidavits and acknowledgments, and exercise any other power of a notary public, as a part of his duties under the provisions of this chapter in assisting veterans with respect to their affairs. The county service officer shall not charge any fee for such service. County service officer Administering oaths, etc.

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

The welfare of veterans within this State and the assistance of such veterans is of the highest and most immediate concern to the State. Many veterans are unable to pay the costs of notarial fees for oaths, affidavits, and acknowledgments of themselves and others, which may be necessary in obtaining benefits to which they may be entitled under the laws of the United States and of this State, and in the conduct of their affairs.

## CHAPTER 14

*An act making an appropriation to the Department of Industrial Relations for apprenticeship training, to take effect immediately.*

In effect immediately

[Approved by Governor February 12, 1946. Filed with Secretary of State February 12, 1946.]

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

Appropriation Apprenticeship training

SECTION 1. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated one hundred seventy-five thousand dollars ($175,000) to the Department of Industrial Relations to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for apprenticeship training in augmentation of Chapter 1430, Statutes of 1945.

Current expenses

SEC. 2. 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.

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## CHAPTER 15

Stats 1945, p 2346, amended

*An act to repeal Section 2 of Chapter 1235, Statutes of 1945, relating to the period during which provisions of the Agricultural Code governing disposal of garbage from vessels and aircrafts shall be effective.*

In effect May 21, 1946

[Approved by Governor February 12, 1946. Filed with Secretary of State February 12, 1946.]

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

Repeal

SECTION 1. Section 2 of Chapter 1235, Statutes of 1945, is hereby repealed.

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## CHAPTER 16

*An act to amend Sections 980 and 985 and to amend and renumber the article heading of the second Article 3 of Chapter 6 of Division 4 of, and to add Sections 831 and 842 to, the Military and Veterans Code, relating to the purchases of farms and homes by veterans of World War I and veterans of World War II, abolishing the Veterans' Farm and Home Building Fund, and facilitating the work of the Veterans' Welfare Board.*

In effect May 21, 1946

[Approved by Governor February 12, 1946 Filed with Secretary of State February 12, 1946.]

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

Policy

SECTION 1. In adopting this act, the Legislature expressly recognizes that the laws relating to contracts for purchases of

farms and homes by veterans of World War I and veterans of World War II are now in substantial accord, but that separate funds exist for each of the purposes, involving a multiplicity of bookkeeping and administrative detail. It is the intention of the Legislature to consolidate the funds and bookkeeping detail involved, to facilitate the performance of the duties of the Veterans' Welfare Board in purchasing and financing the sale of farms and homes to veterans of World War I and World War II, and to extend to certain veterans of World War I rights now afforded to veterans of World War II. It is not the purpose of the Legislature to deprive any veteran of rights heretofore conferred or to impair any contracts heretofore made by the veterans and Veterans' Welfare Board.

SEC. 2. Section 831 is added to the Military and Veterans Code, to read:

See also Stats 1947, Ch 328

831. No property shall be acquired by the board and no sales of farms and homes shall be made by the board pursuant to this article after July 1, 1946.

Effective period

SEC. 3. Section 842 is added to said code, to read:

See also Stats 1947, Ch 328

842. The Veterans' Farm and Home Building Fund is hereby abolished and all money in said fund on July 1, 1946, shall be transferred to the Veterans' Farm and Home Building Fund of 1943. On and after said date, all money received by the board pursuant to this chapter shall be deposited in the Veterans' Farm and Home Building Fund of 1943, and all payments required to be made from the Veterans' Farm and Home Building Fund shall be made from the Veterans Farm and Home Building Fund of 1943.

Fund abolished, money transferred

On and after said date all contracts made by the board pursuant to this chapter and all powers, rights, duties, and obligations of the board thereunder shall be deemed to have been made and to have been acquired pursuant to Articles 3 and 3.5 of Chapter 6, and the board is directed to perform all acts required by this chapter pursuant to said Articles 3 and 3.5. All contracts made prior to July 1, 1946, pursuant to this chapter are expressly continued in force without alteration or impairment and shall be performed according to the terms thereof.

Contracts made after July 1, 1946

SEC. 4. Section 980 of said code is amended to read:

See also Stats 1947, Chs. 303 and 1454

980. As used in this chapter, "veteran" means any person who served in the military or naval service of the United States on or after December 7, 1941, and before the termination of hostilities in the present war as determined by Proclamation of the President or by concurrent resolution of the Congress, and receives an honorable discharge therefrom or is released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission, or drafting, a bona fide resident of this State but does not include:

"Veteran"

(a) A person who was separated from such forces under other than honorable conditions at any time after December 7, 1941.

(b) A person who was separated from such forces on account of alienage at any time after December 7, 1941.

(c) A person who performed no military duty whatever or refused to wear the uniform.

(d) A person who has received from another State a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this chapter.

SEC. 5. Section 985 of said code is amended to read:

Definitions

985. Definitions.

(a) "Board" means the Veterans' Welfare Board.

(b) "Farm" means a tract of land, which, in the opinion of the board, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(c) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the board, suit the needs of the purchaser and his dependents as a place of abode.

(d) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the board.

(e) "Purchase price" means the price which the board pays for any farm or home.

(f) "Selling price" means the price for which the board sells any farm or home.

(g) "Initial payment" means the first payment to be made by a purchaser to the board for a farm or home.

(h) As used in this article, "veteran" includes, in addition to the persons described in Section 980, also the persons described in Section 800.

SEC. 6. The article heading of the second Article 3 of Chapter 6 of Division 4 of said code is amended and renumbered to read:

Article 3.5. Funds

Operative date

SEC. 7. This act shall become operative on July 1, 1946.

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## CHAPTER 17

"Validating Act of 1946"

*An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.*

In effect immediately

[Approved by Governor February 12, 1946 Filed with Secretary of State February 12, 1946.]

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

Definitions.

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

"Public body"

(a) The term "public body" means counties, cities and counties, cities, public districts, including school districts of

any kind or class, junior college districts, irrigation districts, reclamation districts, drainage districts, levee districts, public utility districts, municipal utility districts, municipal improvement districts, sanitary districts, sanitation districts, metropolitan water districts, county water districts, county water works districts, water districts, water storage districts, municipal water districts, water conservation districts, mosquito abatement districts, bridge and highway districts, joint highway districts, highway districts, highway lighting districts, permanent road divisions, road districts, cemetery districts, port districts, harbor districts, flood control districts, storm water districts, library districts, and regional park districts, public cemetery districts, local hospital districts, and the California Toll Bridge Authority.

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

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

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded are hereby confirmed, validated, and declared legally established. Boundaries

SEC. 4. Insofar as any matter to which this act relates is or may be affected, the members of the governing board or the officers of every public body heretofore elected or appointed and acting as such, are hereby declared the legally appointed or elected, qualified and acting officers or members of such governing board. Governing boards or officers

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

All such bonds heretofore issued, or heretofore authorized to be issued when hereafter issued in substantially the form contemplated in such authorization, shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body.

SEC. 6. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the Annexation or inclusion of territory

annexation or inclusion of territory into any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion of such territory.

Scope of act

SEC. 7. (a) This act shall be limited to the correction of defects, irregularities, omissions, and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken.

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

(c) Nothing contained herein shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by said section.

(d) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined.

Short title

SEC. 8. This act may be cited as the Validating Act of 1946.

Urgency

SEC. 9. 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 take effect immediately.

The following is a statement of the facts constituting such necessity:

The peace, health, safety and welfare of the citizens of the State depend directly upon the orderly, proper and unhampered function of public bodies during the time this act otherwise would require before becoming effective. It is imperative and essential that during said time:

(1) Such citizens shall be afforded the protection of the police, fire, safety, sanitary and other regulations and protections provided by public bodies.

(2) Many public and private works and construction within the boundaries of such public bodies, and dependent on their validity, be commenced and continue without restriction or delay, which will help to alleviate the present widespread unemployment and economic distress, encourage circulation of money and add materially to property values.

(3) Such public bodies shall have full power to borrow money and receive grants of money from both private and public agencies, including the Federal Government, for essential public works projects and construction upon their credit and standing.

(4) Such public bodies perform effectively certain acts and initial proceedings for the purpose of providing and assuring revenues and finances for such works projects and construction as well as for all general purposes during the coming fiscal year, which will thereby allow them to meet, establish and obtain credit and to meet their obligations in full—all of which require the immediate validation of such public bodies in the manner herein set forth.

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## CHAPTER 18

*An act to add Article 5A, comprising Sections 993 to 994.3 inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.*

Mil. & Vet. C., Art. 3, Ch. 6, Div. 4

[Approved by Governor February 12, 1946. Filed with Secretary of State February 12, 1946.]

In effect May 21, 1946

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

SECTION 1. Article 5A, comprising Sections 993 to 994.3, inclusive, is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

### Article 5A. Veterans Bond Act of 1946

"Veterans Bond Act of 1946"

993. This article may be cited as the Veterans Bond Act of 1946.

Creation of debt

993.1. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and of all acts amendatory thereof or supplemental thereto, the Veterans' Finance Committee of 1943 shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Bond issue

993.2. After the issuance of the Proclamation of the Governor announcing the ratification of this article, and immediately after adoption of any resolution by the Veterans' Finance Committee of 1943, provided for in Section 994.1, the State Treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars ($1,000) in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this article shall not exceed the sum of one hundred million dollars ($100,000,000), and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said Veterans' Finance Committee of 1943 and specified in such resolution, but in no case exceeding 5 per cent per annum. Both principal and interest shall be payable in lawful money of the United States, at the office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer, and shall be so payable at the time specified in said resolution or resolutions.

All bonds issued under this article shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp adopted for each particular bond issued under this article and the bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the Great Seal of the State of California. The bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this article shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and referring to this article and to the resolution of the Veterans' Finance Committee of 1943 hereunder by virtue of which said bond is issued.

Interest coupons

993.3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this article. Said interest coupons shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Payment and cancellation

993.4. All bonds issued under this article and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 993.5 and perforate the bonds so paid with a suitable

device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this article to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the State Treasurer.

Appropriation

993.5. There is hereby appropriated from the General Fund in the State treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

Annual collections

There shall be collected annually in the same manner and at the same time as other State revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Return to General Fund

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the General Fund in the State treasury, all of the moneys in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the same rate as borne by the bonds, compounded semiannually.

Warrants

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the Controller of the State in favor of the State Treasurer or in favor of any duly authorized agent of the State Treasurer, upon demands audited by the State Department of Finance, and the moneys to be returned into the General Fund in the State treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller of the State upon demands duly audited by the State Department of Finance.

Expenses of State Treasurer

993.6. The sum of thirty-five thousand dollars ($35,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the expenses that may be incurred by the State Treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the General Fund in the State treasury out of the Veterans'

Farm and Home Building Fund of 1943 on Controller's warrant duly drawn for that purpose.

Sale of bonds

993.7. When the bonds authorized to be issued under this article shall be duly executed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said Treasurer shall be directed by the Governor of the State, under seal thereof, after a resolution requesting such sale shall have been adopted by the Veterans' Welfare Board and approved by the Governor of the State, but the Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the Governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said Treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Notice

993.8. Due notice of the time and place of sale of all bonds shall be given by said Treasurer by publication in one newspaper published in the City and County of San Francisco and also by publication in one newspaper published in the City of Sacramento and by publication in one newspaper published in the City of Los Angeles once a week during four weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars ($500) for each sale so advertised.

Use of proceeds

The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said Treasurer into the Veterans' Farm and Home Building Fund of 1943 and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of this chapter; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Investment of surplus money

993.9. The Veterans' Welfare Board is authorized, with approval of the State Department of Finance, to invest any surplus moneys in the Veterans' Farm and Home Building Fund of 1943 in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the State Department of Finance; or the Veterans' Welfare Board may, with the approval of the Director of Finance, invest moneys in such fund, in interest-bearing certificates of deposit of State banks having a paid-up capital of five hundred thousand dollars ($500,000) or more ; provided, that the total amount of money so deposited with any one bank

shall not exceed a sum equal to 50 per cent of the paid-up capital of such bank; provided, however, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with Chapter 4, Part 2, Division 4, Title 2 of the Government Code, of moneys of any of the funds subject to the control of the Veterans' Welfare Board or appropriated for its use.

Interest accruing upon the deposit of moneys of the Veterans' Farm and Home Building Fund of 1943 shall be paid into and credited to said fund.

Request of Veterans' Welfare Board

994. Upon request of the Veterans' Welfare Board, supported by a statement of the plans and projects of the Veterans' Welfare Board with respect thereto, the Veterans' Finance Committee of 1943 shall determine whether or not a bond issue under this article is necessary or desirable to carry such plans and projects into execution.

Resolution for bond issue

994.1. Whenever the Veterans' Finance Committee of 1943 shall have determined that a bond issue under this article is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

Maturity dates

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the Veterans' Finance Committee of 1943 shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the Veterans' Welfare Board from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenues; provided, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; provided further, that specified numbers of bonds of special numerical sequence shall thereafter mature at annual intervals; and provided further, that the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof.

Rate of interest

The rate of interest to be borne by the bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the Veterans' Finance Committee of 1943 according to the then prevailing market conditions, but shall in no case exceed 5 per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; provided, that the interest coupon first payable may, if the Veterans' Finance Committee of 1943 shall so determine and specify, be payable one year after the date of issuance of said bonds.

Expenses of committee

994.2. All actual and necessary expenses of the Veterans' Finance Committee of 1943 and of the members thereof incurred in the performance of their duties arising out of the provisions of this article shall be paid out of the Veterans' Farm and Home Building Fund of 1943, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Veterans' Welfare Board.

Records, etc.

994.3. The State Controller, the State Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this article shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

Effective date

SEC. 2. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1946, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Submission to voters

SEC. 3. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1946, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1946," and the same square under said words the following, in brevier type: "This act provides for a bond issue of one hundred million dollars to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms and homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1946," and in the same square immediately below said words, in brevier type shall be printed "This act provides for a bond issue of one hundred million dollars to be used by the Veterans' Welfare Board in assisting

California war veterans." Opposite the words "For the Veterans Bond Act of 1946" and "Against the Veterans Bond Act of 1946," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Veterans Bond Act of 1946" and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1946." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Election returns

SEC. 4. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for State officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Publication of act

SEC. 5. It shall be the duty of the Secretary of State in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be held in the month of November, 1946, the costs of publication shall be paid out of the General Fund, on Controller's warrants duly drawn for that purpose and shall be refunded to the Genera Fund out of the Veterans' Farm and Home Building Fund of 1943. Said refund shall be made upon Controller's warrants duly drawn against said fund for said purpose upon demands audited by the State Department of Finance.

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## CHAPTER 19

*An act to repeal an act entitled "An act to add Article 5a, comprising Sections 933 to 994.3 inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties*

Stats. 1945, p. 2727, repealed

*of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946," approved July 17, 1945, relating to the purchase of farms and homes for veterans.*

[Approved by Governor February 11, 1946. Filed with Secretary of State February 12, 1946.]

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

Repeal

SECTION 1. The act cited in the title hereof is hereby repealed.

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## CHAPTER 20

"Construction and Employment Act"

*An act making an appropriation for allocation to cities, counties, and cities and counties for the prevention or alleviation of unemployment through the construction of public works in which there is a State interest, and providing the procedure for making such allocations, and for assignment of such allocations.*

In effect May 21, 1946

[Passed over Governor's veto February 13, 1946. Filed with Secretary of State February 13, 1946.]

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

Purpose

SECTION 1. The surrender of the armed forces of Germany and Japan has resulted in the termination of war production contracts in California, the laying off of many thousands of workers, and the rapid demobilization of the armed forces which is bringing thousands of servicemen and women back to the State each month. Efforts to maintain maximum employment, to stimulate and expand business and industry in order to provide private employment opportunities for returning veterans and displaced war workers, all of which will prevent or alleviate unemployment, are a joint obligation and duty of the Nation and the State acting within the scope of their powers and the limits of their resources.

An extensive program of public works to be constructed during this period of postwar adjustment will contribute materially to the maintenance of maximum employment, provide employment for many returning veterans and displaced war workers and will stimulate business, agricultural and industrial expansion, thereby increasing employment opportunities

in private enterprise. The experience of this State during the depression years with 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 may require the State to expend large sums to provide direct relief to persons who might otherwise be usefully employed in constructing necessary public works or as a result of such public works will find employment in private enterprise. 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 and thereby to provide and stimulate needed employment for the people of this State.

A substantial program of postwar public works for the above purposes can be carried out in all areas of the State only if such a program is undertaken jointly by the State and by the counties and cities, making provision in such a program for Federal participation.

The Legislature declares that the creation of employment and thus preventing or alleviating unemployment by the granting of financial assistance to local agencies as provided by this act is a State purpose and will assist in averting a serious economic crisis and will stimulate and provide employment for some part of its citizens during this period of economic readjustment.

Definitions

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

Same

SEC. 3. As used in this act, "project" includes the construction of publicly owned and operated facilities in which the Legislature hereinafter finds and declares that there is a State interest, proposed to be undertaken by local agencies in accordance with the provisions of this act.

Same

SEC. 4. As used in this act, "construction" includes the supervision, inspection, actual building, and all expenses incidental to the construction, reconstruction, modification and alteration of public buildings and facilities but does not include ordinary repair and maintenance thereof, nor, except as provided in Section 11, acquisition of sites or rights of way.

Same

See also Stats 1947, Ch 1333

SEC. 5. (a) As used in this act, "sewage facility" or "sewage project" includes sewage treatment and disposal plants, trunk and outfall sewers, and other facilities for the collection, transportation, treatment and disposal of sewage, but does not include local street sewers as distinguished from main trunk, interceptor and outfall sewers.

(b) As used in this act, "school" means a school located in any school district which includes all or any portion of the county when the project is to be paid for in part from the county

allocation, and a school located in a school district which includes all or any portion of the city when the project is to be paid for in part from the city allocation.

(c) As used in this act, "water-works system" includes facilities necessary to the supply, pumping, storage and treatment of water but does not include water distribution mains.

Same
See also Stats 1947, p 131

SEC. 6. As used in this act, (a) "department" means the State Department of Finance; (b) "director" means the State Director of Finance; (c) "Controller" means the State Controller; and, (d) "board" means the State Public Works Board, as provided in Section 7.

Board created
Stats 1947, p 131, and Stats 1947, Ch 92

SEC. 7. (a) There is hereby created a board to be known as the State Public Works Board, consisting of the Director of Finance, the Director of Public Works, and the Real Estate Commissioner. Two members of the Senate appointed by the Senate Committee on Rules, and two members of the Assembly appointed by the Speaker, shall meet and advise with the board to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature.

(b) The members of the board and the members of the Legislature meeting with the board in an advisory capacity 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 by this act.

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

(d) The director shall administer this act and shall provide such assistance to the board as it may require.

Appropriation

SEC. 8. The sum of ninety million, four hundred thousand dollars ($90,400,000) is hereby appropriated out of the Postwar Unemployment and Construction Fund in the State treasury, to be expended in carrying out the provisions of this act pursuant to allocations to local agencies made in accordance with the provisions of this act, and for the purpose of administering this act.

Administrative expenses

SEC. 9. Of the money appropriated by Section 8, two hundred thousand dollars ($200,000), or so much thereof as may be necessary, is hereby made available for support of the Controller, and two hundred thousand dollars ($200,000), or so much thereof as may be necessary, is hereby made available for support of the director and the department. The money made available by this section shall be used only for the purposes of this act and shall remain available for the period hereinafter provided.

Allocation to counties

SEC. 10. Of the money appropriated by Section 8, there is hereby allocated to all counties the sum of forty-five million dollars ($45,000,000) for expenditure within counties for the purpose of defraying the State's share of the cost of construction of projects. The county allocation shall be apportioned as

follows: One-third of said county allocation shall be apportioned to the counties for the construction of roads and highways, as hereinafter in this act provided, and two-thirds of said county allocation shall be apportioned for such purposes as are hereinafter provided, in such manner that each county shall receive, excluding the amount allocated for road and highway purposes as provided in Section 11 hereof, a minimum amount of one hundred thousand dollars ($100,000) and the balance thereof shall be apportioned to the counties in the proportion that the total population of each county bears to the total population of the State, as reported by the United States census of 1940.

County allocation for roads and highways

SEC. 11. The one-third of the county allocation apportioned for road and highway purposes shall be allocated to each county in its proportionate share based on (1) rural population in each county as against the total rural population in the State, determined as hereinafter provided; and (2) mileage of county roads in unincorporated territory maintained in each county as against the total mileage of such roads in this State, determined as hereinafter provided. Each factor shall be given equal weight.

(a) Rural population (population in unincorporated territory) shall be determined, except as hereinafter provided, by the decennial census of 1940 as published by the United States Bureau of the Census. Mileage shall be determined, as hereinafter provided, from the latest available records of the highway planning survey conducted by the Department of Public Works in cooperation with the United States Public Roads Administration.

(b) In the case of any city and county having no rural mileage or rural population, it shall be assumed for the purposes of this section that a portion of its population is rural and that a proportion of the mileage of public highways and streets maintained by it is rural, to be determined as provided in this section. The ratio of rural population to total population in the three counties of the State having the largest urban population, excluding any such city and county, shall be determined and averaged and the average ratio applied to the total population of such city and county. The ratio of such rural county highway mileage to total mileage of rural county highways and city streets (other than State highways) shall be ascertained for each of said three counties having the largest urban population and averaged. The ratio so determined shall be applied to the total mileage of public streets and highways other than State highways maintained by any such city and county.

The mileage determined on such assumption shall be added to the total county highway mileage of the State, and the rural population determined on such assumption shall be added to the total of rural population of the State for the purpose of computing the allocations to counties.

(c) The Director of Public Works shall certify the correct county mileage for each county as shown by such records, the correct mileage of city streets in each of said three counties, and in any city and county having no rural population or rural county highway mileage, such mileage of city streets to be taken from the records of the Department of Public Works, to the Director of Finance.

(d) All such moneys apportioned for road and highway purposes shall be used exclusively for reimbursing counties for the State's share of the cost of the acquisition of rights of way for, and the construction and improvement of, county roads and highways in unincorporated territory, or in the case of any city and county having no such highways, the acquisition of rights of way for, and the construction and improvement of, public streets and highways of such city and county of greater than local interest.

(e) Each county may enter into agreements for the performance of the work or any portion thereof, on any road or highway project by either the Department of Public Works or any city in such county. Any county may use moneys allocated to it under this act to match Federal aid moneys to be expended on any county highway or any other public highway under the provisions of the Federal Highway Act as amended and supplemented.

U. S. C., Title 23, Ch. 1

Any county may enter into an agreement with the Department of Public Works, any other county, or counties, or joint highway district or other public agency for the expenditure of moneys allocated to such county hereunder on any public highway outside its boundaries.

(f) In selecting projects in their respective counties, the boards of supervisors are directed to choose those which will be best suited to provide employment, including employment for returned servicemen and workers released from war industries.

(g) The foregoing provisions are intended by the Legislature, as to funds allocated to counties for exclusively road and highway purposes, to provide for allocation to a city and county on the basis of the assumed rural population and road mileage provided for in this section.

Immediate construction of road or highway project

SEC. 12. Notwithstanding the provisions of Section 18, the board shall upon application by any county authorize the immediate construction of any county road or highway project otherwise eligible.

See also Stats 1947, Ch 140

The Legislature hereby finds and determines that the county roads and highways of the State have reached such a state of deterioration that the construction or reconstruction of such county roads and highways is necessary for, and will contribute to, the expansion and maintenance of a higher level of industrial, commercial, agricultural and other business activity and will thereby maintain and expand private employment, which will prevent or alleviate unemployment.

County allocation for other projects

SEC. 13. The two-thirds of the county allocation shall be available for the construction of projects in which there is a

State interest, such as, hospitals and sanatoriums, detention homes, schools, sewage facilities, sanitation facilities, roads, highways, tubes, bridges, road and highway facilities, flood control, fire protection and prevention facilities and harbor facilities.

The Legislature hereby finds and declares that there is a State interest in the projects enumerated in this section.

Allocation to cities

SEC. 14. Of the money appropriated by Section 8, there is hereby allocated to all cities the sum of forty-five million dollars ($45,000,000) for expenditure within cities for the purpose of defraying the State's share of the cost of construction of projects.

The city allocation shall be apportioned to the cities in the proportion that the total population of each city bears to the total population of all cities in the State, as reported by the United States Census of 1940.

In the case of a city incorporated subsequent to the United States Census of 1940, the population shall be as ascertained and determined by the county board of supervisors in the proceedings for incorporation. In the case of unincorporated territory being annexed to a city subsequent to the 1940 census, the director shall ascertain the population of the annexed territory by multiplying the number of registered electors therein by three, as provided in Section 194 of the Streets and Highways Code.

Priorities of city projects

SEC. 15. Cities in submitting applications for an allotment, and the board in reviewing applications for projects as defined in Section 3 of this act, shall give the following priority to city projects:

(a) Sewage facilities; and

(b) Major streets, including bridges and other street structures or facilities, schools, storm drains, and the improvement of existing publicly owned water-works systems.

The Legislature hereby finds and declares that there is a State interest in the construction of sewage facilities and in the construction of major streets, including bridges and other street structures or facilities, schools, storm drains, and the improvement of existing publicly owned water-works systems.

The board in considering applications by cities, first shall give priority to applications for construction of sewage projects and shall not consider applications by cities for construction of other projects unless:

(a) After consultation with the State Department of Public Health, it shall first find and determine that sewage facilities are adequate to meet the reasonable needs of the city; or

(b) It shall first find and determine that provision already has been made to finance construction of such facilities.

Any funds allocated to any city which are not required for sewage facilities shall be expended only for the construction of major streets, including bridges and other street structures or facilities, schools, storm drains, and the improvement of publicly owned water-works systems.

Immedia e construc ion of sewag facilitie See also Stats. 1947, Ch 140

SEC. 16. Notwithstanding the provisions of Section 18, the board shall upon application by any city authorize the immediate construction of any sewage facility otherwise eligible.

The Legislature hereby finds and determines that because of the wartime increase in population and industrial expansion in California, sewage facilities have reached such a state of deterioration that existing industrial and commercial establishments are unable to expand; industries and commercial enterprises desiring to locate in this State are unable to do so; maximum employment is being retarded as a result thereof; and the immediate construction of such sewage facilities will contribute to the expansion and maintenance of a higher level of industrial, commercial, agricultural and other business activity and will thereby maintain and expand private employment and prevent or alleviate unemployment.

Inadequate sewage disposal facilities and the discharge of raw, untreated sewage into the streams, rivers, bays and oceans of the State have largely destroyed their usefulness, thereby depriving the State and its people of a great natural resource. These conditions have resulted in the quarantining of great areas of beaches by the State Department of Public Health, with resultant adverse effects upon the tourist industry of the State and upon the countless business establishments which flourish as a result of the tourist industry, and thereby contributed to unemployment.

State's share of cost

SEC. 17. The board shall approve as the State's share of the cost of construction of any project, otherwise eligible, the amount requested by a local agency not to exceed fifty per cent (50%) of the actual cost of construction of such project; provided, however, any county may make application for aid from the State for the cost of construction of road and highway projects without the matching of such State aid by the county, and the board shall approve such application or applications in an amount not to exceed seventy-five thousand dollars ($75,000) in the aggregate for any such county.

The director shall determine the amount to be allocated to each local agency under the provisions of this act and shall notify the Controller of such determination. The Controller shall not draw any warrant in behalf of a local agency for the construction of a project under this act if the amount of such warrant, together with any amounts previously paid to the local agency under this act, exceeds the amount allowable as determined by the director.

Applica ions from local agencies

SEC. 18. 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 construction of a project for which it desires aid under this act. The application shall be accompanied by a certified statement of the estimated cost of construction of the project and also by a certified copy of a resolution showing what provision the local agency has made or will make for paying its share of the cost of construction of the project, 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 refer the application to the board.

In considering any application for aid in the construction of any project, the board shall first determine that the project is one in which the Legislature has herein found and determined a State interest to exist. The board, in considering such project may make any recommendations to the local agency which the board deems proper. After the board determines that the application meets the requirements of the act, it shall approve the request for aid and, by a resolution adopted by it, allot to the local agency the State's share of the cost of the construction thereof. A copy of the resolution shall be transmitted to the local agency, and a copy shall be filed with the Controller and the director.

In the resolution approving the application and making the allotment, the board shall specify the earliest date, latest date, or both, for the commencement of the construction of a project, giving consideration in determining such date or dates to the relation between construction of the project and the declared purposes of this act relating to employment.

The board shall not authorize the construction of any project unless and until it finds and determines that the construction of such project will contribute to the prevention or alleviation of unemployment. The construction of a project shall be deemed to contribute to the prevention or alleviation of unemployment either by reason of the employment directly provided thereby or because the construction of the project will contribute to the expansion or maintenance of a higher level of industrial, commercial, agricultural or other business activity and thereby maintain or expand private employment.

Revised estimates of cost

SEC. 19. An application containing a revised estimate of the cost of construction of an approved project may be submitted from time to time in the same manner as an original application and shall be treated for all purposes like the original application.

Progress payments

SEC. 20. The board shall, by rule applicable to any case or class of cases, prescribe the time, manner and amount of progress payments of the State's share of the cost of construction of a project for which a local agency has received an allotment under this act, which the local agency shall, on its request, be paid. The local agency shall, in any event, on its request, be entitled to be reimbursed 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. The board, by rule, shall provide for advancements of the State's share of the cost of completing any project after the project is 75 per cent complete and the local agency has expended its total share of such cost.

Claims for reimbursement

SEC. 21. The Board of Control shall by rule prescribe the information to be shown on claims for reimbursement of the cost of construction of projects under this act and the nature of the evidence of payment to be required in support of such claim. When the director approves such claim 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.

Joint undertakings

SEC. 22. The allocations to local agencies provided by this act shall be available in cases where one or more local agencies engage jointly in undertaking the construction of a project and in cases where a local agency engages in such activity jointly with or through a district or other governmental unit.

Assignments of money allocated

SEC. 23. A local agency may by resolution, 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.

Payments to assignee

SEC. 24. After an assignment under Section 23 and for the purposes of the assignment, 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. The director, the board 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 Sections 10 and 14, 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.

Title to projects

SEC. 25. Title to any project constructed with funds made available by this act shall not vest in the State but shall vest in the local agency, agencies, or assignees of such local agencies, as the case may be, constructing the project.

Availability of appropriation

See also Stats 1947, Ch 92

SEC. 26. Any money appropriated by this act for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before December 31, 1949, shall revert to the General Fund in the State

treasury; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until December 31, 1950. Any money appropriated by this act for support of the Controller and for support of the director and the department shall be available for expenditure until December 31, 1950; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until December 31, 1951.

Law applicable to expenditures

SEC. 27. Sections 13320-13324 inclusive, 13920 and 16003 of the Government Code, and Sections 3714-3714.26, inclusive, of the Political Code do not apply to the expenditure of allocations to local agencies made under this act.

Same

SEC. 28. The provisions of Division 5 of Title 1 of the Government Code and Part 7 of Division 2 of the Labor Code are applicable to public works or projects constructed from funds allocated under this act.

Funds of local agency

SEC. 29. Any money, Federal, State or local, public or private, lawfully available for expenditure by or on behalf of a local agency for the construction of a project under this act, other than 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, where the local agency so elects.

Reports

SEC. 30. At the beginning of each regular session of the Legislature, the department shall report to each house of the Legislature as to the work done and expenditures made hereunder until all of the moneys appropriated have been expended.

Constitutionality

SEC. 31. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application thereof to other persons or circumstances, shall not be affected thereby.

Short title

SEC. 32. This act shall be known and may be cited as the "Construction and Employment Act."

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## CHAPTER 21

*An act to amend Section 18105 of the Health and Safety Code, relating to auto courts and resorts, auto and trailer camps, to take effect immediately.*

[Approved by Governor February 14, 1946. Filed with Secretary of State February 14, 1946.] In effect immediately

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

SECTION 1. Section 18105 of the Health and Safety Code is amended to read:

"Building"

18105. "Building" as used in this part means a tent, tenthouse, single or multifamily dwelling, public toilets, public baths and laundry rooms or other structures, other than a compartment containing a toilet or bath, or both, constructed for

the exclusive use of an occupant of a camp site which is designed for the use or occupancy of one trailer coach.

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 take effect immediately.

A statement of facts constituting such necessity is as follows:

Under the present definition of "building" as applied to the subject matter of this act, it is uncertain whether private toilets and baths used in connection with trailers in auto courts and trailer camps are required to meet the construction standards applicable to public toilets and baths. If such standards are applicable, the use of trailer coaches for housing facilities will be seriously impaired. Unless this ambiguity is removed, the housing shortage will become more acute.

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## CHAPTER 22

*An act to add Section 701 to the Military and Veterans Code, relating to the acceptance of guarantees by the United States of veterans' farm and home purchases.*

In effect May 21, 1946

[Approved by Governor February 14, 1946. Filed with Secretary of State February 14, 1946.]

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

SECTION 1. Section 701 is added to the Military and Veterans Code, to read:

Federal benefits re purchase of farms and homes

701. In the event that the provisions of the Servicemen's Readjustment Act of 1944 are amended in such manner as to make the guarantees by the United States of loans to veterans for farms and homes applicable to purchases of farms and homes from the Veterans' Welfare Board pursuant to Chapter 3 and Article 3 of Chapter 6, the State of California hereby accepts the benefits of such Federal act, and agrees to comply with all the requirements of said act.

The Veterans' Welfare Board is hereby designated as the official agency of the State to apply to the United States for such guarantees and to do all acts required in connection therewith. The board is authorized to adopt such rules and regulations and standards as may be required by the Federal act and are not in conflict with the provisions of this division.

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## CHAPTER 23

*An act to add Article 5, comprising Sections 20920 to 20922, inclusive, to Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code relating to the State Employees'*

*Retirement System, providing for crediting service in the United States Employment Service as State service to certain members and under certain conditions specified therein, and providing for contributions by members and by the State in respect to such service.*

[Approved by Governor February 14, 1946. Filed with Secretary of State February 14, 1946.] In effect May 21, 1946

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

SECTION 1. Article 5, comprising Sections 20920 to 20922, inclusive, is added to Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 5. Federal Service

20920. As used in this article, "Federal service" means: "Federal service"
(a) Civilian service rendered as an employee or officer of an agency of the Government of the United States which performed employment service functions the same as or substantially similar to those performed by this State prior to January 1, 1942. (b) Military service in any branch of the armed forces of the United States performed by an individual on military leave of absence from a position in "Federal service" as defined in subdivision (a) of this section.

(c) For the purposes of this part a person shall be considered as being in the "Federal service" only while he is receiving compensation from the Government of the United States.

20921. Upon compliance with the provisions of Section 20922, a member shall be credited with State service in the amount of time during which he was in Federal service, and for the purposes of this part Federal service so credited shall be considered State service, if the member comes within all of the following descriptions: Credit for Federal service
See also Stats 1947, Ch 171

(a) Prior to performing the Federal service, he was employed by the State in an agency performing employment service functions financed in whole or in part by Federal funds made available for the performance of such functions.

(b) He was laid off from State service because of the transfer of such functions by the State to an agency of the United States Government.

(c) Subsequent to his lay-off from State service he was employed by the United States Government in an agency performing employment service functions the same as or substantially similar to those of the State agency from which he was laid off.

(d) Within 30 days of his separation from Federal service, he was reemployed by the State agency from which he was formerly laid off.

20922. Any member eligible to be credited with State service for time during which he was in Federal service, as provided in Section 20921, may within six months from the effective date of this article or their return to State service, whichever is the later, file with the board such information relative to his Federal Contributions to Retirement Fund
See also Stats 1947, Ch 171

service as the board may require, and may contribute to the Retirement Fund, at times and in a manner fixed by the board, amounts equal to the contributions which he would have made to the fund during the time he was in Federal service if he had then been in State service, on the basis of his compensation earnable at the time he was laid off from State service. When any such contributions have been made, the State shall thereupon contribute an amount equal to that which it would have contributed under Chapter 6 of this part if the contributions had been deducted from compensation to the member from State funds, and for the purposes of Chapter 6 the compensation on which the member's contributions were based shall be deemed to have been paid from the support fund of the State agency from which he was laid off.

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## CHAPTER 24

*An act to amend Section 1039.3 to the Military and Veterans Code, relating to gifts to the Veterans' Home of California.*

In effect May 21, 1946

[Approved by Governor February 14, 1946 Filed with Secretary of State February 14, 1946.]

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

See also Stats 1947, Ch. 94

SECTION 1. Section 1039.3 of the Military and Veterans Code is amended to read:

Donations and gifts

1039.3. The board may accept cash donations or other gifts to be used for the welfare of the veterans. Cash shall be paid into such trust funds as the board may establish and shall be expended by the board for promoting the welfare of the veterans and for the purpose designated by the donor.

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## CHAPTER 25

Stats 1941, p. 1375, amended

*An act to amend Section 3 of an act entitled "An act authorizing any county in the State of California to aid any city operating under a freeholders' charter, or otherwise, in the State of California, in the acquisition of real or personal property for the purpose of constructing and completing improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of same, to take effect immediately," approved May 13, 1941, relating to publicly owned airports, declaring the urgency hereof, to take effect immediately.*

In effect immediately

[Approved by Governor February 14, 1946 Filed with Secretary of State February 14, 1946.]

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

Repealed by Stats 1947, Ch. 424

SECTION 1. Section 3 of the act cited in the title hereof is amended to read:

Sec. 3. Thereafter and in accordance with such resolution the county may give aid in one or more of the following ways: County aid

(a) Contribute money.

(b) Acquire and deliver material.

(c) Furnish labor or engineering services.

(d) Loan its road building machinery.

(e) Sell without bid upon such terms and conditions as the board of supervisors may deem advisable, any county property to any city within said county.

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 fact constituting such necessity is as follows: Urgency

Many cities and counties are in the process of acquiring airports which are being declared surplus properties by the United States Government. In many instances the several counties have purchased the properties upon which these Federal airports are located and several counties are now desirous of selling these properties solely to the cities interested in establishing municipal airports. It is vitally necessary that these municipalities be facilitated in the establishment of these airports, and that no delay be caused in taking over these airports from the Federal Government.

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## CHAPTER 26

*An act to add Section 66d to the Code of Civil Procedure, relating to the number of judges of the superior court in the County of Ventura.*

[Approved by Governor February 14, 1946. Filed with Secretary of State February 14, 1946.] In effect May 21, 1946

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

Section 1. Section 66d is added to the Code of Civil Procedure, to read:

66d. In the County of Ventura there shall be two judges of the superior court. Ventura County. Two judges

Sec. 2. Within 10 days after this act becomes a law the Governor shall appoint one judge of the superior court in the County of Ventura in addition to the superior court judge already provided for by law in said County of Ventura, who shall hold office until the first Monday after the first day of January, 1949. At the general election to be held in November, 1948, one additional judge of the superior court of Ventura County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder and who shall hold office for the term prescribed by the Constitution and by law. Appointment of additional judge

The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judge of the superior court in Ventura County now authorized by law.

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## CHAPTER 27

Stats 1943, p 257, amended

*An act to extend the effective period of an act entitled "An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately," approved February 10, 1943, as amended.*

In effect May 21, 1946

[Approved by Governor February 15, 1946. Filed with Secretary of State February 15, 1946.]

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

SECTION 1. Section 2.5 of the act cited in the title is amended to read as follows:

Effective period

Sec. 2.5. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature, except that within six months thereafter the department may complete any work under way.

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## CHAPTER 28

*An act to add Section 2206 to the Health and Safety Code, relating to mosquito abatement districts, and declaring the urgency of this act, to take effect immediately.*

In effect immediately

[Approved by Governor February 15, 1946. Filed with Secretary of State February 15, 1946.]

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

See also Stats 1917, Ch 1020

SECTION 1. Section 2206 is added to the Health and Safety Code, to read:

Formation of districts

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the

Stats 1933, p 2141

District Investigation Act of 1933. This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature and thereafter shall be of no force or effect.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of 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:

There have entered and are continuing to enter the State many persons who have been infected with and are carriers of

mosquito-borne diseases. Unless immediate and effective measures are taken for the control and suppression of mosquitoes serious epidemics of mosquito-borne diseases will occur. The organization of additional mosquito abatement districts to take such measures is urgent, but the procedures now required under the District Investigation Act of 1933 are both costly and time-consuming. For the immediate protection of the public health it is necessary that this act, making the District Investigation Act of 1933 inapplicable to mosquito abatement districts, take effect immediately.

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## CHAPTER 29

*An act to provide for the acquisition of temporary and emergency housing facilities for veterans and families of servicemen by joint action of the State and local agencies, providing for the operation of such facilities, making an appropriation, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 15, 1946. Filed with Secretary of State February 15, 1946.] In effect immediately

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

SECTION 1. The inability of veterans and servicemen's families to find any housing has prompted the Federal Government to undertake a program of furnishing temporary emergency housing, locally administered, for such persons. In making such temporary housing available the Federal Government will expend Federal funds for specific items of such housing costs. Other costs in connection with the making of such housing habitable will not be borne by the Federal Government. It is hereby declared to be the policy of the State to cooperate with the Federal Government in making such housing available and habitable as quickly as possible in areas where needed and to pay the State's share of costs not now or hereafter provided by the Federal Government in any veterans' temporary emergency housing program. Purpose

It is the purpose of this act to make funds available to put such housing into condition for occupancy, but only to the extent that Federal funds may not be available for such purpose.

SEC. 2. As used in this act: Definitions

(a) "Local agency" means any county, city and county, city, local housing authority, or district 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. See also Stats. 1947, p. 319

(b) "Housing" means any temporary housing (intact or in panels suitable for reuse) made available by the National Housing Administrator for the purpose of providing temporary housing for veterans and their families and for families of servicemen.

(c) Insofar as permitted by Federal law and regulations, and unless prohibited thereby, "veterans" includes any person who has served in the military or naval forces or the Merchant Marine of the United States and who has been discharged or released therefrom under conditions other than dishonorable.

(d) Insofar as permitted by Federal law and regulations, and unless prohibited thereby, "families of servicemen" includes the family of any person who is serving in the military or naval forces or the Merchant Marine of the United States and the unmarried widow of a deceased veteran.

(e) "Families" is limited to the spouse and legal dependents who are members of the household.

(f) "Director" means the Director of the State Department of Finance.

Appropriation

SEC. 3. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of seven million five hundred thousand dollars ($7,500,000) or so much thereof as may be necessary to carry out the provisions of this act. Such funds may be expended without regard to fiscal years and shall be allocated only for the purposes of this act and in the manner prescribed. There shall first be allocated from this appropriation for the use of the Department of Finance such amount as the Director of Finance shall determine is necessary for administration of the provisions of this act, the total of which amount shall in no event exceed 1 per cent of the total appropriation herein made.

Facilities in rural and urban communities

The Legislature hereby declares, that in making the appropriation provided by this act, it is its intention to provide temporary and emergency housing facilities for veterans and families of servicemen in rural communities where the need exists as well as in urban communities.

Authority of local agencies

SEC. 4. For the purposes of this act any local agency may expend or use its funds and employ its personnel to do anything necessary to carry out the Federal program and render housing suitable for occupancy, except that the use of such funds shall be limited to items for which Federal funds are not available or for which Federal reimbursement is not permitted. For the purposes of this act any local agency may enter into agreements with the Federal Government and the State. Any local agency may lease, or if necessary acquire by purchase, or otherwise, real and personal property suitable for conversion into housing facilities, and may remodel, repair, or remove and reerect, or furnish buildings for such housing facilities but shall not erect or construct new housing facilities. It may also provide for the installation of necessary appurtenances and utilities.

The authority granted to local agencies by this act may be exercised either inside or outside the boundaries thereof; provided, however, such authority may not be exercised outside the boundary of such local agencies without the consent, by resolution, of the governing body of such outside territory.

Any city, county, or city and county may cooperate with a housing authority for the purpose of carrying out the provisions of this act to the same extent as such city, county, or city and county is authorized to cooperate with a housing authority pursuant to the Housing Cooperation Law. In providing housing for veterans and their families, single veterans, and families of servicemen pursuant to the provisions of this act, a housing authority shall not be subject to any provisions of the Housing Authorities Law relating to rentals and tenant selection, particularly the limitations in Section 10 and in the second sentence of Section 9 of said act.

Administration

The local agency shall administer any housing facility acquired pursuant to this act and let or lease accommodations therein to veterans and families of servicemen upon such terms and for such rentals as may be agreed between it and the director, and in such manner as to secure to the local agency and the State a return insofar as is practical of the investment made by both parties.

Validation of contracts, etc.

Any and all contracts, undertakings, and commitments of a local agency, together with all acts and proceedings in respect thereto heretofore done or undertaken for the provision of housing for veterans and their families or single veterans and families of servicemen are hereby validated and declared legal.

Standards of construction, etc

In providing housing pursuant to this act, a local agency shall not be subject to any State statute or regulation prescribing standards of construction, repair, maintenance or use of buildings. As to the housing provided for in this act, the governing body of any local agency by which any ordinance or regulation prescribing the use or occupancy of land or standards of construction, repair, maintenance or use of buildings was enacted may by ordinance or resolution suspend all or a part of any such ordinance or regulation for the period during which such housing may by the terms of this act lawfully be maintained.

Application for allocation

SEC. 5. Each local agency which desires to participate in the acquisition of housing and the establishment of a housing facility pursuant to this act shall submit to the director an application for an allocation of not more than 90 per cent of the estimated non-Federal cost of each proposed housing facility for which it desires aid under this act. The application shall be accompanied by a certified statement of such estimated cost of the housing facility. The application shall include a statement showing what provision the local agency proposes to make for paying at least 10 per cent of such cost of the housing facility, and shall be accompanied by a copy of the contract or other documents showing the terms upon which the housing is to be acquired and the agreements with the Federal Government in respect thereto.

The director shall promptly consider the applications filed with him, and may require any local agency to submit such additional or supplementary information as to the housing facility or the financial condition of the local agency as he deems

pertinent. A local agency may at any time amend or supplement its preliminary application.

Approval or rejection

The director shall approve or reject each application submitted to him by a local agency. The approval of any application shall be subject to the contingency that the local agency transmit to the director a certified copy of a resolution or ordinance showing that the local agency has made provision for paying 10 per cent of the cost of the housing facility.

New commitments

The director shall enter into no new commitments for the acquisition of housing facilities pursuant to this act after the ninetieth day following the convening of the Regular Session of the Fifty-seventh Legislature, but commitments and agreements made before said date shall nevertheless be completed.

Duties of Director of Finance

SEC. 6. It shall be the duty of the State Director of Finance, and he is hereby empowered to:

(a) Prescribe the form of application to be filed by a local agency for aid for the acquisition and establishment of housing facilities. No aid may be given by the State to a local agency until such application has been filed by such agency with the State Director of Finance.

(b) Administer the appropriation hereinafter made and prescribe the terms and conditions upon which aid shall be allocated therefrom by the State to local agencies for the acquisition and establishment of housing facilities; provided, that any money, State or local, public or private, lawfully available for expenditure by or on behalf of a local agency for the construction of a project under this act other than money made available by the State under this act, may be considered as part of the money required to be provided by the local agency under this act, where the local agency so elects.

(c) Prescribe, amend, modify or rescind such rules and regulations as he may determine to be necessary or convenient to carry out the provisions of this act, and to secure the application of the money allocated to the purpose for which it was made.

Agreements with local agencies

SEC. 7. The director shall enter into agreements with local agencies providing for the management, operation, and maintenance of any housing facilities acquired and established pursuant to this act. In addition to such other matters as the director deems necessary, and subject only to Federal law or regulations adopted pursuant thereto, the agreement shall provide:

Contents

(a) That if the acquisition of any housing facility or if the remodeling, repair, or removal and reerection of buildings is not under the control and direction of the United States or any of its agencies, no contract for any of such acts shall be made by the local agency without first obtaining the approval of the director.

(b) That when any housing facility is discontinued, it shall be liquidated in such manner as may be agreed upon between the local agency and the director and according to rules and regulations prescribed by the director for the purpose in such manner as to secure to the local agency and the State a share of the proceeds proportionate to their respective investments.

(c) That the operation and maintenance of any housing facility acquired pursuant to this act may be terminated at any time, if consistent with the terms of the Federal act under which it was acquired, and if the director or the Legislature determines that the necessity therefor no longer exists, but in no event shall such housing facility be operated and maintained after the ninetieth day following the convening of the Regular Session of the Fifty-eighth Legislature.

(d) For the fixing of minimum and maximum rentals.

(e) For repayment to the State of the costs advanced pursuant to this act, to the extent permitted by the Federal act, it being the intent of this act that the maximum amount of recovery possible be obtained.

(f) For the payment of the costs of operation and maintenance, including administration, with a view that such costs shall be adequate for the purpose, but not excessive.

(g) For a division of the proceeds upon final liquidation in proportion to the investment made by the local agency and the State.

(h) For showing of all conditions, terms, rentals, expenditures and receipts and all other matters done or agreed to pursuant to the Federal program.

(i) For the establishment of a reserve from the original amount allocated for the purpose of demolition and site restoration in such sum as may be agreed upon by the director and the local agency.

Payment of State's share of cost
See also Stats 1947, p 319, and Stats 1947, Ch 127

SEC. 8. The director shall prescribe the time and manner of payment of the State's share of the cost of construction of a project for which a local agency has received an allotment under this act, which the local agency shall, on its request, be paid.

Any money expended by or on behalf of a local agency after December 1, 1945 for the purpose of acquiring housing as provided by this act shall be considered as part of the money required to be provided by the local agency hereunder.

The Board of Control shall by rule prescribe the information to be shown on claim for payment of the State's share of the cost of construction of projects under this act and the nature of the evidence of payment to be required in support of such claim. When the director approves such claim and finds the payment to be due, he shall transmit a claim for the amount due, together with all supporting information 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 payment he finds to be due.

Title in local agency

Title to any project constructed with funds made available by this act shall not vest in the State but shall vest in the local agency constructing the project to the extent permitted by Federal law or regulation.

Availability of appropriation

Any money appropriated by this act for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before the ninetieth

day following the convening of the Regular Session of the Fifty-seventh Legislature, shall revert to the General Fund in the State treasury; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until April 6, 1948. Any money appropriated by this act for support of the director and for support of the director and the department shall be available for expenditure until April 6, 1948; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until April 6, 1949.

Laws applicable

Sections 13320-13324, inclusive, 13920 and 16003 of the Government Code, and Sections 3714-3714.26, inclusive, of the Political Code do not apply to the expenditure of allocations to local agencies made under this act. The provisions of Part 7 of Division 2 of the Labor Code are applicable to public works or projects constructed from funds allocated under this act.

Federal laws, etc.

SEC. 9. Notwithstanding any provision of this act to the contrary, the State, its agents or employees, or any local agency, is hereby authorized in doing any act permitted or directed by this act, to comply with and conform to all applicable requirements of Federal laws and of regulations and orders issued under the authority thereof.

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:

There exists an extreme shortage in housing in the State. More than 5,000,000 veterans have been discharged from the military service and many more will be discharged in the near future. Many of such veterans and other persons are unable to find housing for themselves or their families and by reason thereof are being compelled to live in unsafe, insanitary and congested dwellings. The immediate adoption of this act will enable the State and local agencies to procure surplus government properties and provide suitable housing facilities for such persons and will enable many veterans and their families to readjust themselves to civil life and permit the veterans to resume their place in the community and conduct their employment without worry as to the health, sanitary condition and welfare of their families. It is therefore necessary that this act take effect immediately.

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## CHAPTER 30

Stats. 1943, p. 2154, amended

*An act to amend Section 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the*

*urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 15, 1946. Filed with Secretary of State February 15, 1946.] In effect immediately

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

SECTION 1. Section 5 of the act cited in the title hereof is amended to read: See also Stats 1947, Ch. 591

Sec. 5. This act shall be in effect only as to all such allocations and payments for fiscal years beginning prior to July 1, 1947. The expiration of the fiscal year ending prior to July 1, 1947, shall not prevent the completion of any proceedings, allocations or payments in respect of that fiscal year Fiscal years affected

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

The recent war and wartime industrial activities in the State of California have resulted in tremendous increases in population in most cities in the State. Such influx of city and city and county population has created grave and serious problems for the affected cities and cities and counties in maintaining and in constructing the street and highway facilities which are required to take care of expanded housing projects for returning war veterans and a greatly increased population and in maintaining the streets and highways within such cities and cities and counties in condition to furnish adequate service for transportation which is essential to the vast new population. If this act be made effective immediately, it will provide the necessary continuity of the relief heretofore provided for this situation without upsetting or delaying the allocation of such State funds for expenditure among all of the cities and cities and counties of the State. It is therefore necessary that this act go into immediate effect.

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## CHAPTER 31

*An act to amend Section 2496 of the Business and Professions Code providing for increase in annual tax and registration fees of osteopaths.*

[Approved by Governor February 16, 1946 Filed with Secretary of State February 16, 1946.] In effect May 21, 1946

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

SECTION 1. Section 2496 of the Business and Professions Code is amended to read as follows:

2496. The amount of fees and refunds is that fixed by the following schedule for any certificate issued by the Board of Fees and refunds

Osteopathic Examiners. All other fees and refunds for any certificate issued by the Board of Osteopathic Examiners and which are not prescribed in this schedule are prescribed in Section 2458.

(a) The fee for each applicant for a certificate, unless otherwise provided is twenty-five dollars ($25). If the applicant's credentials are insufficient or if he does not desire to take the examination, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) The fee for each applicant under Section 2491 is twenty-five dollars ($25). If the applicant fails to receive a certificate, the refund is fifteen dollars ($15).

(c) The fee for filing an application under Section 2492 is twenty-five dollars ($25). If a certificate is not issued the refund is fifteen dollars ($15).

(d) The fee for each applicant under Article 6 is fifty dollars ($50). If the applicant fails to receive a certificate, the refund is forty dollars ($40).

(e) The fee for each applicant for a reciprocity certificate is one hundred dollars ($100). If the applicant does not receive a certificate, the refund is ninety dollars ($90).

(f) The annual tax and registration fee for residents of California is ten dollars ($10).

(g) The annual tax and registration fee for nonresidents of California is ten dollars ($10).

(h) The fee for failure to pay the annual tax and registration fee is twenty dollars ($20).

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## CHAPTER 32

*An act to amend Sections 395.2 and 395.8 of the Military and Veterans Code, and Sections 13204.1 and 20380 of the Education Code, and Section 19393 of the Government Code, relating to the reinstatement of public employees after release from military service and service in the Merchant Marine or the American Red Cross.*

In effect May 21, 1946

[Approved by Governor February 16, 1946. Filed with Secretary of State February 16, 1946.]

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

SECTION 1. Section 395.2 of the Military and Veterans Code is amended to read:

Reinstatement of noncertificated school employees

395.2. Any employee of a board of school trustees or board of education in a position not requiring certification qualifications who enters the active military service of the United States of America or of the State of California, 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 any period of National emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall regain all rights to his position and shall be reinstated thereto upon his application at any time within six months of the termination of that service, but in any event within one year from the date of a treaty of peace terminating the hostilities in which the United States is now engaged. The provisions of this act shall apply to service in the Merchant Marine as that phrase is now defined in any Federal statute relating to reemployment rights of persons in service in the Merchant Marine.

SEC. 2. Section 395.8 of the Military and Veterans Code is amended to read:

395.8. Any officer, elective or otherwise, who leaves or shall have left the service of any city in order to enter upon active service with the armed forces of the United States shall be reinstated and restored to his office upon his discharge or release from such active service with the armed forces; provided, such discharge or release is prior to the expiration of the term for which he has been elected or appointed. Reinstatement of city officers in armed forces

The rights created by this section shall have no application to any officer who shall have been dishonorably discharged or released from such armed forces, or shall have been so mentally or physically disabled as to be incapable of performing the duties of his office or shall fail to present himself to the legislative body or other appointing authority of such city ready and willing to assume the duties of his office, within six months from the time of his discharge or release from active service with the armed forces. Exception

The office from which such officer absents himself to enter upon active service with the armed forces shall not be considered to be vacant but the legislative body or other appointing authority, as the case may be, may appoint an officer to temporarily replace any such officer so absenting himself to enter upon active service with the armed forces. Such temporary officers shall have all of the powers and duties of the office to which he may be temporarily appointed and shall hold said office until the expiration of the term thereof or until the officer returns from service with the armed forces, whichever event first occurs. Temporary appointee

SEC. 3. Section 13204.1 of the Education Code is amended to read:

13204.1. Every person employed by a school district as a probationary or permanent employee in a position requiring certification qualifications who enters the active military service of the United States of America or of the State of California, 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 service of the United States Merchant Marine, during any School district employees on active military service, etc

period of National emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be entitled to absent himself from his duties as an employee of the district.

Such absence shall not affect, in any way, the classification of such employee. In the case of a probationary employee the period of such absence shall not count as part of the service required as a condition precedent to the classification of such employee as a permanent employee of the district, but such absence shall not be construed as a break in the continuity of the service of such employee for any purpose.

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall, subject to the provisions of this section, be entitled to return to the position held by him at the time of his entrance into such military service, at the salary to which he would have been entitled had he not absented himself from the service of the school district under this section.

If such employee was employed under a lawful contract for a period in excess of one year in a position in which he had not become a permanent employee of the district, he shall be entitled to return to such position for the period his contract of employment had to run at the time he entered such military service. Notwithstanding any provision of this code to the contrary, a person employed to take the place of any such employee shall not have any right to such position following the return of such employee to the position.

SEC. 4. Section 20380 of the Education Code is amended to read:

State college employees on active military service, etc.

20380. Every employee of a State college not serving in the State civil service who has entered or who hereafter enters the active military service of the United States of America or of the State of California, 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 any period of National emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be deemed to have been entitled or shall be entitled to absent himself from his duties as an employee of the college.

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall be entitled to return to the position held by him at the time of his entrance into such military service, at the salary to which he would have been entitled had he not absented himself from his duties as an employee of the college under this section.

SEC. 5. Section 19393 of the Government Code is amended to read:

State civil service employee serving as seaman

19393. Any person having State civil service status who in time of war leaves his position to serve as a seaman on board any

vessel of the United States retains all civil service rights and shall be reinstated to his position upon application. Such application shall be filed within six months after the termination of such service or the termination of the war, as proclaimed by the President of the United States, whichever is the earlier, or, if his service is terminated in a foreign country six months after return to the United States if within 90 days after such termination he leaves such foreign country to return to the United States.

As used in this section:

"Seaman" (a) "Seaman" means any person, including the master and officers, employed on board any vessel of the United States in the care, preservation, operation, management, or navigation of such vessel, but does not include any person who is a member of the land or naval forces of the United States.

"Vessel of the United States" (b) "Vessel of the United States" means any vessel registered, enrolled, or licensed under the laws of the United States, any vessel acquired by the United States under the provisions of the act entitled "An act to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and National defense, and for other purposes," approved June 6, 1941, as amended, or any other merchant or cargo vessel not of foreign registry owned or operated by or on behalf of the United States, excluding any fishing or whaling vessel or yacht.

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## CHAPTER 33

*An act to provide for a medical school and center at the University of California at Los Angeles, and to make an appropriation therefor.*

[Approved by Governor February 19, 1946 Filed with Secretary of State February 19, 1946.] In effect May 21, 1946

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

Appropriation Medical school at U. C. L. A. SECTION 1. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated to The Regents of the University of California the sum of seven million dollars ($7,000,000) to be expended by The Regents of the University of California for the purpose of establishing, equipping and maintaining a medical school and center as a unit in the University of California at Los Angeles.

Expenditure SEC. 2. The appropriation made by this act shall be available without regard to fiscal years and shall be exempt from the provisions of Section 16304 of the Government Code.

# CHAPTER 34

*An act to amend Sections 19601, 19608, 19613, and 19616 of, and to add Sections 19613.5 and 19617 to, the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor February 20, 1946. Filed with Secretary of State February 20, 1946.]

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

See also Stats 1941, Ch 956

SECTION 1. Section 19601 of the Education Code is amended to read:

Purpose

19601. The policy of the Legislature in continuing this chapter in effect is to provide a temporary means for meeting an emergency, existing in certain communities in this State, created by the employment of women with children in industry as a direct result of the war in which the United States of America is now engaged, without imposing additional taxes on property which the owners of such property can not, because of the burdens imposed by such war, be reasonably expected to bear.

SEC. 2. Section 19608 of said code is amended to read:

"Child care center fund"

19608. The said governing board shall establish in the county treasury a fund to be known as the "child care center fund" into which shall be paid all funds received for, or from the operation of, child care centers. The costs incurred in the maintenance and operation of child care centers shall be paid from said fund.

No funds of a district derived from the receipts of district taxes or derived from moneys apportioned to the district for the support of the schools thereof, except State moneys expressly appropriated from the General Fund for the support of child care centers, may be expended for, or in connection with, a child care center.

SEC. 3. Section 19613 of said code is amended to read:

Acceptance of funds

19613. The governing board of each school district is hereby authorized to accept funds from the Government of the United States or any agency thereof, or from any other source other than funds derived from taxes levied by any taxing agency, for any of the purposes of this chapter and such funds may be accepted subject to such conditions as will further the purpose of this chapter. As used in this section "taxing agency" has the meaning ascribed to the phrase in the Revenue and Taxation Code except that it does not include the State in respect to appropriations from the General Fund.

SEC. 4. Section 19613.5 is added to said code, to read:

Expenditure of federal funds

19613.5. No State funds shall be expended for the operation of child care centers until all available Federal funds, including Federal funds appropriated or which may be appropriated prior to March 1, 1946, have been expended.

No State funds shall be expended for the operation of child care centers except funds appropriated therefor from the General Fund of the State.

SEC. 5. Section 19616 of said code is amended to read: Repealed by Stats 1947, Ch 956

19616. This chapter shall have no force or effect from and after the ninetieth day after the final adjournment of the Fifty-seventh Regular Session of the Legislature. Effective period

SEC. 6. Section 19617 is added to said code, to read: See also Stats 1947, Ch 956

19617. No additional child care centers may be established after the effective date of this section, except such as may be specifically authorized by the Department of Education after it has surveyed the financial needs of the then existing child care centers and finds that the establishment of the new child care center: Additional child care centers

(a) Will not financially jeopardize or otherwise curtail the operations of the then existing child care centers, and

(b) Is necessary to meet an emergency arising from the necessity of harvesting or processing crops or of assisting veterans in obtaining their educations, or other necessities.

A child care center which was in operation prior to said effective date, but which is temporarily not in operation on that date is not an additional child care center within the meaning of this section.

SEC. 7. 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 emergency created by war conditions which necessitated provision for child care centers has not yet terminated, but Federal funds for the support of such centers are about to cease. To prevent the premature closing of established centers and the consequent disruption of the economic life of the State by the immediate withdrawal from essential industry and services of persons charged with the care of minor children, it is necessary to make immediate temporary provision authorizing the support of such centers from State funds under proper safeguards, and necessary that this act take effect immediately.

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## CHAPTER 35

*An act making an appropriation for the support of child care centers, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 20, 1946. Filed with Secretary of State February 20, 1946] In effect immediately

*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 to the Appropriation Child care centers

Department of Education, in addition to, and in augmentation of, any moneys otherwise made available therefor, the sum of three million five hundred thousand dollars ($3,500,000), to be used for the support of child care centers until March 30, 1947, in accordance with the provisions of this act.

Administrative expenses

SEC. 1.5. Of the amount appropriated by Section 1 of this act, the Department of Education is hereby authorized to expend not to exceed thirty-three thousand seven hundred dollars ($33,700) for the administration of this act and the supervision of child care centers, which sum is in addition to any other funds appropriated for the supervision of child care centers.

Apportionment to school districts

SEC. 2. The Department of Education shall apportion the appropriation made by this act directly to the school districts maintaining child care centers pursuant to Chapter 11 of Division 9 of the Education Code and to the governing authorities of State educational institutions maintaining child care centers. Apportionments shall be made in the discretion of the department, upon the basis of demonstrated need for supplemental support. The department shall survey the child care centers of the school districts and State educational institutions requesting apportionments of funds, and after determining the necessity, costs, and support derived from the Federal Government, parents, and industry, shall apportion such sums for the respective child care centers as it deems necessary to insure their efficient operation.

Payment

SEC. 2.1. Each apportionment made by the Department of Education under this act for the child care centers or centers of a school shall be certified by the department to the State Controller who shall thereupon draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district. The warrant shall be exempt from the provisions of Division 4 of the Government Code and shall be paid by the State Treasurer from the appropriation made by this act.

The county treasurer of each county shall pay all moneys received by him under this section into the county treasury to the credit of the child care center fund of each such district, exactly as apportioned by the department.

Certification to Controller

SEC. 2.2. Each apportionment made by the Department of Education to a State educational institution under this act shall be certified by the department to the State Controller who shall thereupon make the amount of such apportionment available for expenditure for the operation of the child care center or centers maintained by such institution.

Expenditure of federal funds

SEC. 3. No money appropriated by this act shall be expended for the operation of any child care center until all Federal funds available for its operation, including all funds appropriated prior to March 1, 1946, have been expended.

Payment of fees

SEC. 4. No money appropriated by this act shall be expended for the care or education of any child unless a reasonable fee for his care and education has been paid to the child care center

by the parent or other person having custody of the child, in accordance with the requirements of Chapter 11 of Division 9 of the Education Code.

Financial responsibility of parents, etc

SEC. 4.5. No money appropriated by this act shall be expended for the care of any child unless prior to the admission of such child the parent or person having custody thereof shall have shown to the satisfaction of the governing board, in conformity with rules and regulations established by the Superintendent of Public Instruction, that such parent or person having custody of the child is financially unable to provide otherwise for the care of the child; provided, however, that this Section 4.5 shall not apply to any child whose parent or person having custody thereof is in the armed forces of the United States.

Urgency

SEC. 5. 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 emergency created by war conditions which necessitated provision for child care centers has not yet terminated, but Federal funds for the support of such centers are about to cease. To prevent the premature closing of established centers and the consequent disruption of the economic life of the State by the immediate withdrawal from essential industry and services of persons charged with the care of minor children, it is necessary to make immediate provision for the support of such centers from State funds under proper safeguards, and necessary that this act take effect immediately.

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## CHAPTER 36

*An act to amend Section 988.3 of the Military and Veterans Code, relating to funds of the Veterans Welfare Board, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 20, 1946. Filed with Secretary of State February 20, 1946.]

In effect immediately

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

See also Stats. 1947, Ch 328

SECTION 1. Section 988.3 of the Military and Veterans Code is amended to read:

Advances to the board for contingent expenses, etc

988.3. The State Department of Finance is hereby authorized to provide for advances of money to the board, needed to meet contingent expenses, to such an amount not exceeding twenty-five thousand dollars ($25,000), as the said Department of Finance shall deem necessary, and to provide for advances of money to the board, needed to facilitate the purchase of farms and homes to such an amount not exceeding two million dollars ($2,000,000), as the said Department of Finance may deem necessary, such advances to be administered as revolving funds. The State Controller is hereby authorized and directed to draw

his warrants upon the Veterans' Farm and Home Building Fund for such advances, and the State Treasurer is hereby authorized and directed to pay the same.

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:

With the termination of actual hostilities and the return of hundreds of thousands of veterans to civil life, the demand for farm and home purchases is rapidly increasing. If serious delays in the handling of these purchases are to be avoided, it is necessary that sufficient funds be immediately available and that this act take immediate effect.

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## CHAPTER 37

*An act making an appropriation to the State Fire Marshal to carry out the provisions of Chapters 727 and 728, Statutes of 1945, to take effect immediately.*

In effect immediately

[Approved by Governor February 21, 1946. Filed with Secretary of State February 21, 1946.]

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

Appropriation State Fire Marshal

SECTION 1. In order to carry out the provisions of Chapters 727 and 728, Statutes of 1945, there is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of fourteen thousand two hundred ninety dollars ($14,290) in augmentation of item 139 in the "Budget Act of 1945" to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for support of the State Fire Marshal.

Stats 1945, p 1188

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.

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## CHAPTER 38

*An act to amend Section 20894.5 of the Government Code, relating to the State Employees' Retirement System, and providing for contributions for persons in the military service.*

In effect May 21, 1946

[Approved by Governor February 21, 1946 Filed with Secretary of State February 21, 1946.]

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

See also Stats 1947, Ch 1140

SECTION 1. Section 20894.5 of the Government Code is amended to read:

Contributions for members absent on military service

20894.5. Notwithstanding the provisions of this article, the employer shall contribute for each member of this system who is absent from State service without compensation on military

service, and who returns to State service within six months after discharge under conditions other than dishonorable or within six months after any period of rehabilitation afforded by the United States Government other than a period of rehabilitation for purely educational purposes, amounts equal to the contributions which would have been made by the employee and the employer to the system on the basis of his compensation earnable at the commencement of his absence, if he had not been so absent.

Refunds and credits

Any such member who exercises or did exercise the right to contribute to the system during the period of military service shall have such contributions refunded or credited to his account as additional contributions under Section 20630.

Withdrawals

Any such member who withdraws or has withdrawn his accumulated contributions during his military service and who does not or did not redeposit the amount withdrawn upon his return to State service is entitled to be credited with the employer's contribution provided for in this section, and to receive credit for service during the period he was absent on military service, the same as if he had not withdrawn his accumulated contributions, and his rate for future contributions shall be based upon his age at the commencement of his absence on military service.

Availability of contributions

The contributions made by the employer pursuant to this section shall be available only for the purpose of retirement for service or for disability, and shall be made available only for the purpose of retirement, and an employee resigning from State service after reinstatement from military service shall be entitled to withdraw under Sections 20652 and 20653 only that portion of his accumulated contributions personally made by him.

Application of section

This section shall be retroactively applied to extend its benefits to all members of this system who served in the military service in time of war, including the period September 16, 1940 to December 7, 1941, and who return or have returned to State service upon the termination of their military service.

Service in Merchant Marine, etc

This section does not apply to persons absent from State service by reason of service with the Merchant Marine of the United States, or on ships operated by or for the United States Government, anything to the contrary in Section 20890 notwithstanding.

Application to contracting agency

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section, by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

## CHAPTER 39

*An act to amend Section 19398 of the Government Code, relating to veterans' rights in promotional examinations.*

In effect May 21, 1946

[Approved by Governor February 21, 1946. Filed with Secretary of State February 21, 1946.]

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

See also Stats 1947, Ch. 405

SECTION 1. Section 19398 of the Government Code is amended to read:

Promotional examinations: Rights of veterans

19398. If, while a civil service employee is on military leave, a promotional examination is held which he would have been entitled to take had he not been on military leave, such employee shall be eligible to take the identical promotional examination, and the Personnel Board shall arrange for him to take such examination within a reasonable time after application of the employee to take such examination, providing application is made not later than six months after his return from military leave, or, prior to September 1, 1946, whichever is the later date. If the employee passes the examination, his name shall be placed on the promotional list for the position in accordance with the provisions of Section 18937 as the eligible list stands at the time his name is placed thereon.

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## CHAPTER 40

*An act making an additional appropriation for support of the Department of Motor Vehicles for the Ninety-seventh and Ninety-eighth Fiscal Years, to take effect immediately.*

In effect immediately

[Approved by Governor February 23, 1946. Filed with Secretary of State February 23, 1946.]

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

Appropriation Department of Motor Vehicles

SECTION 1. There is hereby appropriated out of any money in the Motor Vehicle Fund the sum of nine hundred ninety-one thousand five hundred eighty-eight dollars ($991,588) for support of the Department of Motor Vehicles during the Ninety-seventh and Ninety-eighth Fiscal Years in augmentation of Item 187 of the "Budget Act of 1945;" provided, however, that the amounts by which the schedule applicable to said Item 187 may be augmented from this appropriation by authorization of the Director of Finance pursuant to Section 2.7 of the Budget Act of 1945 shall not exceed the amounts set forth below:

Stats 1945, p 1188

Division of Administration and Division of Registration:

(a) Salaries and wages ..... $279,730.00

(b) Operating expenses ..... 308,833.00

| | |
|---|---|
| Division of Enforcement: | |
| (a) Salaries and wages | 18,085.00 |
| (b) Operating expenses | 312,014.00 |
| Division of Drivers' Licenses: | |
| (b) Operating expenses | 56,626.00 |
| Land and Buildings: | |
| (b) Operating expenses | 4,300.00 |
| Building Alterations and Improvements (all object categories) | 12,000.00 |
| Total | $991,588.00 |

No category or other limitation set forth in said schedule, other than those listed above, may be augmented from this appropriation.

SEC. 2. The appropriation made by this act is payable from the moneys remaining in the Motor Vehicle Fund at the close of business on December 31, 1945, which are in excess of thirty-one and three-fourths per cent (31¾%) of the moneys received and reported as registration and weight fees and penalties thereon and fees for special plates during the calendar year 1945, and which, under the provisions of Section 781 of the Vehicle Code, would, otherwise, be transferred on order of the State Controller to the "State Highway Fund" during the month of February, 1946. Moneys from which payable

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. Current expenses

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## CHAPTER 41

*An act reappropriating the appropriation made by Item 187.2 of the "Budget Act of 1945," and making an additional appropriation for support of the Department of Motor Vehicles in the Ninety-seventh and Ninety-eighth Fiscal Years, to take effect immediately.* Stats 1945, p 1188

[Approved by Governor February 23, 1946. Filed with Secretary of State February 23, 1946.] In effect immediately

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

SECTION 1. The appropriation made by Item 187.2 of the "Budget Act of 1945" is hereby reappropriated and the additional sum of four hundred eighty-three thousand four hundred sixty-seven dollars ($483,467) is hereby appropriated out of any money in the Motor Vehicle Fund for support of the Department of Motor Vehicles during the Ninety-seventh and Ninety-eighth Fiscal Years in augmentation of Item 187 of the "Budget Act of 1945"; provided, however, that the amounts by which the schedule applicable to said Item 187 may be augmented by Appropriation. Department of Motor Vehicles

authorization of the Director of Finance pursuant to Section 2.7 of the Budget Act of 1945 shall not exceed the amounts set forth below:

| | |
|---|---|
| Division of Enforcement: | |
| (a) Salaries and wages | $816,525.00 |
| (b) Operating expenses | 186,692.00 |
| (c) Equipment | 164,250.00 |
| Total | $1,167,467.00 |

No category or other limitation set forth in said schedule, other than those listed above, may be augmented from this appropriation.

Employment of additional highway patrol officers

SEC. 2. It is the intention of the Legislature that the employment of additional Highway Patrol officers who return from military service, for which the required appropriation is provided for in this act, or provided for in the "Budget Act of 1945" shall not be considered to authorize the continued employment of more than six hundred twenty-four (624) traffic officers. Therefore, whenever any traffic officer retires, resigns, or is separated from State service, his position is not to be filled except by reemployment of members of the Highway Patrol who returned from military service, until such time as the total number of traffic officers employed in the California Highway Patrol shall be less than six hundred twenty-four (624).

Moneys from which payable

SEC. 3. The additional appropriation made by this act is payable from the moneys remaining in the Motor Vehicle Fund at the close of business on December 31, 1945, which are in excess of thirty-one and three-fourths per cent (31¾%) of the moneys received and reported as registration and weight fees and penalties thereon and fees for special plates during the calendar year 1945, and which, under the provisions of Section 781 of the Vehicle Code, would, otherwise, be transferred on order of the State Controller to the "State Highway Fund" during the month of February, 1946.

Current expenses

SEC. 4. 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.

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## CHAPTER 42

*An act making an additional appropriation for support of the Department of Motor Vehicles in the Ninety-seventh and Ninety-eighth Fiscal Years, to take effect immediately.*

In effect immediately

[Approved by Governor February 23, 1946 Filed with Secretary of State February 23, 1946]

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

Appropriation Department of Motor Vehicles

SECTION 1. In order to furnish the increases in compensation provided for in Item 276.6 of the "Budget Act of 1945," there is hereby appropriated out of any money in the Motor

Vehicle Fund the sum of seven hundred seventy-three thousand five hundred sixty-two dollars ($773,562) for support of the Department of Motor Vehicles during the Ninety-seventh and Ninety-eighth Fiscal Years in augmentation of Item 187 of the "Budget Act of 1945;" provided, however, that the amounts by which the schedule applicable to said Item 187 may be augmented from this appropriation by authorization of the Director of Finance pursuant to Section 2.7 of the "Budget Act of 1945" shall not exceed the amounts set forth below: Stats 1945, p 1188

| | |
|---|---|
| Division of Administration and Division of Registration: | |
| (a) Salaries and wages | $356,742.00 |
| Division of Enforcement: | |
| (a) Salaries and wages | 273,518.00 |
| Division of Drivers' Licenses: | |
| (a) Salaries and wages | 143,301.00 |
| Total | $773,562.00 |

No category or other limitation set forth in said schedule, other than those listed above, may be augmented from this appropriation.

SEC. 2. The appropriation made by this act is payable from the moneys remaining in the Motor Vehicle Fund at the close of business on December 31, 1945, which are in excess of thirty-one and three-fourths per cent (31¾%) of the moneys received and reported as registration and weight fees and penalties thereon and fees for special plates during the calendar year 1945, and which, under the provisions of Section 781 of the Vehicle Code, would otherwise be transferred on order of the State Controller to the "State Highway Fund" during the month of February, 1946. Moneys from which payable

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. Current expenses

## CHAPTER 43

*An act to amend Section 2302 of, and to add Section 2302.1 to, the Health and Safety Code, relating to the maximum rate of tax for mosquito abatement districts, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 23, 1946. Filed with Secretary of State February 23, 1946.] In effect immediately

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

SECTION 1. Section 2302 of the Health and Safety Code is amended to read:

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "_____ mosquito abatement Mosquito abatement district tax

district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 15 per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

SEC. 2. Section 2302.1 is added to said code, to read:

Rate of tax. 2302.1. If the rate thus produced is fifteen cents ($0.15) or less on each one hundred dollars ($100) of taxable property of the district in the county the county board of supervisors shall levy the tax at the rate thus produced. If the rate thus produced exceeds fifteen cents ($0.15), the board of supervisors may require of the district such information as will enable it to determine the necessity of the expenditures contemplated by the estimate, and, in its discretion, and after a finding of necessity therefor, levy the tax at the rate thus produced or at such lower rate as it finds will produce the amount required to meet the expenditures found by it to be necessary; but if it finds that such necessity does not exist, it shall levy the tax at the rate of fifteen cents ($0.15) or less on each one hundred dollars ($100) of taxable property in the district.

District in more than one county If the district is in more than one county, the board of supervisors of any county in which the district lies shall not levy a tax at a rate in excess of fifteen cents ($0.15), unless the boards of supervisors of the other counties in which the district lies levy the tax at the same rate. If the boards of supervisors can not agree on a rate to be levied in excess of fifteen cents ($0.15), the rate of tax shall not exceed fifteen cents ($0.15). The maximum rate of the tax shall not be greater than forty cents ($0.40) on each one hundred dollars ($100) of taxable property of the district in the county.

Urgency SEC. 3. 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 problem of mosquito abatement in this State has assumed such serious proportions that the present maximum rate of tax for that purpose is inadequate. In order that budgets may be prepared and the tax levied for the coming fiscal year it is necessary that this act take effect immediately.

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## CHAPTER 44

*An act to amend Sections 6726 and 7012.5 and to repeal Sections 6726.1 and 7012.6 of the Welfare and Institutions Code,*

*relating to the support of mental patients in boarding homes, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 23, 1946 Filed with Secretary of State February 23, 1946 ] In effect immediately

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

SECTION 1. Section 6726 of the Welfare and Institutions Code is amended to read:

6726. On filing his written certificate with the Director of Mental Hygiene, the superintendent of a State hospital may grant a parole to a patient under general conditions prescribed by the Department of Mental Hygiene. The department may pay any private home, licensed by the department for the care of patients paroled from State hospitals, for the care of any insane patient paroled to its custody at a rate not exceeding forty-five dollars ($45) per month during the time such patient shall remain on parole to such private home. Payments for such care of paroled patients shall be made from funds available for support of patients in the State hospital or hospitals from which such patients have been paroled. Parole of patients

SEC. 2. Section 6726.1 of said code is repealed. Repeal

SEC. 3. Section 7012.5 of said code is amended to read:

7012.5. The Department of Mental Hygiene may pay any private home, licensed by the department for the care of such persons, for the care of any patient paroled or on leave of absence from a State home for the mentally deficient to its custody at a rate not exceeding forty-five dollars ($45) per month during the time such patient remains on parole or on leave of absence to such private home. Payments for such care of paroled or on leave of absence patients shall be made from funds available for the support of patients in the State home for the mentally deficient from which such patients have been paroled or are on leave of absence. Payments to licensed private homes

SEC. 4. Section 7012.6 of said code is repealed. Repeal

SEC. 5. 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

There is in the State institutions of California a condition of overcrowding constituting a serious menace to the health and safety of the patients detained therein, while an increase in mental illness and mental disorder consequent upon war conditions requires the commitment to State institutions of additional patients whose mental condition renders them dangerous to themselves or to the community.

Many of the persons now confined in State institutions have improved to a point where they can safely and profitably be cared for in private homes, under family care, which care will

be available if the Department of Mental Hygiene is enabled to pay amounts more adequate to meet its current actual cost. Increasing the amount of the monthly payments to private homes will facilitate the placement of patients in such homes, thereby relieving the present congestion in State institutions, and making room for the persons requiring institutional care for their protection and that of the community.

It is therefore necessary for the immediate preservation of the public peace, health, and safety that this act take effect immediately.

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## CHAPTER 45

*An act making an appropriation to the Veterans' Welfare Board for the purpose of providing educational assistance for veterans.*

In effect May 21, 1946

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

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

Appropriation Educational assistance for veterans

SECTION 1. Out of any money in the treasury not otherwise appropriated there is hereby appropriated the sum of seven hundred fifty thousand dollars ($750,000) to the Veterans' Welfare Board for expenditures under Article 2 of Chapter 6 of Division 4 of the Military and Veterans Code.

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## CHAPTER 46

*An act to authorize the Department of Finance to acquire surplus property from the United States for the purpose of furnishing housing facilities for veterans attending universities and colleges and making an appropriation.*

In effect May 21, 1946

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

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

Appropriation Housing facilities for veterans attending universities and colleges

SECTION 1. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to the Department of Finance to be expended for the purposes of this act.

Acquisition, etc., by Department of Finance

SEC. 2. The Department of Finance may acquire by lease, purchase, or otherwise from the United States any surplus housing or property adaptable to housing for conversion into housing facilities in the vicinity of colleges and universities, for the purpose of furnishing living accommodations for veterans who have served in the military or naval forces of the United States and who have been discharged or released therefrom under conditions other than dishonorable and who are attend-

ing such colleges or universities and receiving educational assistance therefor from either the United States or the State. The department may erect, remodel, repair, or remove buildings for such housing facilities.

Agreements for purchase or leasing

SEC. 3. The Department of Finance is hereby designated as the official agency of the State authorized to enter into agreements for such purchases or leases. In entering into such agreements the department may accept any conditions or terms imposed by the United States or its agencies as to term of lease, rental, or restrictions upon use or occupancy of the premises, or restrictions upon subletting of premises.

Administration of facilities

See also Stats. 1947, Ch. 45

SEC. 4. The department shall administer any housing facilities acquired and let or lease accommodations therein upon such terms and for such rentals as it deems proper. The rentals and revenues therefrom shall be used to pay the costs of maintenance and operation, including costs of administration, and shall be applied to the satisfaction of any obligations to the United States in the order of and as required by the terms of acquisition. Any surplus revenues shall be repaid into the General Fund in the State treasury.

Priority of acquisition

SEC. 5. In determining the priority and propriety of acquiring any housing facility hereunder, the department shall give consideration to the following factors:

(a) The existence and intensity of the housing shortage in the vicinity of the college or university which may be alleviated by the acquisition of the housing facility.

(b) The extent to which the housing shortage may be alleviated by the acquisition of the housing facility.

(c) The relative benefits to the people of the State as a whole and to the veterans.

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## CHAPTER 47

*An act to amend Sections 820 and 987 of the Military and Veterans Code, relating to the rate of interest on veteran farm and home loans, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

In effect immediately

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

SECTION 1. Section 820 of the Military and Veterans Code is amended to read:

Initial payment by purchaser

820. The purchaser shall make an initial payment of at least 10 per cent of the selling price of the property, in case of a farm, and 5 per cent in the case of a home. The board may waive the initial payment in any case where the purchaser is refinancing through the board property owned by him and in which he owns an equity, prior to purchase by the board, of at least 10 per cent

of the purchase price to the board. In such case the value of the property as determined by appraisal shall equal the amount paid by the board plus 10 per cent. The balance of the selling price may be amortized over a period fixed by the board, not exceeding 40 years, together with interest thereon at the rate as determined by the board for such amortization purposes. The board shall establish the actual interest rate to be paid from year to year. To this end the board by a two-thirds vote of its members and with the approval of the Veterans' Finance Committee, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under any veteran's purchase contract. The board and the Veterans' Finance Committee shall annually in the month of September make a finding as to the rate of interest to be charged for the ensuing year, taking into consideration the current value of money and the solvency of the Veterans' Farm and Home Building Fund. The rate established shall be applicable alike to all contract holders, and shall not exceed 4 per cent per annum, nor be less than 2½ per cent per annum. The board may raise or lower the rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the board, as well as the contract holders, if in so doing, its action is made applicable alike to any and all contract holders and 90 days' advance notice be given of the time when the new rate of interest is to become effective. Any change in the interest rate shall not affect the total amount of any installment payment, but the difference shall be credited to interest or principal and accelerate or prolong the period of payment. In the event that the board and the Veterans' Finance Committee fail to establish the rate of interest for any year, the rate of interest established for the preceding year or years shall be continued until changed as provided in this section. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the board may for good cause postpone from time to time, upon terms as the board deems proper, the payment of the whole or any part of any installment of the selling price or interest thereon.

Amortized balance

Rate of interest

See also Stats. 1947, Ch. 328

SEC. 2. Section 987 of said code is amended to read:

Initial payment by purchaser

987. The purchaser shall make an initial payment of at least 10 per cent of the selling price of the property, in case of a farm, and 5 per cent in the case of a home. The board may waive the initial payment in any case where the purchaser is refinancing through the board property owned by him and in which he owns an equity, prior to purchase by the board, of at least 10 per cent of the purchase price to the board. In such case the value of the property as determined by appraisal shall equal the amount to be paid by the board plus at least 10 per cent. The balance of the selling price may be amortized over a period fixed by the board, not exceeding 40 years, together with interest thereon at the rate as determined by the board for such amortization purposes. The board shall establish the actual interest rate to be paid from year to year. To this end

Amortized balance

Rate of interest

the board, by a two-thirds vote of its members and with the approval of the Veterans' Finance Committee of 1943, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under any veteran's purchase contract. The board and the Veterans' Finance Committee shall annually in the month of September make a finding as to the rate of interest to be charged for the ensuing year, taking into consideration the current value of money and the solvency of the Veterans' Farm and Home Building Fund of 1943. The rate established shall be applicable alike to all contract holders, and shall not exceed 4 per cent per annum, nor be less than 2½ per cent per annum. The board may raise or lower the rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the board, as well as the contract holders, if in so doing its action is made applicable alike to any and all contract holders and 90 days' advance notice be given of the time when the new rate of interest is to become effective. Any change in the interest rate shall not affect the total amount of any installment payment, but the difference shall be credited to interest or principal and accelerate or prolong the period of payment. In the event that the board and the Veterans' Finance Committee fail to establish the rate of interest for any year, the rate of interest established for the preceding year or years shall be continued until changed as provided in this section. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the board may for good cause postpone from time to time, upon terms as the board deems proper, the payment of the whole or any part of any installment of the selling price or interest thereon.

Urgency

SEC. 4. 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:

Nearly one million California veterans are either discharged or to be discharged from the armed services within the next few months and are returning to civilian life and endeavoring to establish homes and families. They are greatly handicapped by the shortage of suitable housing facilities. In order to enable these veterans to become farm and home owners and take advantage of the Veterans' Farm and Home Purchase Acts without unnecessary expense, it is necessary that this act take effect immediately.

## CHAPTER 48

*An act to make an appropriation to the Vocational Education Fund for an apprenticeship training program for veterans, declaring the urgency of the act to take effect immediately.*

In effect immediately

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

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

Appropriation: Apprenticeship training program for veterans

SECTION 1. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated to the Vocational Education Fund, in addition to any other money heretofore appropriated to said fund, seventy-five thousand dollars ($75,000) to be expended by the State Board of Education during the Ninety-seventh and Ninety-eighth Fiscal Years in fulfilling in connection with an apprenticeship training program for veterans of wars in which the United States of America is or has been engaged, the responsibilities imposed on the State Board of Education by Chapter 4 of Division 3 of the Labor Code.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of 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:

Many veterans have definite need and desires for occupational training but can not participate in a formal, full-time institutional training program. The apprenticeship type of instruction where veterans may learn while they earn is of proved value and is becoming more and more popular as evidenced by the tremendous growth of the apprenticeship program. Responsibility for providing related instruction has been assigned to public school authorities by the Legislature. The Vocational Education Fund is not, as presently constituted, sufficient to adequately fulfill the minimum requirements of the law. The reconversion of industry and the rehabilitation of veterans is, to a large extent, dependent upon an adequate training program. Federal and State legislation guarantee veterans the right to adequate training. This legislation is immediately necessary to facilitate and make possible that guarantee.

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## CHAPTER 49

Stats 1945, p 1916, amended

*An act to amend Section 2 of an act entitled "An act to add Article 7, consisting of Sections 997, 997.1, 997.2, 997.3, 997.4, 997.5 and 997.6 to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II through cooperation with the United States or agencies thereof and of this State in making Federal lands*

*available and suitable for settlement by such veterans," approved June 25, 1945, relating to cooperation with the United States in settling veterans on Federal lands.*

[Approved by Governor February 25, 1946 Filed with Secretary of State February 25, 1946.] In effect May 21, 1946

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

SECTION 1. Section 2 of the act cited in the title hereof is amended to read:

SEC. 2. The provisions added to the Military and Veterans Code by this act shall take effect only if the Veterans Bond Act of 1946 is enacted and in that event shall take effect at the same time said act takes effect. Effective date Mil & Vet C., Art 5A, Ch 6, Div 4

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## CHAPTER 50

*An act making an appropriation to the Department of Education to be expended for the performance of the powers and duties of the department relating to veterans, to take effect immediately.*

[Approved by Governor February 25, 1946 Filed with Secretary of State February 25, 1946.] In effect immediately

*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 to the Department of Education, in augmentation of any other money made available by law, fifty thousand dollars ($50,000) to be expended by the Director of Education during the Ninety-seventh and Ninety-eighth Fiscal Years for the performance of the powers and duties granted to, or imposed upon, the Director of Education or the Department of Education by Article 14 of Chapter 7 of Division 4 of the Education Code, relating to veterans education, and for the performance of powers and duties relating to veterans granted to, or imposed upon, the Director of Education or the Department of Education by any statute of the State of California or of the United States of America or by any rule or regulation lawfully adopted thereunder. Appropriation Department of Education

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. Current expenses

## CHAPTER 51

*An act making an appropriation to the Department of Finance to cover additional cost of construction, improvements, and equipment, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

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

Appropriation Construction, improvements, and equipment

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of two hundred sixty thousand dollars ($260,000) to the Department of Finance to be allocated during the Ninety-seventh and Ninety-eighth Fiscal Years to State agencies upon authorization of the State Department of Finance to meet additional cost of construction, improvements, and equipment in appropriations heretofore made and for which contracts have not as yet been let.

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows:

The State and its agencies have not since the commencement of World War II had their buildings, offices, or operational facilities materially augmented commensurate with the increase in the volume of business required to be transacted. With the end of actual hostilities the problems of reconversion have put an additional burden upon the present inadequate facilities. Consequently, the State is unable to function in a normal manner because of the lack of real estate, buildings, offices, or operational facilities.

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## CHAPTER 52

*An act to add Section 13001.1 to the Education Code, relating to the validation of acts of governing boards of school districts in employing and compensating persons employed in positions requiring certification qualifications, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

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

SECTION 1. Section 13001.1 is added to the Education Code, to read:

Validation of employment, etc., by school districts

13001.1. The employment, heretofore, by governing boards of school districts of all persons in positions requiring certification qualifications and the payment of compensation to such

persons is hereby ratified, confirmed and validated provided all of the following conditions have been met:

(a) Each such person has heretofore filed or registered, with the appropriate agency a valid certification document authorizing him to serve in the position in which he was employed.

(b) The application for such certification document was made to the issuing authority on or before the date upon which the actual service of such person in such position commenced.

Urgency

SEC. 2. This act is 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 consequences of the wars in which the United States of America has been engaged and the unofficial cessation of hostilities therein have been such as to impose problems of unprecedented seriousness upon governing boards of school districts with respect to the selection, employment and placing in actual service of persons in positions requiring certification qualifications. The teachers and other certificated employees of school districts have performed a gigantic task under the severest handicaps in maintaining the high standards of the Public School System of California. However, many such teachers and certificated employees of school districts were, because of conditions entirely beyond their control, unable to file, as required by existing provisions of law, their certification documents authorizing them to serve in their positions in the public schools prior to the time they actually commenced to render service to the school districts in which they had been employed, although each possesses a certification document showing on its face a date of issuance not later than the date upon which his services in the employing school district commenced. As a result the validity of the employment of, and payment of compensation to, such persons by governing boards of school districts is in some doubt and the effective and efficient operation of the Public School System has been impaired. In order that such doubt may be removed and the Public School System relieved of the burdens cast upon it by such doubt at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 53

*An act to amend Sections 67.2 and 80.2 of the Bank Act, relating to loans guaranteed in whole or in part pursuant to the Servicemen's Readjustment Act of 1944.*

Stats 1909, p 87, amended

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

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

SECTION 1. Section 67.2 of the Bank Act is amended to read as follows:

Loans guaranteed under Federal law

Sec. 67.2. None of the provisions of the Bank Act limiting or restricting loans by savings banks or by the savings departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof; and in any case in which the payment of a portion of any loan secured by real property is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of Section 67 of the Bank Act or any other provision of law limiting the amount which may be loaned by any savings bank or savings department of any bank upon the security of real property, and none of the provisions of Section 67 of the Bank Act limiting the term, nor any other provision of law limiting the term, for which loans may be made by savings banks or by savings departments of banks, shall be applicable to any such loan, and notwithstanding any other provisions of this Bank Act such loans may be made upon the security of a mortgage as the term "mortgage" is defined under Title II of the National Housing Act approved June 27, 1934 as amended.

58 Fed Stats 268

SEC. 2. Section 80.2 of the Bank Act is hereby amended to read as follows:

Loans guaranteed under Federal law

Sec. 80.2. None of the provisions of the Bank Act limiting or restricting loans by commercial banks or by the commercial departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof; and in any case in which the payment of a portion of any loan is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of Section 80 of the Bank Act or any other provision of law limiting the amount of individual loans, secured and unsecured, which may be made by any commercial bank or commercial department of any bank, and none of the provisions of the Bank Act limiting the term, nor any other provision of law limiting the term, for which loans may be made by commercial banks or by commercial departments of banks shall be applicable to any such loan, and notwithstanding any other provisions of this Bank Act such loans may be made upon the security of a mortgage as the term "mortgage" is defined under Title II of the National Housing Act approved June 27, 1934 as amended.

## CHAPTER 54

*An act to add Section 11781.5 to the Insurance Code, relating to a branch office for the State Compensation Insurance Fund.*

[Approved by Governor February 25, 1946 Filed with Secretary of State February 25, 1946.] In effect May 21, 1946

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

SECTION 1. Section 11781.5 is added to the Insurance Code, to read:

11781.5. The State Compensation Insurance Fund may acquire and own real property for a branch office in the City of Los Angeles when so determined by the board of directors, and may, if necessary, construct suitable buildings thereon in accordance with law. Los Angeles branch office

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## CHAPTER 55

*An act to amend Section 17704 of, and to add Section 17704.1 to, the Health and Safety Code, relating to apartment houses and hotel buildings.*

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.] In effect May 21, 1946

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

SECTION 1. Section 17704 of the Health and Safety Code is amended to read: See also Stats 1947, Ch 1493

17704. No portion of any apartment house or hotel shall be used as a paint shop, a gasoline or oil service station or store, or a vulcanizing shop. Use of portion of apartment house or hotel as paint shop, etc

Any portion of any apartment house or hotel that is used as a place where liquid paints or their volatile liquid mixing components or other volatile flammable liquids are mixed, handled, stored, processed or dispensed, having containers of such materials either opened or unopened, with a unit capacity exceeding five gallons and an aggregate capacity of such containers exceeding 400 gallons (except that not in excess of five unopened drums of liquid paints with an aggregate capacity not exceeding 275 gallons shall be exempt from the provisions of this section) shall have all the walls and floors of the area and all doors in interior separating partitions constructed as specified in Chapter 21 of this part. Any openings other than door openings in interior separating partitions shall be protected in the same manner as required for doors in Chapter 21. Interior separating partitions shall be constructed as required for walls and the ceiling of the area shall be constructed of masonry not less than three inches thick.

SEC. 2. Section 17704.1 is added to said code, to read:

17704.1. Any portion of any apartment house or hotel: (a) Where liquid paints or their volatile liquid mixing components, or other volatile flammable liquids are mixed, handled, Same Construction, etc., standards

stored, processed, or dispensed, having open containers of such materials, with an aggregate capacity not exceeding 400 gallons; or (b) Where there are unopened sealed containers of the materials referred to in subdivision (a) of this section, which have a capacity of five gallons or less (except that there may be not to exceed five unopened drums of liquid paints with an aggregate capacity of 275 gallons); shall have all exterior walls and any interior separating partitions constructed of not less fire resistive material than metal lath and three-fourths of an inch of plaster on both sides of studs. The ceiling of such area shall be not less fire resistive than a double ceiling of metal lath only, each application of metal lath to be covered with not less than three-fourths of an inch of plaster and the lower ceiling to be furred down so that there will be a space of not less than one and one-half inches between the ceilings.

The floor of the area shall be of masonry not less than two inches thick and all doors and window openings in interior separating partitions shall be protected in the manner required for door and window openings by Chapter 21 of this part. Any occupancy referred to in subdivision (b) of this section that was in existence at the time the section became effective shall be exempt from the provisions thereof, provided that in the event of alteration or change of use or occupancy such alteration or change shall comply with all requirements of this part.

No stairway, elevator shaft, or other vertical opening shall directly connect any occupancy referred to in this section or Section 17704 with any other portion of an apartment house or hotel.

No skylight in any occupancy referred to in this section or Section 17704 shall open on to a court or vent shaft.

Any portion of any compartment or room containing an occupancy referred to in Section 17704 or subdivision (a) of this section, in which flammable liquids having a flashpoint below 200 degrees Fahrenheit, as determined by the closed cup tester, are processed, mixed, dispensed, or handled in other than sealed containers, or in which explosive or flammable vapors are generated, shall be provided with mechanical or adequate natural ventilation which will effectively remove explosive or flammable concentrations from all portions of the room or compartment.

Electrical wiring, fixtures and equipment installed or used in any occupancy referred to in Section 17704 or subdivision (a) of this section shall be in accordance with the requirements of the "Electrical Safety Orders" of the State of California for Class 1-A Hazardous Locations.

Exceptions

The provisions of this section or Section 17704 shall not apply to any room or area in any portion of any apartment house or hotel building devoted to the retail storage, sale or use of any of the volatile flammable liquids referred to in this section for pharmaceutical, medicinal, tonsorial and similar purposes; provided that such volatile flammable liquids are used or dispensed from containers not exceeding one gallon in capacity.

The provisions of this section shall not apply to the storage or use of an amount of liquid paints or their volatile liquid mixing components as would be necessary for maintenance purposes of the building in which they are kept; provided, that if the enforcement agency determines that such storage or use of such materials creates a fire hazard or other condition detrimental to health or safety the enforcement agency may require that such materials be stored in cabinets constructed of incombustible material satisfactory to the agency or may require compliance with the applicable provisions of this section or Section 17704.

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## CHAPTER 56

*An act to provide for the making of a survey of the hospital and health center facilities and needs of the State and the development of a program for the construction of hospitals, and health centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

"California Hospital Survey and Construction Act" Repealed by Stats 1947, Ch 327

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

In effect immediately

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

SECTION 1. The State Department of Public Health shall make a survey of the location, size, and character of all existing public and private hospitals and public health centers in the State, evaluate the sufficiency of such hospitals and public health centers to supply the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all the people of the State, and compile such data and conclusions, together with a statement of the additional facilities necessary, in conjunction with existing structures, to supply such services.

Survey of hospitals and public health centers

SEC. 2. There is hereby created the State Advisory Council on Hospital Facilities, to consist of not more than 15 members, who shall include representatives of nongovernment organizations or groups, and of State and local agencies, concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban and rural areas, and including adequate representation from the medical profession (such representatives to be chosen from amongst physicians and surgeons engaged in the full-time private practice of medicine and surgery), such State Advisory Council on Hospital Facilities to consult with and advise the State Department of Public Health in carrying out the purposes of this act.

Advisory council

The members of the council shall be appointed by the Governor, and shall hold office at his pleasure. At the time of making the appointments the Governor shall designate the

chairman of the council. The members of the council shall serve without compensation, but they shall receive their actual and necessary expenses incurred in carrying out their duties as members of the Advisory Council on Hospital Facilities.

Federal funds

SEC. 3. The State Department of Public Health is authorized to make application on behalf of this State for Federal funds, pursuant to the Federal Hospital Survey and Construction Act, to accept such funds, and to provide for the expenditure of such funds in accordance with said Federal act for the purposes specified in this act; and the State Department of Public Health is hereby designated as the sole agency for carrying out the purposes of said Federal act. The erection, construction, repair or improvement of any such hospital facilities for use of any State department, board, officer or agency shall be performed in accordance with and subject to provisions of the State Contract Act so far as applicable.

Reports

SEC. 4. The State Department of Public Health shall make such reports, in such form and containing such information, as the Surgeon General of the United States Public Health Service may from time to time require, and shall comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

Appropriation

SEC. 5. Out of any money in the State treasury not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000) is hereby appropriated to the State Department of Public Health to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the purposes of this act. This appropriation shall be in augmentation of any other moneys otherwise available to the State Department of Public Health for such purposes.

Definitions

SEC. 5.5. As used in this act "hospital" includes all institutions in this State that are subject to the provisions of Chapter 2, entitled "hospitals," of Division 2 of the Health and Safety Code, but does not include any institution conducted by or for the adherents of any well-recognized church or religous denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination, in addition, the term "hospital" shall not include any institution excluded from that term by the provisions of any Federal hospital survey and construction act now in existence or hereafter enacted.

SEC. 5.6. As used in this act "public health center" shall have the same meaning as given to the same term by the provisions of any Federal hospital survey and construction act now existing or hereafter enacted.

Short title

SEC. 6. This act shall be known and may be cited as the California Hospital Survey and Construction Act.

Urgency

SEC. 7. 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 present hospital facilities, both public and private, in the State have during recent years been demonstrated to be inadequate for the needs of the people of the State, and the preservation of the public health requires that additional facilities be provided at the earliest possible time. To insure the maximum utilization of available funds and the provision of additional facilities of the kinds most needed at the places where the need is greatest, a survey of existing facilities is a necessary prerequisite. There is pending in the Congress of the United States Senate Bill No. 191, known as the Hospital Survey and Construction Act. This bill, which has already been passed by the Senate of the United States, would provide Federal funds to assist the States in surveying their present hospital facilities and developing programs of needed hospital construction, and thereafter in constructing needed hospital facilities. To enable this State to initiate the survey prerequisite to a program of hospital construction essential for the preservation of the public health at the earliest possible time, and to qualify for and receive the benefit of Federal financial assistance therefor, it is necessary that this act take effect immediately.

SEC. 8. If any part or provision of this act should, by reason of the provisions of Section 1 of Article IV of the Constitution, be delayed from taking immediate effect, the remainder of the act shall go into immediate effect notwithstanding the fact that some provisions may not become effective until 90 days following final adjournment of this First Extra Session of the Fifty-sixth Legislature enacting this law. Effective date

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## CHAPTER 57

*An act making an appropriation to meet a deficiency in the appropriation contained in Chapter 1208, Statutes of 1941, for construction of a dam and pertinent works to impound the waters of Rector Creek in Napa County, to take effect immediately.*

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of three hundred thousand dollars ($300,000) to meet a deficiency in the appropriation contained in Chapter 1208, Statutes of 1941, for construction of a dam and pertinent works to impound the waters of Rector Creek in Napa County. Appropriation Impounding waters of Rector Creek

This appropriation shall be available without regard to fiscal years and shall be exempt from the provisions of Section 16304 of the Government Code.

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.

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## CHAPTER 58

*An act to amend Sections 2941 and 2957 of, and to add Section 2941.5 to, the Civil Code, relating to mortgages, to take effect immediately.*

In effect immediately

[Approved by Governor February 25, 1946. Filed with Secretary of State February 25, 1946.]

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

See also Stats 1947, Ch 1411

SECTION 1. Section 2941 of the Civil Code is amended to read:

Satisfaction of mortgages

2941. When any mortgage has been satisfied, the mortgagee or his assignee must immediately, on the demand of the mortgagor, or upon the demand of the owner of the land whose crops are the subject of the mortgage, execute, acknowledge, and deliver to him a certificate of the discharge thereof, so as to entitle it to be recorded, or he must enter satisfaction, or cause satisfaction of such mortgage to be entered of record; and any mortgagee, or assignee of such mortgagee, who refuses to execute, acknowledge, and deliver to the mortgagor, or, also, to the owner of the land whose crops are the subject of the mortgage, the certificate of discharge, or to enter satisfaction, or cause satisfaction of the mortgage to be entered, as provided in this chapter, is liable to the mortgagor, or to the owner of the land, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such refusal, and shall also forfeit to him or them the sum of one hundred dollars. The mortgagee, his assignee or personal representative, shall deliver to the mortgagor, his heirs, successors or assigns, upon demand, the mortgage and the note so paid or satisfied. Any mortgagor, or his successor, securing a certificate of discharge, properly acknowledged, of any chattel mortgage executed by him covering crops grown or to be grown on the land of another, and which has been paid or satisfied, shall promptly cause the certificate of discharge to be recorded in the county in which the mortgage was recorded.

Recording certificate of discharge of mortgage of crops

SEC. 2. Section 2941.5 is added to said code, to read:

Penalty

2941.5. Every person who violates Section 2941 is guilty of a misdemeanor punishable by fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200), or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

SEC. 3. Section 2957 of said code is amended to read:

See also Stats 1947, Ch 117

2957. A mortgage of personal property or crops is void as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property in good faith and for value, unless:

Requisites to validity of mortgage of personal property or crops

1. It is acknowledged, or proved and certified, in like manner as grants of real property;

2. The mortgage, if of animate personal property other than crops growing or to be grown, is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, or in case the mortgagor is a nonresident of this State, in the office of the recorder of the county where the property mortgaged is located at the time the mortgage is executed;

3. The mortgage, if of crops growing or to be grown, is recorded in the office of the recorder of the county where the land is located upon which such crops are growing or to be grown;

4. The mortgage, if of personal property other than crops growing or to be grown or animate personal property, is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, and also in the county where the property mortgaged is located, at the time the mortgage is executed, and to which such property is thereafter removed;

5. Each such mortgage is clearly entitled on the face thereof, apart from and preceding all other terms of the mortgage, to be a mortgage of crops and chattels, or either;

6. Within four years from the last recording or rerecording thereof, it be recorded in its entirety or in lieu thereof there be recorded a certificate executed by the mortgagor or mortgagee, or the successor in interest of either thereof, and recorded in the office of the recorder of each county in which the mortgage has been recorded, which said certificate shall be in substantially the following form:

Certificate of rerecordation

## CERTIFICATE OF RERECORDATION

By this certificate of recordation that certain mortgage made by _____, mortgagor, to _____, mortgagee, and dated the _____ day of _____, in the year _____, and recorded in the office of the recorder of the county of _____ on the_____ day of _____, in the year _____, in Book _____ of _____ at page _____ (set forth if available the date and place of each recordation), be and the same hereby is rerecorded.

(signed) A. B.

Said certificate shall be acknowledged, or proved and certified, in like manner as grants of real property. No certificate shall be deemed defective because it does not refer to all of the recordation of the original mortgage. The provisions of subdivision 6 of this section shall not apply to any mortgage heretofore or hereafter made pursuant to an order, judgment, or

decree of court of record, or heretofore or hereafter made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or heretofore or hereafter made by a public utility as defined in the Public Utilities Act, but such a mortgage when once recorded as provided by law, shall remain valid and effective as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property mortgaged without rerecording, anything in this section to the contrary notwithstanding. The term "rerecording" as used in this section shall include the recording of a certificate of rerecordation, and the provisions of this section, as amended in 1941, shall apply to all mortgages of personal property or crops whether recorded or rerecorded prior or subsequent to the enactment of this section or any amendment thereto.

Stats 1915, p 115

Urgency

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:

The addition of subdivision 7 to Section 2957 of the Civil Code in 1945 has had the unintended effect of making the financing of agricultural operations for tenants difficult on an efficient economical basis if not practically impossible. The maximum possible production of food and fiber is essential for the welfare of this Nation and the world, and as this act will facilitate the adequate financing of agricultural operations, it is necessary that it take effect immediately.

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## CHAPTER 59

*An act to add Article 7 to Chapter 12 of Division 3 of 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 February 26, 1946. Filed with Secretary of State February 26, 1946.]

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

See also Stats 1947, Ch 401

SECTION 1. Article 7 is hereby added to Chapter 12 of Division 3 of the Education Code, to read:

### Article 7. Apportionments Necessitated by Errors in District Tax Rates

Error in tax rate

6801. Whenever during the year 1945 the rate of district tax for any elementary school district has been, through error, fixed at a rate lower than that required by Section 6355 of the Education Code, the county auditor, district attorney and county superintendent of schools of the county having jurisdiction over such district may, with the written approval of the governing board of the district, file with the Superintendent

of Public Instruction not later than March 1, 1946, a statement in such form as may be prescribed by the Superintendent of Public Instruction verifying the existence of the error and the amount of district tax money lost to the district as a result of the error.

Advance against future apportionments

6802. Not later than March 15, 1946 the Superintendent of Public Instruction shall apportion to each such district from the State General Fund as an advance against future apportionments from the State General Fund to such district an amount equal to the amount of district tax money lost to the district as shown in the statement filed with him pursuant to Section 6801, but not in excess of an amount which a tax of twenty cents ($0.20) levied on each one hundred dollars ($100) of 90 per cent of the assessed valuation of the district as shown by the last equalized assessment roll of the district would produce.

Abstract to Controller, etc

6803. The Superintendent of Public Instruction shall furnish an abstract of all apportionments made to the school districts of any county under this article to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the school districts of the county.

Credits by treasurer

6804. All moneys received by the treasurer of a county under this act shall be credited by the treasurer to the special school funds of the districts of the county exactly as apportioned by the Superintendent of Public Instruction.

Deductions by Controller

6805. During each of the school years 1946-1947, 1947-1948 and 1948-1949 the State Controller shall deduct from apportionments made to each such district from the State General Fund under Chapter 13.5 of Division 3 of this code one-third of the amount apportioned to such district under this article and shall pay the same into the State General Fund.

District entitled to apportionment

6806. Notwithstanding anything in Chapter 13.5 of Division 3 of this code to the contrary, a district on behalf of which a statement was filed with the Superintendent of Public Instruction under Section 6801 and for which the rate of district tax levied in the year 1945 was less than that specified in Section 6973 shall be entitled to all apportionments to which it would have been entitled had such rate of district tax been as specified in Section 6973.

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:

Because certain of the provisions of Chapter 13.5 of Division 3 of the Education Code were erroneously construed by county officers of a county, the 1945 district tax rates for each

of certain school districts in that county were, prior to the levy of the district taxes arbitrarily reduced by twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation in the district. The result is that the districts affected will not during the current school year receive the income anticipated from district taxes and certain of such districts will during the school year 1946-1947 be ineligible to receive the equalization aid provided by Chapter 13.5 of Division 3 of the Education Code. This act affords relief to the districts from such result on a basis which guarantees repayment to the State of any moneys advanced by the State to the districts under this act and permits those districts which through no fault of their own will be denied such equalization aid during the school year 1946-1947 to receive such aid. Unless this relief is afforded the school districts concerned will be unable to maintain essential educational programs during the remainder of the current school year or during the next school year to the great detriment of the pupils of such districts. In order that the welfare of the pupils of such districts be not impaired it is necessary that this act take immediate effect.

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## CHAPTER 60

*An act to add Section 451.5 to the Agricultural Code, relating to new milk products developed through research in the uses of milk and the products and by-products thereof, providing for effectuating and insuring such research by authorizing the production and marketing of products newly discovered or developed, declaring the urgency of this act, to take effect immediately.*

In effect immediately

[Approved by Governor February 27, 1946 Filed with Secretary of State February 27, 1946.]

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

Repealed by Stats 1947, Ch 939

SECTION 1. Section 451.5 is added to the Agricultural Code, to read:

Establishment of temporary definitions, etc

451.5. Upon the request of any interested person, the director may establish temporary definitions and standards for a new milk product in conformity with this section when all of the following conditions exist:

(a) Research in the uses of milk and the products or by-products thereof has developed a new milk product for which no definition or standard is prescribed.

(b) The new product can not be produced or marketed because no definition or standard is prescribed for it.

(c) It appears to the satisfaction of the director that the public interest would be served by permitting the new product to be produced and marketed.

(d) The request to establish such definition and standard is presented to the director after final adjournment of a regular session of the Legislature and prior to the convening of the next ensuing regular session thereof.

The director shall hold a hearing on the establishment of such a definition and standard and shall give notice thereof to such persons as he considers may be affected by the establishment of such definition and standard. Hearings

If, at such hearing, it appears that all of the foregoing prerequisite conditions exist and that the public interest would be served by the establishment of a temporary definition or standard for the product, the director may establish the same. Any such definition or standard shall be such as will insure the quality and wholesomeness of the product. In establishing such a definition or standard the director shall take into consideration existing definitions and standards established for comparable products.

All manufacturers of products for which such temporary definitions and standard are established shall obtain a special permit for their production from the director, and shall be subject to all the provisions of this division applicable to milk products plants, and milk products.

All definitions, standards and permits established or issued under the provisions of this section shall expire on the 91st day after the final adjournment of the next regular session of the Legislature. Effective period

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 following is a statement of the facts constituting such necessity: Urgency

The Legislature of the State of California has made large sums of money available to State agencies for research on the uses of milk, milk products, and by-products of milk. In so doing the Legislature acted upon the realization that the welfare of the dairy industry would be promoted by the discovery and development of new uses of milk providing more valuable outlets for the products of such industry. Such research conducted by public agencies with public funds should be augmented by research conducted by private persons or agencies in order that the dairy industry may receive the maximum benefits of scientific knowledge. Research by private agencies is discouraged by the fact that many newly discovered or developed products may not be marketed commercially because no provision is made therefor in the law, and long periods must often ensue after the discovery or development of a product until appropriate legislation may be enacted. In order to encourage private research and to insure such research by permitting the utilization of the results thereof without prolonged delay, it is necessary to provide for temporary definitions, standards, and permits for the manufacture of newly discovered or developed products of milk, thereby making available to the people valuable food supplies in the interest of the public health.

## CHAPTER 61

*An act to amend Section 9102 of the Government Code, relating to the salaries of employees in the legislative offices, declaring the urgency hereof, to take effect immediately.*

In effect immediately [Approved by Governor February 27, 1946. Filed with Secretary of State February 27, 1946.]

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

SECTION 1. Section 9102 of the Government Code is amended to read:

Employees 9102. The Senator having the management and control of a legislative office shall have the authority to employ in such office one person holding a confidential position to such Senator, and to fix the compensation of such person at a grade not less than that of secretary-stenographer in civil service, subject to the provisions of Section 18004. There shall be no other employees.

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 existing maximum salaries for employees in the legislative offices makes impossible the retention of such employees. In order to prevent a stoppage of the public business it is necessary that this act take effect immediately.

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## CHAPTER 62

*An act to amend Section 4711 of the Health and Safety Code, relating to county sanitation districts, declaring the urgency hereof, to take effect immediately.*

In effect immediately [Approved by Governor February 27, 1946. Filed with Secretary of State February 27, 1946.]

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

See also Stats 1947, Ch 1376 SECTION 1. Section 4711 of the Health and Safety Code is amended to read:

Type of territory included 4711. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by the vote of a majority of the governing body of the city.

The district shall not include the whole or any part of any other district formed for similar purposes.

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 of the State of California and as such shall take effect immediately. The facts constituting such necessity are as follows:

During the war the shortage of manpower and materials has prevented sewer construction and maintenance. The influx of new residents has overburdened existing sewer facilities, and is a serious threat to the public health and created a necessity for new facilities.

This act will facilitate the formation of sanitary districts and thus permit the earlier removal of these risks to public health.

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## CHAPTER 63

*An act to amend Section 185 of the Streets and Highways Code, to make an appropriation for the revolving fund of the Division of Highways, to take effect immediately.*

[Approved by Governor February 27, 1946. Filed with Secretary of State February 27, 1946 ] In effect immediately

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

SECTION 1. Section 185 of the Streets and Highways Code is amended to read as follows:

185. All money withdrawn from the State Highway Fund shall be withdrawn in the manner provided by law upon demands made by the department. Without at the time furnishing vouchers and itemized statements the department, through the Division of Highways, may withdraw from the State Highway Fund moneys in an amount not exceeding two million five hundred thousand dollars ($2,500,000) in the aggregate at any one time. The amount so withdrawn may be used as a revolving fund where payment of compensation earned or cash advances are necessary. Revolving Fund

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

Throughout the war years, highway construction has been deferred and preparation has been made by the State for a substantial postwar program of State highway construction, as authorized by the Legislature under the provisions of Chapter 564 of the Statutes of 1943. Due to deterioration in the State highways by reason of such deferred construction, it is essential that their improvement be commenced at the earliest possible moment. The amount now appropriated as a revolving fund for the Division of Highways under Section 185 of the Streets and Highways Code will be insufficient to make payments in cases where payment of compensation earned or cash advances

are immediately necessary when the work is expanded by such postwar State highway construction program and the additional appropriation for the revolving fund hereby made will facilitate the immediate improvement of the State highways.

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## CHAPTER 64

Stats Ex Sess 1938, p 9, amended

*An act to add Section 10.5 to the Housing Authorities Law, relating to housing.*

In effect May 21, 1946

[Approved by Governor February 27, 1946 Filed with Secretary of State February 27, 1946 ]

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

SECTION 1. Section 10.5 is added to the Housing Authorities Law, to read:

Accommodations for persons when dwellings taken for public use

Sec. 10.5. Any other provision of this act to the contrary notwithstanding, any authority may rent or lease accommodations to, or construct them for, persons forced to move from their previous dwellings by reason of the taking thereof by the State or by any State agency or by any city, county, city and county, commission, district, authority, or other subdivision or public body of the State for any public purpose, and in such renting or leasing shall not be subject to any provisions or limitations of this act relating to rentals or tenant selection, more particularly to any of the limitations contained in Sections 9 and 10. For the purpose of providing accommodations for any of the class of persons mentioned herein, any city, county, or city and county may cooperate with a housing authority to the same extent as it is authorized to cooperate with a housing authority pursuant to the Housing Cooperation Law. This section and all of its provisions shall automatically terminate and become void on the ninety-first day after the date of adjournment of the Legislature at its Fifty-eighth Regular Session in 1949.

Duration

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## CHAPTER 65

*An act to add Section 6060.5 to the Business and Professions Code, relating to bar examinations of veterans.*

In effect May 21, 1946

[Approved by Governor March 2, 1946 Filed with Secretary of State March 2, 1946.]

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

SECTION 1. Section 6060.5 is added to the Business and Professions Code, to read:

Veterans

6060 5. The provisions of subdivisions (d) and (h) of Section 6060 do not apply to any person who, after September 16, 1940, and prior to the termination of hostilities between the

United States and the nations with which the United States is now at war as determined by Act of Congress or Proclamation of the President, has graduated from a law school accredited by the examining board and who after such graduation served in the armed forces of the United States before taking an examination for admission to the bar, nor to any person who, after September 16, 1940 satisfactorily completed at least two years of study at a law school then accredited by the examining board and whose legal education was thereafter interrupted by his service in the armed forces of the United States, and who subsequently graduates from a law school accredited by the examining board. The provisions of this section shall not apply to any person who enters the armed forces of the United States after the effective date of this section, nor to any person who at the time of entering the armed forces was not a bona fide resident of this State.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-eighth 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. Effective period

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## CHAPTER 66

*An act amending Section 634 of the Welfare and Institutions Code, relating to the appointment and tenure of office of probation officers, assistant probation officers, deputy probation officers and of superintendents, matrons and other employees of detention homes.*

[Approved by Governor March 4, 1946 Filed with Secretary of State March 4, 1946] In effect May 21, 1946

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

SECTION 1. Section 634 of the Welfare and Institutions Code is amended to read:

634. In counties having charters which provide a method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and the superintendent, matron, and other employees of the juvenile hall, such charter provisions shall control as to such matters, and in counties which have established or hereafter establish merit or civil service systems governing the methods of, appointment and the tenure of office, of probation officers, assistant probation officers, deputy probation officers, and of the superintendents, matrons and other employees of the juvenile hall the provisions of such merit or civil service systems shall control as to such matters; but in all other counties, such matters shall be controlled exclusively by the provisions of this code. Controlling provisions

## CHAPTER 67

Stats 1945, p 196, amended

*An act to amend Section 16 of an act entitled "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," approved June 20, 1944, relating to allocations by the State for the cost of acquisition of rights of way and sites for public works projects, and declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 4, 1946 Filed with Secretary of State March 4, 1946.]

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

SECTION 1. Section 16 of the act cited in the title hereof is amended to read:

Allocation for 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 specific projects, and is to be allocated for this purpose to local agencies as provided in Section 25 of this act.

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 Legislature intended, by the enactment of the act cited in the title hereof, to create a substantial program of local postwar public works which will provide employment for returning veterans and those whose employment has been terminated by cessation of war production. The purposes of such legislation can be attained only if plans are prepared and sites and rights of way acquired immediately. To carry out these objectives and purposes, it is necessary that this amendment be made and that it take effect immediately.

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## CHAPTER 68

*An act to add Section 14495.1 to the Education Code, relating to the contributions of veterans, to funds of the State Teachers Retirement System, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 4, 1946 Filed with Secretary of State March 4, 1946.]

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

See also Stats 1947, Ch 1201

SECTION 1. Section 14495.1 is added to the Education Code, to read:

14495.1. Notwithstanding anything in Section 14495 to the contrary if any member of the Retirement System serving in the active military service does not pay during his service in the military service the contributions to the Permanent Fund and to the Retirement Annuity Fund provided for in Section 14495 the contributions shall be paid by him directly to the Retirement System or deducted from his salary payments at the rate of fifty dollars ($50) or at the rate of 20 per cent of such contributions, whichever is the greater, during each successive period of 12 months following his return to duty in a position requisite to membership in the Retirement System; provided that all contributions required to be made to the Retirement Annuity Fund and all contributions required to be made to the Permanent Fund on account of service rendered on or after July 1, 1944 shall be paid before retirement. Veterans' Retirement contributions

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace 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

Many members of the State Retirement System are veterans of World War II and, due to their length of service in the armed forces of the United States, have been unable to pay their regular contributions to the funds of said Retirement System and it is now impossible for them, without severe hardship, to pay their arrearages to the funds of said Retirement System within the brief period required under existing law. This measure establishes a reasonable period for the payment of such indebtedness and in order that the veterans to whom this measure applies may have immediate relief from the severe hardships imposed by the present law it is necessary that this act take effect immediately.

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## CHAPTER 69

*An act amending Section 6101 of the Penal Code, relating to the acquisition of a site for the Medical Facility of the Department of Corrections.*

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.] In effect May 21, 1946

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

SECTION 1. Section 6101 of the Penal Code is hereby amended to read:

6101. The Medical Facility shall be located in the northern part of the State. Location of Medical Facility

## CHAPTER 70

*An act to provide for participation by the State of California in the celebration to be held at Monterey commemorating the raising of the American Flag by Commodore Sloat, creating a commission therefor, and making appropriation.*

In effect May 21, 1946

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.]

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

Creation of commission

SECTION 1. The Monterey Flag Raising Centennial Commission to participate in the celebration commemorating the raising of the American Flag at Monterey on July 7, 1846, is hereby created to consist of 15 members, to be appointed by the Governor. The members of the commission shall serve without compensation, but shall receive their actual traveling expenses incurred in the performance of their duties hereunder. The Governor shall designate the chairman of the commission.

Duties and powers

SEC. 2. The commission shall participate in the celebration commemorating the raising of the American Flag by Commodore Sloat at Monterey, California, to be held at Monterey on July 7, 1946. The commission shall cooperate with all historical, pioneer and patriotic bodies and societies participating in the celebration in such manner as it deems suitable. The commission may employ and fix the compensation of a secretary and such other assistants as it deems necessary to perform its duties.

The commission shall have the exclusive charge and control of the expenditure of all money appropriated by the State of California for the purposes hereof, and may make and execute all contracts and agreements necessary to carry out the purposes of this act. All contracts made by said commission shall be executed in triplicate, signed by the chairman thereof, and one copy thereof shall be immediately filed with the State Controller. The said commission, through the chairman, shall audit all claims or demands for moneys expended by it, or for the expenditures of money which they have authorized in writing, and shall certify such claims and demands to the State Controller, who shall thereupon draw his warrants therefor upon the State Treasurer payable out of moneys appropriated by the State of California for the purposes hereof and the State Treasurer shall pay the same. The Director of Finance is authorized to make such an audit of the transactions of the commission as in his judgment seems desirable.

Insurance of employees, etc

SEC. 3. The commission may insure all persons, employees or assistants under its control and all property, real, mixed and personal under its control against such risks and hazards as are incident to the work conducted by the commission and may pay the cost of such insurance out of the money appropriated for the use of the commission.

Appropriation

SEC. 4. Out of money in the State treasury not otherwise appropriated the sum of seven thousand five hundred dollars ($7,500) is hereby appropriated to the commission for expenditure in carrying out the provisions of this act.

## CHAPTER 71

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

[Approved by Governor March 4, 1946 Filed with Secretary of State March 4, 1946.] In effect immediately

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

SECTION 1. The sum of one hundred thousand dollars ($100,000) 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-sixth Legislature. Appropriation: Senate contingent expenses

SEC. 2. 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

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## CHAPTER 72

*An act to provide State assistance of local agencies for the control of mosquitoes, and making an appropriation therefor, to take effect immediately.* Repealed by Stats 1947, Ch. 704

[Approved by Governor March 4, 1946 Filed with Secretary of State March 4, 1946.] In effect immediately

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

SECTION 1. The Department of Public Health shall make the necessary studies and demonstrations to determine the areas of the State which have a high proportion of mosquito-borne diseases, including but not limited to malaria and encephalitis. Studies and demonstrations by Department of Public Health

The department is hereby authorized to enter into cooperative agreements with any local district or other public agency engaged in the work of controlling mosquitoes in such areas under such terms, conditions and specifications as the State Board of Public Health may prescribe. Such agreements may provide for financial assistance on behalf of the State and for the doing of all or any portion of the necessary work by either of the contracting parties, except that in no event shall the department agree that the State's cooperation shall exceed 50 per cent of the total cost of any acceptable plan. Cooperative agreements

SEC. 2. The sum of six hundred thousand dollars ($600,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to the Department of Public Health, to be used for the purposes of this act during the Ninety-seventh and Ninety-eighth Fiscal Years. Not more than two hundred thousand dollars ($200,000) of the amount appropriated by this act shall be used by the Department of Public Health for making Appropriation

the necessary studies and demonstrations and administering this act.

Urgency

SEC. 3. 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:

There are in the State and are continuing to return to the State from overseas service many persons who have been infected with and are carriers of mosquito-borne diseases. Unless effective measures are taken immediately for control and suppression of mosquitoes, serious epidemics of mosquito-borne diseases will occur. It is therefore necessary for the protection of the public health that this act take effect immediately.

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## CHAPTER 73

*An act making an appropriation for construction, improvements, repairs and equipment of State parks, Division of Beaches and Parks, Department of Natural Resources, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.]

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

Appropriation State parks

SECTION 1. There is hereby appropriated out of any money in the State Park Fund the sum of one million six hundred seventy-four thousand seven hundred fifty dollars ($1,674,750) to the Division of Beaches and Parks, Department of Natural Resources, for construction, improvements, repairs and equipment of State parks in augmentation of Item 194 of the "Budget Act of 1945."

Stats 1945, p 1188

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 the urgency is as follows:

The termination of the actual hostilities has resulted in the release of millions of persons from the armed services, and the shutdown of war industries has released additional millions. With the discontinuance of gasoline rationing it is anticipated that the number of visitors to the State parks and beaches from all parts of the United States will be increased many fold. During the war the parks and beaches were necessarily allowed to fall into disrepair. Equipment wore out, and there was practically no new construction. In order to properly care for the visitors during the approaching vacation period, it is necessary that the parks and beaches be immediately prepared for their reception, and that this act take immediate effect.

## CHAPTER 74

*An act making an appropriation for construction, improvements, repairs and equipment of State beaches, Division of Beaches and Parks, Department of Natural Resources, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State Beach Fund the sum of five hundred seventy-four thousand eight hundred fifty dollars ($574,850) to the Division of Beaches and Parks, Department of Natural Resources, for construction, improvements, repairs and equipment of State beaches in augmentation of Item 195 of the "Budget Act of 1945." Appropriation State beaches; Stats 1945, p 1188

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 the urgency is as follows: Urgency

The termination of the actual hostilities has resulted in the release of millions of persons from the armed services, and the shutdown of war industries has released additional millions. With the discontinuance of gasoline rationing it is anticipated that the number of visitors to the State parks and beaches from all parts of the United States will be increased many fold. During the war the parks and beaches were necessarily allowed to fall into disrepair. Equipment wore out, and there was practically no new construction. In order to properly care for the visitors during the approaching vacation period, it is necessary that the parks and beaches be immediately prepared for their reception, and that this act take immediate effect

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## CHAPTER 75

*An act authorizing any county or city and county to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies arising out of conditions created by the reconversion from a wartime to a peacetime economy, irrespective of budget or other limitations, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.] In effect immediately

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

SECTION 1. (a) Notwithstanding any and all budget limitations and other restrictions otherwise imposed by law, excepting only limitations imposed by the Constitution, every county or city and county is hereby authorized to incur all necessary expenses and to expend public funds and to expend, use, or Use of county funds

permit the use of public property or personnel to meet any local emergency arising out of conditions created by the reconversion from a wartime to a peacetime economy.

Transfers of funds

(b) Each county or city and county may make all transfers of moneys from and to general or special funds necessary to pay any expenses incurred under the provisions of subsection (a) of this section, excepting only such transfers as may be prohibited by the Constitution, and except that a county or city and county shall not transfer moneys pursuant to this section from any of the following funds:

(1) Law library fund.
(2) Public library fund.
(3) School fund.
(4) Interest and sinking fund.
(5) Building fund.
(6) Retirement fund.
(7) Clarke-McNary fund.
(8) General and special county road district funds, including supervisorial road district funds and road improvement district funds.
(9) Special district funds of districts not coterminous with the county or city and county.

Vote required

(c) The governing board of such county or city and county by a four-fifths vote of all the members of such governing board at any regular or special meeting, may act on behalf of the county or city and county in carrying into effect the powers conferred by the preceding subsections of this section.

Effective period

(d) This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature and thereafter shall be of no force or effect.

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 as such shall take effect immediately.

The facts constituting such urgency are as follows:

The United States has been engaged in a war with foreign nations, during which there have been tremendous shifts in population and industries into and within the State of California. Many communities in California are now confronted with immediate emergency problems resulting from such shifts of population and industry and from the reconversion to a peacetime economy following the surrender of Germany and Japan, including but not limited to the lack of sufficient or adequate or sanitary housing facilities, the transportation of persons and property, the distribution of food, equipment and supplies, the construction of necessary public structures and the furnishing of necessary public facilities. These problems warrant the granting of emergency powers in connection therewith and in order to permit the exercise of such powers at the earliest possible time this act shall take effect immediately.

## CHAPTER 76

*An act making an appropriation to the Department of Finance for construction, improvements, and equipment, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of three hundred eighty-five thousand dollars ($385,000) to the Department of Finance for construction, improvements, and equipment of an addition to the State Office Building in Sacramento housing the Department of Employment. Appropriation Addition to State Office Building

SEC. 2. Upon order of the Director of Finance, out of the money herein appropriated, there shall be transferred to the Emergency Fund in Item 275 of the "Budget Act of 1945" any amount heretofore made available from said emergency fund for the purpose provided for in this act. Transfer to Emergency Fund Stats 1945, p 1188

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows: Urgency

A change in the law which became effective January 1, 1946, extends unemployment insurance coverage to all who employ one or more workers. This change has increased the number of subject employers from approximately 50,000 to 165,000. The number of personnel required to handle employer reports and accounts has about doubled in size. The volume of claims under the Unemployment Insurance Act is approximately 10 times the volume that was experienced during the war. In order to provide housing for the additional equipment and personnel required to service the increased volume of work it is necessary that an addition to the office building in Sacramento housing the Department of Employment be constructed immediately, as this department is unable to function in a normal manner because of the lack of adequate office facilities.

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## CHAPTER 77

*An act making an appropriation for additional support of the Department of Industrial Relations, to take effect immediately.*

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of twenty-five thousand dollars ($25,000) for additional support Appropriation Administration of labor mediation services

of the Department of Industrial Relations in augmentation of Item 137 of the "Budget Act of 1945" in order to enable the department to administer mediation services under Section 65 of the Labor Code.

Stats 1945, p 1188

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.

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## CHAPTER 78

*An act to amend Section 20303 of the Government Code, relating to membership in the State Employees' Retirement System.*

In effect May 21, 1946

[Approved by Governor March 4, 1946. Filed with Secretary of State March 4, 1946.]

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

SECTION 1. Section 20303 of the Government Code is amended to read:

State service

20303. Every other employee becomes a member on the first day of the month next following the completion of six months of State service, uninterrupted by a break of more than one month; provided, that absence for military service shall not be considered a break for the purpose of this section.

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## CHAPTER 79

*An act making an appropriation for construction, improvement, repairs and equipment of Camp Taylor State Park, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 4, 1946 Filed with Secretary of State March 4, 1946 ]

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

Appropriation Camp Taylor State Park

SECTION 1. There is hereby appropriated out of any money in the State Park Fund, the sum of fifty thousand dollars ($50,000) to the Division of Beaches and Parks, Department of Natural Resources, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for construction, improvements, repairs, and equipment of Camp Taylor State Park.

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 the urgency is as follows:

The termination of the actual hostilities has resulted in the release of millions of persons from the armed services, and the shutdown of war industries has released additional millions. With the discontinuance of gasoline rationing it is anticipated that the number of visitors to the State parks and beaches from all parts of the United States will be increased many fold. During the war the parks and beaches were necessarily allowed to fall into disrepair. Equipment wore out, and there was practically no new construction. In order to properly care for the visitors during the approaching vacation period, it is necessary that the parks and beaches be immediately prepared for their reception, and that this act take immediate effect

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## CHAPTER 80

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

[Approved by Governor March 4, 1946 Filed with Secretary of State March 4, 1946.] In effect immediately

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

SECTION 1. The sum of one hundred thousand dollars ($100,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, for contingent expenses of the Assembly, including expenses of committees created at any session of the Fifty-sixth Legislature. Appropriation Assembly contingent expenses

SEC. 2. 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

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## CHAPTER 81

*An act to add Section 18 and Article 10, comprising Sections 150 to 462 to, and to amend Sections 19, 20, and 46 of, the Unemployment Insurance Act, to establish a system of unemployment compensation disability benefit payments.* Stats 1935, p 1226, amended

[Approved by Governor March 5, 1946 Filed with Secretary of State March 5, 1946.] In effect May 21, 1946

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

SECTION 1. Article 10, comprising Sections 150 to 462, is added to the Unemployment Insurance Act, to read:

Article 10. Unemployment Compensation Disability Benefits

### PART 1. GENERAL PROVISIONS

Sec. 150. The purpose of this article is to compensate in part for the wage loss sustained by individuals unemployed Purpose

because of sickness or injury and to reduce to a minimum the suffering caused by unemployment resulting therefrom. This article shall be construed liberally in aid of its declared purpose to mitigate the evils and burdens which fall on the unemployed and disabled worker and his family.

Application
See also Stats 194', Ch 1194

Sec. 151. (a) Except as otherwise provided, the provisions and definitions of Articles 1 to 9, inclusive, of this act apply to this article. In case of any conflict between the provisions of Articles 1 to 9, inclusive, and the provisions of this article, the provisions of this article shall prevail with respect to unemployment compensation disability benefits and the provisions of Articles 1 to 9, inclusive, prevail with respect to unemployment compensation benefits.

(b) The provisions of Article 3 of the act do not apply to this article except as hereinafter provided.

(c) Sections 52, 57 and 57.5 of the act do not apply to this article.

(d) Subdivisions (f), (g), (h), (i), (j), and (m) of Section 6 of the act do not apply to this article.

(e) An individual who is disqualified from receiving unemployment compensation benefits under Section 58 of this act shall be presumed to be ineligible to receive unemployment compensation disability benefits under this article for the same period or periods unless the individual establishes to the satisfaction of the commission that he is suffering a bona fide illness or injury and the commission finds that there is good cause for paying such benefits.

Definitions

Sec. 152. (a) "Unemployment compensation benefits," as used in this article, refers to benefits as defined in Section 10 and payable under Articles 1 to 9 of this act.

(b) "Unemployment compensation disability benefits" refers to money payments payable under this article to an eligible unemployed individual with respect to his wage losses due to unemployment as a result of illness or other disability resulting in such individual being unavailable or unable to work due to such illness or disability.

(c) The term "unemployment insurance" wherever it appears in this act shall mean "unemployment compensation."

Employer's account

Sec. 153. Notwithstanding any other provisions in this article, unemployment compensation disability benefits paid pursuant to this article shall not be charged against an employer's account maintained under Section 41 of this act.

Certification
See also Stats. 19 6, Ch 82
U S C., Title 26, Sec 1602 (b) (3)

Sec. 154. The commission shall within 30 days after the effective date of this act submit the Unemployment Insurance Act as amended to the Social Security Board for a certification as provided in Section 1602 (b) (3) of the Federal Unemployment Tax Act.

U S C., Title 42, Sec 501, U. S C., Title 26, Sec 1601, 1602

If at any time the Federal Social Security Board rules or determines that any section or sections of Article 10 of the Unemployment Insurance Act of this State is not in conformity with the provisions of Title III of the Social Security Act and/or Section 1601 and Section 1602 of the Federal Unemployment

Tax Act by reason of any provision contained in said Article 10, such section or sections shall be immediately inoperative.

## PART 2. UNEMPLOYMENT COMPENSATION DISABILITY BENEFITS

Benefits payable

Sec. 200. Unemployment compensation disability benefits shall be payable from the unemployment compensation disability benefit fund to individuals who are eligible to receive such benefit payments under this article.

Such benefits shall be paid through public employment offices or such other agencies as may be approved by the commission. Minors who are eligible for such benefits may be paid and receive benefits in their own right and a receipt signed by a minor shall be valid and binding in all respects.

"Disability" "Disabled"

Sec. 201. "Disability" or "disabled" includes both mental or physical illness and mental or physical injury. An individual shall be deemed disabled in any week in which, because of his physical or mental condition, he is unable to perform his regular or customary work; provided, however, that in no case shall the term "disability" or "disabled" include any injury or illness caused by or arising in connection with pregnancy up to the termination of such pregnancy and for a period of four weeks thereafter.

Benefit year

Sec. 202. An individual's benefit year shall be the same for both unemployment compensation disability benefits and unemployment compensation benefits and the filing of a valid claim for one shall establish a valid claim for the other.

Computation of benefits

Sec. 203. The total amount of unemployment compensation disability benefits and the weekly benefit amount payable to an eligible individual under this article during any one benefit year shall be computed in accordance with the provisions of Sections 53 and 54 of this act.

Maximum benefits

Sec. 204. An individual if eligible shall be entitled to both unemployment compensation disability benefits and unemployment compensation benefits in the same benefit year, provided, however, that the total amount of unemployment compensation benefits plus the total amount of unemployment compensation disability benefits shall not exceed in any benefit year one and one-half times the total amount of benefits to which such individual would be entitled under Section 53 of this act.

Unemployment—one week or more

Sec. 205. Each individual eligible under this article who is unemployed and disabled during any full week shall be paid with respect to such week, unemployment compensation disability benefits in an amount equal but not in addition to the weekly benefit amount for unemployment compensation benefits.

Unemployment—less than a week

Each eligible individual who is unemployed in any week and is disabled for one or more full days but for less than a full week, and who is eligible for unemployment compensation benefits when not suffering from any disability shall be paid unemployment compensation benefits or unemployment compensation disability benefits as follows: Unemployment compensation

benefits to be paid out of the benefit account in the unemployment fund for the whole week if the disability exists for less than a major fraction of such week, and no employer's reserve account shall be charged for such payment, and unemployment compensation disability benefits to be paid out of the unemployment compensation disability fund for the whole week if the disability exists for a major fraction of such week.

Eligibility for benefit.

Sec. 206. A disabled individual shall be eligible to receive unemployment compensation disability benefits with respect to any full week in which he is unemployed due to a disability and only if the commission finds that:

(a) He has made a claim for unemployment compensation disability benefits as required by authorized regulations;

(b) He has been continuously unemployed and disabled for a waiting period of seven consecutive days during each uninterrupted period of disability; and

(c) He has during his base period been paid wages in employment for employers, equal to not less than the minimum amount otherwise prescribed to be paid during his base period as a condition of eligibility for unemployment compensation benefits; and

(d) Except as provided in Section 252, he has submitted to a reasonable examination or examinations, if so required by the commission, for the purpose of the commission determining his mental or physical disability.

(e) He has filed a certificate as required by the provisions of Section 252 of this act.

Ineligible where other benefits received

See also Stats 1947, Ch 1142

Sec. 207. An individual shall be ineligible for unemployment compensation disability benefits with respect to any week which the commission finds that he has received or is entitled to receive unemployment compensation benefits under this act or any unemployment compensation act of any other State or of the Federal Government, or benefits under a workmen's compensation law or employer's liability law of this State or of any other State or of the Federal Government.

Ineligible where wages received

Sec. 208. No individual shall be paid unemployment compensation disability benefits with respect to any week if he continues to receive his regular wages, or any part thereof; provided, however, that if such wages are less than the unemployment compensation disability benefits which would otherwise be due, he shall be entitled to receive for such week, if otherwise eligible, unemployment compensation disability benefits, reduced by the amount of such wages. Such benefit, if not a multiple of one dollar ($1), shall be computed to the next higher multiple of one dollar ($1).

## PART 3. CLAIMS FOR UNEMPLOYMENT COMPENSATION DISABILITY BENEFITS

Posting regulations

Sec. 250. Claims for unemployment compensation disability benefits shall be made in accordance with authorized regulations. Each employer shall post and maintain in places

readily accessible to individuals in his service printed statements concerning such regulations and shall make available to each such individual copies of such printed statements, regulations or matters relating to claims for disability benefits as the commission may prescribe; such printed statements shall be supplied to each employer by the commission without cost to the employer.

Claims and appeals procedure
See also Stats 1947, Ch 1436

Sec. 251. The initial determination or reconsideration thereof on a claim for unemployment compensation disability benefits the right to their receipt and the procedure for appeal from the allowance or denial of a claim shall be governed by the provisions of Sections 66 to 72, inclusive, of this act, insofar as said sections are not inconsistent with any provision of this article.

First claim
See also Stats 1947, Ch 652

Sec. 252. The commission shall require for each uninterrupted period of disability that the first claim for unemployment compensation disability benefits be supported by the certificate of a physician as defined in Section 3209.3 of the Labor Code as to the disability of the claimant and the estimated duration of such disability, provided that in the case of any individual who in good faith adheres to the teachings of any bona fide church, sect, denomination or organization and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required, but in lieu thereof the commission may accept the certificate of a duly authorized and accredited practitioner of such bona fide church, sect, denomination or organization as to the disability of the claimant and the estimated duration of such disability, and no authorized regulation prescribing the manner of proof of illness or injury shall discriminate against such individual.

Closed hearing

Sec. 253. In proceedings under this article the claimant, upon a showing of good cause, may request a closed hearing; provided, however, that the last employer and each base period employer of the claimant shall be entitled to participate in such hearing.

Medical records

Sec. 254. All medical records of the department, except to the extent necessary for the proper administration of this article, shall be confidential and shall not be published or be open to public inspection in any manner revealing the identity of the claimant, or the nature or cause of his disability nor admissible in evidence in any action or special proceeding other than one arising under this act.

## PART 4. UNEMPLOYMENT COMPENSATION DISABILITY FUND

Fund established

Sec. 300. There is hereby established as a special fund in the State treasury, separate and apart from all other public moneys or funds of this State, the Unemployment Compensation Disability Fund (designated hereafter in this article as the Disability Fund), the moneys and assets of which shall be held in

trust by the State Treasurer and administered under the direction of the commission exclusively, for the purpose of this article.

The Disability Fund shall consist of all contributions required of individuals under Section 44 of this act with respect to wages paid by employers for employment; all money received for the purpose of unemployment compensation disability benefits from the United States of America or any agency thereof, including the Social Security Board, or from any other source; and any property or securities acquired through the use of money belonging to the Disability Fund and all earnings of such money or securities.

Custody of funds

Sec. 301. The State Treasurer shall be the treasurer of the Disability Fund and shall have the custody of all money belonging to the Disability Fund and not otherwise held, deposited or invested under this article. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Disability Fund. The Department of Finance shall invest or otherwise deal with the Disability Fund under the supervision of the commission.

Deposits and payments

Sec. 302. All money collected under Section 44 of this act on and after the effective date of the amendatory act adding this article to the act shall be deposited in the Disability Fund. Refunds or judgments payable for contributions erroneously collected under Sections 44 and 44.2 of this act subsequent to the effective date of this article may be paid from the Disability Fund on warrants issued by the Controller under the direction of the commission.

Continuing appropriations Use. See also Stats 1947, p 114

Sec. 303. All money in the Disability Fund is to be continuously appropriated without regard to fiscal years for the purpose of providing disability benefits in accordance with the provisions of this article, including the payment of refunds or judgments and the payment of unemployment compensation disability benefits; provided that a sum to be determined by the Director of Finance of not more than 5 per cent of all amounts deposited in the Disability Fund may be used for expenses of administration of this article in addition to any other fund or moneys available for such purpose; provided, further, that such sum shall be available to the commission for the payment of expenses of administration of this article only to the extent that moneys received from the United States or any of its agencies are not available for such purposes. No money is appropriated or made expendable by this amendatory act. That is intended to be done by an act or acts subsequently to be enacted.

Federal assistance

Sec. 304. All money received from the Federal Government for unemployment compensation disability benefit purposes or for the administration of the Unemployment Compensation Disability System shall be deposited in the Disability Fund in accordance with the terms of the Federal grant. Unless the Federal Government approves, no money made available to this State under Title 3 of the Social Security Act shall be used for

unemployment compensation disability benefits or for the administration of this article.

Reports of commission

Sec. 305. Withdrawals by the commission from the Disability Fund are exempted from the operation of Section 16003 of the Government Code. The commission shall, as soon as practicable after the end of each calendar quarter, file with the Governor, the State Department of Finance, and the Controller an abstract or statement showing the resources and liabilities and a summary statement of the transactions affecting the Disability Fund created by this article and the various accounts thereof. The Department of Finance shall audit such abstracts and statements.

Investments from Fund

Sec. 306. All surplus money in the Disability Fund may be invested solely in interest bearing obligations of the United States Government or of the State of California, and all interest or earnings therefrom shall be deposited in the Disability Fund.

Disbursements

Sec. 307. The commission shall, without presenting vouchers and itemized statements, withdraw from the Disability Fund any sums which it deems necessary for the payment of unemployment compensation disability benefits for a reasonable future period and the Controller shall draw his warrant for any claim presented by the commission for such payment and the Treasurer shall pay the warrant. Upon the withdrawal thereof, such sums shall be deposited in an unemployment compensation disability benefit payment account in such bank or public depositary and under such conditions as the commission determines, with the approval of the State Department of Finance. Such bank or public depositary shall be one in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of such account. Moneys in said account shall be used solely to pay unemployment compensation disability benefits by checks drawn on said account by the commission pursuant to authorized regulations and no other disbursement shall be made therefrom; provided, however, that amounts erroneously and illegally deposited in such account may be refunded therefrom. Such regulations shall be governed by and be consistent with this act and any applicable constitutional requirement, but the procedure prescribed by such regulations, adopted under the authority of this act, shall be deemed to satisfy and shall be in lieu of any and all statutory requirements of specific appropriation or other form of release by State officers of moneys in their custody prior to expenditure which might otherwise be applicable to withdrawals from said account made by this article.

Regulations

"Disability administration account"

See also Stats 1947, Ch 1160

Sec. 308. The commission may withdraw from the disability administration account hereby established as an account within the disability fund, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate seventy-five thousand dollars ($75,000), said sum so drawn to be used as a revolving fund where payment of compensation earned, traveling expense advances, or other cash payments are necessary, and at the close of each fiscal year or at any other time,

upon the demand of the Department of Finance, the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

## PART 5. CONTRIBUTIONS

Individual contributions

Sec. 400. On and after the effective date of this article each individual performing services for an employer in employment shall contribute to the Disability Fund established by this article the contributions required of such individual by Sections 44 and 44.2 of this act.

Definition

Sec. 401. "Worker contributions," "contributions by workers," "employee contributions" or "contributions by employees" wherever used in this act shall be construed to mean contributions to the Disability Fund established by this article.

Procedure

Sec. 402. The time, procedure, manner of payment and collection of contributions under this article shall be in accordance with the provisions of Article 4 of this act.

Date when benefits are payable

Sec. 403. Unemployment compensation disability benefits shall become payable under this article one year after the effective date of this amendatory act, to eligible individuals with respect to compensable weeks of disability occurring subsequent thereto; provided, however, that if it is determined by the Social Security Board or other higher authority that the worker contributions collected under this act during the calendar years 1944 and 1945, and heretofore deposited or invested in the obligations of the Unemployment Trust Fund of the United States of America, established by Subchapter C of Chapter 9 of the United States Internal Revenue Code, may be withdrawn and expended for the purposes of this article without conflicting with any provisions or conditions of the Federal Unemployment Tax Act or Title 3 of the Social Security Act, in order that employers of this State, subject to the taxes imposed by the Federal Unemployment Tax Act, shall continue to receive the credits and additional credits provided in Sections 1601 and 1602 thereof; then, and in that event such amounts as determined by the commission and not in excess of such worker contributions shall be requisitioned from the Unemployment Trust Fund and deposited in the Disability Fund and benefits shall become payable on and after 90 days from such determination; provided further, in the event funds are so requisitioned from the Unemployment Trust Fund subsequent to July 1, 1947, such funds shall augment the contributions on deposit in the Disability Fund and shall be available for expenditure for the same purposes, except that no portion thereof shall be expended for the purposes of administering this article.

U S C, Title 42, Sec 1104

U S C, Title 26, Sec 1601

Change of contribution rate or benefits

Sec. 404. Whenever the commission believes that a change in contribution rate or disability benefit amounts shall become necessary to protect the solvency of the Disability Fund, it shall at once inform the Governor and the Legislature thereof and make recommendations accordingly.

In such case the Governor may declare an emergency and authorize the commission to announce a modified scale of benefits or increased waiting period, or other changes in rules and regulations regarding the eligibility for payment of benefits which the commission may deem necessary to assure the solvency of the Disability Fund; such modified regulations to be in effect until the Governor declares the emergency at an end or until further action is taken by the Legislature.

## PART 6. VOLUNTARY PLANS

Application

Sec. 450. An employer, a majority of the employees employed in this State of an employer, or both, may apply to the commission for approval of a voluntary plan for the payment of disability benefits to the employees so electing; the benefits payable as indemnification for loss of wages under any voluntary plan shall be separately stated and designated in the plan "unemployment compensation disability benefits" separate and distinct from other benefits, if any.

Approval

Sec. 451. The commission shall approve any voluntary plan as to which it finds that all of the following exist:

(a) The rights afforded to the covered employees are greater than those provided for in Part 2 of this article.

(b) The plan has been made available to all of the employees of the employer employed in this State except that if the employer maintains more than one distinct separate establishment in this State the plan has been made available to all employees of any such establishment.

(c) A majority of the employees of the employer employed in this State have consented to the plan, except that if the employer maintains more than one distinct, separate establishment in this State a majority of the employees employed at any such establishment have consented to the plan.

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e) The employer has consented to the plan and has agreed to make the pay roll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of future employees.

(g) The plan is to be in effect for a period of not less than two years and thereafter continuously unless the commission finds that the employer or a majority of his employees employed in this State covered by such plan have given notice of the termination of such plan. Such notice shall be filed in writing with the commission and, upon such filing, shall be effective at the date indicated therein, but in any event not less than 60 days from the time of the filing of such notice.

(h) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund.

Security

Sec. 452. If the plan does not provide for the assumption by an admitted disability insurer of the liability of the employer to pay the benefits afforded thereby, the commission shall not approve it unless the employer files with the commission the bond of an admitted surety insurer conditioned on the payment by the employer of his obligations under the plan, or deposits with the commission securities approved by the commission to secure the payment of such obligations. The penal sum of the bond or the amount of the deposit shall be determined by the commission and shall be not less than one-half of the contributions which would have been paid by the employees to be covered by the plan during the preceding year, or one-half of the estimated contributions of such employees for the ensuing year, whichever is greater.

Reports of employers

Sec. 453. Employers whose employees are participating in an approved voluntary plan and any insurer of an approved plan shall furnish such reports and information and make available to the commission such records as the commission may by authorized regulations require for the proper administration of this part.

Information

Sec. 454. The commission shall, in accordance with authorized regulations, promptly furnish to employers, employees, or insurers, such information as may be required for the proper administration of an approved voluntary plan.

Contributions

Sec. 455. From and after the effective date on which disability benefits become payable under Section 403 of this act, neither an employee covered by an approved voluntary plan nor his employer is liable for the contributions required by Sections 44, 44.2 or 400 of this act with respect to wages paid by the employer for employment, and such an employee is not entitled to benefits from the Disability Fund while he is covered by the voluntary plan.

Support of plan

Sec. 456. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan for the purpose of providing the disability benefits specified in Part 2 and the costs as set forth in Section 460 of this article an amount not in excess of that which would be required by Section 44 if the employee were not covered by the plan.

Trust funds Bankruptcy

Sec. 457. All money received or retained by an employer under a plan are trust funds and shall be separately accounted for by the employer. In the event of commingling of the funds or the bankruptcy or insolvency of the employer or the appointment of a receiver for the business of the employer, such funds are entitled to the same preference as are the claims of the State under Section 46 of this act.

Withdrawal of approval of plan

Sec. 458. The commission may after notice and hearing withdraw its approval of any voluntary plan if it finds that there is danger that the benefits accrued or to accrue will not be paid, that the security for such payment is insufficient, or for other good cause shown.

Appeals by employees
See also Stats. 1947, Ch. 1436

Sec. 459. If any employer or insurer denies liability in whole or in part upon the claim of an employee for disability benefits under an approved plan, the employee may appeal the denial to the commission. The commission shall by regulations provide for hearings on such appeals in like manner as is provided by law and authorized regulations of the commission for an appeal from an initial determination of a claim for benefits payable out of the Disability Fund. In the event it is determined that the employee is entitled to receive disability benefits and the employer or insurer fails to pay the same within 15 days after a decision by a referee or within 10 days after a decision by the Appeals Board, the commission shall pay such benefits and assess the amount thereof against the employer or the insurer, and the provisions of Article 4 of this act with respect to the assessment and collection of contributions shall apply to the recovery of such benefit payments. Amounts so collected shall be deposited in the Disability Fund.

Administrative costs
See also Stats. 1947, p. 113

Sec. 460. The commission shall, in accordance with authorized regulations, determine each fiscal year the total amount expended for added administrative work arising out of voluntary plans. The total amount so determined shall be pro rated among the approved voluntary plans in effect during that year on the basis of the amount of wages paid in employment by employers to individuals participating in such plans. The commission shall make assessments of amounts so pro-rated against the employers responsible for benefits under such approved plans. The amount assessed shall not exceed .0002% of the amount of wages paid in employment by employers to individuals participating in such plans. The provisions of Article 4 of this act with respect to the assessment and collection of contributions shall apply to the assessments provided by this section. The amounts collected by the commission under this section shall be added to amounts otherwise made available for administration of this article.

Effective date of plans

Sec. 461. No plan shall become effective prior to the date upon which benefits first become payable under Section 403 of this act.

Regulations

Sec. 462. The powers to adopt authorized regulations vested in the commission by Section 90 of this act, are applicable to the administration and enforcement of this part.

SEC. 2. Section 18 is hereby added to said act, to read:

Deposit of funds in bank

Sec. 18. The commission is authorized in accordance with law to deposit for the purpose of clearance all moneys collected under this act in a State or National bank in this State provided that after clearance the moneys so deposited shall be deposited in the State treasury to the credit of the proper fund as prescribed in this act.

SEC. 3. Section 19 of said act is amended to read:

Unemployment Fund

Sec. 19. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an Unemployment Fund, which shall be administered by the commission exclusively for the purposes of this act. This fund

shall consist of (1) all employer contributions collected under this act; (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; and (4) all earnings of such property or securities; and (5) all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided.

SEC. 4. Section 20 of said act is amended to read:

Treasurer of fund

Sec. 20. The State Treasurer shall be ex officio the treasurer and custodian of the Unemployment Fund, and shall administer such fund in accordance with the directions of the commission. There shall be maintained within the fund three separate accounts:

(1) A clearing account,

(2) An Unemployment Trust Fund account, and

(3) A benefit account.

Use and operation

All contributions and amounts payable to the fund after proper clearance shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds or judgments payable pursuant to Articles 1 to 9 inclusive, may be paid from the clearing account or from the benefit account with respect to any moneys erroneously deposited therein, upon warrants issued by the Controller under the direction of and in accordance with authorized regulations. Refunds of interest, penalties and fines collected after January 29, 1945, and interest payable on refunds and judgments pursuant to this act may not be paid from the benefit account but may be paid from the clearing account, but only to the extent that interest, penalties and fines collected are currently on deposit in that account. There is hereby continuously appropriated without regard to fiscal years such sums as may be necessary for such refunds. Immediately after clearance thereof, all other moneys in the clearing account excepting interest on contributions, penalties and fines collected shall be deposited in

U S Unemployment Trust Fund

or invested in the obligations of the Unemployment Trust Fund of the United States of America or its authorized agent to the credit of this State, any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The amounts so deposited or invested shall be entered in the Unemployment Trust Fund account.

Benefit account

The benefit account shall consist of all moneys requisitioned from this State's account in the Unemployment Trust Fund, and any moneys so requisitioned shall be transferred out of the Unemployment Trust Fund account into the benefit account. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depositary in which public funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Moneys in the clearing and benefit accounts shall not be commingled with other State funds, but shall be main-

tained in a separate account on the books of the depositary. Such moneys shall be secured by said bank or public depositary to the same extent and in the same manner as required by the General Depositary Law of the State and collateral pledged shall be maintained in a separate custody account. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Unemployment Fund. The Unemployment Fund shall be administered by the commission without liability upon the part of the State beyond the amounts paid into and earned by the fund. State liability

SEC. 5. Section 40 of said act is amended to read:

Sec. 40. The commission shall keep separate records of the amounts paid into the fund by each employer in his own behalf, or chargeable to him as benefits; but nothing in this chapter shall be construed to grant any employer or his employees prior claims or rights to the amount contributed by him to the fund, either on his own account or on behalf of his employees. The amount of employer contributions shall be pooled and available to pay benefits to any employee entitled to benefits under the provisions of Articles 1 to 9 inclusive regardless of the source of contributions. Records of contributions. Pooling contributions.

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## CHAPTER 82

*An act to amend Sections 154 and 460 of the Unemployment Insurance Act, relating to a system of unemployment compensation disability benefit payments within the Unemployment Compensation System.* Stats 1935, p 1226, amended

[Approved by Governor March 5, 1946. Filed with Secretary of State March 5, 1946.] In effect May 21, 1946

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

SECTION 1. Section 154 of the Unemployment Insurance Act is amended to read:

Sec. 154. The commission shall within 30 days after the effective date of this act submit the Unemployment Insurance Act as amended to the Social Security Board for a certification as provided in Section 1602 (b) (3) of the Federal Unemployment Tax Act. Certification. See also Stats 1947, p 101. U S C, Title 26, Sec 1602 (b) (3)

If at any time the Federal Social Security Board or other higher authority rules or determines that any section or sections of Article 10 of the Unemployment Insurance Act of this State is not in conformity with the provisions of Title III of the Social Security Act and/or Section 1601 and Section 1602 of the Federal Unemployment Tax Act by reason of any provision contained in said Article 10, such section or sections shall be immediately inoperative. U S C, Title 42, Sec 501 et seq. U S C, Title 26, Sec 1601, 1602

See also Stats. 1947, p. 101

SEC. 2. Section 460 of the Unemployment Insurance Act is amended to read:

Administrative costs

Sec. 460. The commission shall in accordance with authorized regulations, determine each fiscal year the total amount expended for added administrative work arising out of voluntary plans. The total amount so determined shall be prorated among the approved voluntary plans in effect during that year on the basis of the amount of wages paid in employment by employers to individuals participating in such plans. The commission shall make assessments of amounts so prorated against the employers responsible for benefits under such approved plans. The amount assessed shall not exceed two-one-hundredths of one per cent (.02%) of the amount of wages paid in employment by employers to individuals participating in such plans. The provisions of Article 4 of this act with respect to the assessment and collection of contributions shall apply to the assessments provided by this section. The amounts collected by the commission under this section shall be added to amounts otherwise made available for administration of this article.

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## CHAPTER 83

Stats. 1935, p. 1226, amended

*An act to amend Section 303 of the Unemployment Insurance Act to make an appropriation to carry out the provisions of Article 10 of said act, relating to unemployment compensation disability payments.*

In effect May 21, 1946

[Approved by Governor March 5, 1946. Filed with Secretary of State March 5, 1946.]

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

See also Stats 1947, p. 101

SECTION 1. Section 303 of the Unemployment Insurance Act is amended to read:

Continuing appropriations · Uses

Sec. 303. All money in the Disability Fund is hereby continuously appropriated without regard to fiscal years for the purpose of providing disability benefits in accordance with the provisions of this article, including the payment of refunds or judgments and the payment of unemployment compensation disability benefits; provided that a sum to be determined by the Director of Finance of not more than 5 per cent of all amounts deposited in the Disability Fund may be used for expenses of administration of this article in addition to any other fund or moneys available for such purpose; provided, further, that such sum shall be available to the commission for the payment of expenses of administration of this article only to the extent that moneys received from the United States or any of its agencies are not available for such purposes.

## CHAPTER 84

*An act to amend Section 4460 of the Labor Code, relating to workmen's compensation.*

[Approved by Governor March 5, 1946 Filed with Secretary of State March 5, 1946.] In effect May 21, 1946

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

SECTION 1. Section 4460 of the Labor Code is hereby amended to read:

4460. For the purpose of computing the temporary or permanent disability indemnity payable to any employee, including "volunteer firemen" as defined in Section 3361, who sustains an original injury causing temporary or permanent disability during the time that this section is in force and effect, the maximum average weekly earnings shall be taken at forty-six dollars and sixteen cents ($46.16). Maximum average weekly earnings

Every computation made pursuant to this section shall be made only with reference to temporary disability or such permanent disability resulting from an original injury sustained after this section becomes effective and exists during the time that this section is in force and effect, provided, however, that all rights presently existing under this section shall be continued in force.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh 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. Duration

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## CHAPTER 85

*An act to add Section 159 to the Revenue and Taxation Code, relating to property taxes of persons in the armed forces of the United States, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 6, 1946. Filed with Secretary of State March 6, 1946.] In effect immediately

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

SECTION 1. Section 159 is added to the Revenue and Taxation Code, to read:

159. As used in this section "period of service" means the period beginning with the date of entrance of the individual involved into the service of the armed forces of the United States or September 16, 1940, whichever is the later, and ending six "Period of service"

months after his separation from such service under conditions other than dishonorable or six months after the cessation of hostilities in existing wars in which the United States is engaged as declared by the President or Congress of the United States, whichever is the earlier.

Fifty per cent ownership

Property owned by, or in which an undivided interest of not less than 50 per cent is owned by, any individual is not during his period of service subject to any penalties, interest, or costs, and no penalties, interests, or costs accruing on such property during such period need be paid for any purpose.

Refund

The amounts of any penalties, interests, and costs so accruing which have been and are hereafter collected shall, on order of the board of supervisors, be refunded as erroneously collected in the manner provided in Article 1 of Chapter 5 of Part 9 of this division, except that subdivision (b) of Section 5097 and Sections 5104 and 5106 shall not be applicable and a claim for refund based on this section may be filed within three years after the period of service or within three years after the date on which this section becomes effective, whichever is the longer.

Application of section

This section is applicable to property upon which the payment of taxes or assessments is delinquent, to tax sold property, and to tax deeded property and to the payment of taxes thereon and to the redemption thereof, including all of the procedures in Part 7 of this division.

Affidavits

As a condition to the receipt of the benefits of this section the board of supervisors may require an individual to file an affidavit setting forth the facts bringing him within the terms of this section.

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:

During the war period many fighting men were not in a position to pay their property taxes when due. Nevertheless a delinquent penalty attached for such nonpayment. The Legislature is of the opinion that these men who sacrificed income and well-being to protect American life and property should not be penalized for acts beyond their control. Furthermore, in order to prevent further penalties from attaching, this relief should be made available immediately.

## CHAPTER 86

*An act to add Section 19402 to the Government Code, relating to leaves of absence of veterans in the State civil service.*

[Approved by Governor March 6, 1946. Filed with Secretary of State March 6, 1946.] In effect May 21, 1946

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

SECTION 1. Section 19402 is added to the Government Code, to read: See also Stats 1947, Ch 729

19402. Any permanent State civil service employee or a probationer who immediately preceding his appointment to his present position held permanent civil service status in some other class and who served in the armed forces of the United States and who is eligible for education or training under the Servicemen's Readjustment Act of 1944 shall upon application to the board be granted an educational leave of absence without pay for the period during which he receives such education or training and for three months thereafter. Veterans' educational leave of absence

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## CHAPTER 87

*An act making an appropriation for the Medical Center of the University of California in San Francisco.*

[Approved by Governor March 6, 1946 Filed with Secretary of State March 6, 1946.] In effect May 21, 1946

*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 to The Regents of the University of California the sum of four million dollars ($4,000,000) to be expended by The Regents of the University of California for additional construction, improvements, and equipment for the Medical Center of the University of California at San Francisco. Appropriation Medical Center, University of California

SEC. 2. The appropriation made by this act shall be available without regard to fiscal years and shall be exempt from the provisions of Section 16304 of the Government Code.

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## CHAPTER 88

*An act to add Sections 164.5 and 206.7 to the Welfare and Institutions Code, relating to reports concerning veterans in public institutions.*

[Approved by Governor March 6, 1946. Filed with Secretary of State March 6, 1946.] In effect May 21, 1946

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

SECTION 1. Section 164.5 is added to the Welfare and Institutions Code, to read:

Annual report to Veterans' Welfare Board

164.5. At least once each year the Department of Mental Hygiene shall send to the Veterans' Welfare Board a list of all persons who have been patients for six months or more in each State institution within the jurisdiction of the department and who are known to have served in the armed forces of the United States.

Repealed, Stats 1941, Ch 288

SEC. 2. Section 206.7 is added to said code, to read:

Admission reports to Veterans' Welfare Board

206.7. Within seven days after the admission to any county hospital or sanitarium of a person who is known to have served in the armed forces of the United States in time of war, the superintendent or other person in charge of the institution shall report the admission to the Veterans' Welfare Board, giving the name of the person admitted, and the name and address of his next of kin or of a member of his family, if known to the officer reporting.

Semiannual reports

At least once each six months the person in charge of the institution shall also send to the board a list of all such veteran patients who have been patients in the institution for 90 days or more, stating their names and the names and addresses of their next of kin or of members of their families, if known to the reporting officer.

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## CHAPTER 89

*An act to add Sections 18977 and 19176 to the Government Code, relating to veterans' civil service status.*

In effect May 21, 1946

[Approved by Governor March 6, 1946. Filed with Secretary of State March 6, 1946.]

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

See also Stats 1947, Ch 792

SECTION 1. Section 18977 is added to the Government Code, to read:

Military service as State service

18977. Where experience is required as a prerequisite to take a civil service examination, a person, upon returning to the State civil service after military leave, shall be granted full credit for time spent in the military service, as if he had remained in the employ of the State of California in the classification which he held at the time he entered the military service.

SEC. 2. Section 19176 is added to the Government Code, to read:

Retroactive effect

19176. If a civil service employee enters or has entered the military service while serving a probationary period, and following his return satisfactorily completes his probationary period, such probationary period shall be considered to have been satisfactorily completed on the date on which it would have been completed had he remained in the position without interruption.

## CHAPTER 90

*An act to add Section 18974.5 to the Government Code, relating to veterans' preference in State civil service.*

[Approved by Governor March 6, 1946. Filed with Secretary of State March 6, 1946.] In effect May 21, 1946

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

SECTION 1. Section 18974.5 is added to the Government Code, to read:

Veterans' credit on civil service examinations

18974.5. Any person who successfully passes any State civil service examination and whose name as a result is placed on an eligible list and who within six months after the establishment of the eligible list for which such examination was given qualifies as a veteran under Section 18540, or as a disabled veteran under Section 18541 shall be allowed the appropriate veterans' credit to the same effect as though he were entitled to said credit at the time of the establishing of such eligible list. When and if such person is allowed veterans' credit under this section his name shall be placed on such eligible list in accordance with Section 18937 as the eligible list stands at the time of qualifying for veterans' credit.

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## CHAPTER 91

*An act to amend Section 19397 to the Government Code, relating to veterans in State civil service.*

[Approved by Governor March 6, 1946. Filed with Secretary of State March 6, 1946.] In effect May 21, 1946

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

SECTION 1. Section 19397 of the Government Code is hereby amended to read:

Seniority rights of veterans in civil service

19397. The board may provide by rule that time spent on military leave, including rehabilitation afforded by the United States Government following military service, except for purely educational purposes, during the emergency period specified in Section 19390 by any person who has an absolute right to be restored to his former position in the State civil service may be considered as time spent in State service for the purpose of computing seniority rights for layoff purposes and rights to automatic salary adjustments at the time of return to State service.

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## CHAPTER 92

*An act to amend Section 4300c of the Political Code, and to amend Section 6107 of the Government Code, relating to*

*the recordation and issuance of certified copies of documents of discharge, service, release, and separation of veterans.*

In effect May 21, 1946

[Approved by Governor March 6, 1946. Filed with Secretary of State March 6, 1946.]

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

See also Stats 1947, Ch 424

SECTION 1. Section 4300c of the Political Code is hereby amended to read as follows:

Recorder's fees

4300c. For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents ($0.10).

For indexing every instrument, paper, or notice, for each name, ten cents ($0.10).

For filing every instrument, paper, or notice for record, and making the necessary entries thereon, twenty cents ($0.20); provided, however, that the minimum fee for filing for record, recording, indexing and making the necessary entries on any written instrument, paper or notice except as otherwise provided by law, shall be one dollar ($1).

For each certificate under seal, fifty cents ($0.50).

For any copy of a birth, death, or marriage certificate, when such copy is made by him, the same fee as is payable to a State or local registrar of vital statistics.

For any copy of any other record or paper on file in the office of the county recorder, when such copy is made by him, per folio, ten cents ($0.10).

For examining and certifying to a copy of any record or paper on file in the recorder's office when such copy is prepared by another, three cents ($0.03) per folio for comparing such copy with the original.

For every entry of discharge, credit, or release on the margin of record, and indexing same, fifty cents ($0.50).

For searching the records of his office for a birth, death, or marriage certificate, the same fee as is payable to a State or local registrar of vital statistics; in all other cases, for each year, fifty cents ($0.50).

For abstract of title, for each conveyance or encumbrance, twenty-five cents ($0.25).

For recording each map or plat where the same is copied in a book of record, for each course, ten cents ($0.10).

For recording or filing each map wherein land is subdivided in lots, tracts, or parcels, five dollars ($5).

For filing building contracts, plans and specifications, one dollar ($1).

For figures or letters on maps or plats, per folio, ten cents ($0.10); provided, that the fees for recording any map shall not exceed fifty dollars ($50).

For taking acknowledgment of any instrument, fifty cents ($0.50).

For recording marriage license, and certificate, to be paid by the county clerk, one dollar ($1).

For filing notice of estray stock, and all services in estray cases, fifty cents ($0.50).

For recording each mark or brand, one dollar ($1).

For administering each oath or affirmation, and certifying the same, fifty cents ($0.50).

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents ($0.25); provided, however, no charge or fee shall be made for recording or indexing any discharge, certificate of service, certificate of satisfactory service, report of separation, or notice of separation of any officer, commissioned warrant officer, warrant officer, flight officer, cadet, midshipman, noncommissioned officer, petty officer, soldier, sailor or marine separated, released or discharged from the Army, Navy, Marine Corps, Coast Guard of the United States, Women's Army Corps, Women's Army Auxiliary Corps, Women's Reserve or Navy, Marine Corps or Coast Guard or from the Army and Navy Nurse Corps, or for issuing certified copies thereof.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in Article 59 of this chapter.

SEC. 2. Section 6107 of the Government Code is amended to read:

Fees: Relating to discharges or claims of veterans

6107. Neither the State nor any county, or city, nor any public officer or body acting in his official capacity on behalf of the State, any county, or city, including notaries public shall demand or receive any fee or compensation for:

(a) Recording or indexing any discharge, certificate of service, certificate of satisfactory service, notice of separation or report of separation of any officer, commissioned warrant officer, warrant officer, flight officer, cadet, midshipman, noncommissioned officer, petty officer, soldier, sailor or marine of the U. S. Army, Navy, Marine Corps, Coast Guard, Women's Army Corps, Women's Auxiliary Army Corps, Women's Reserve of Navy, Marine Corps or Coast Guard or of the Army or Navy Nurse Corps.

(b) Issuing certified copies of such discharges, certificates of service, certificates of satisfactory service, reports of separation or notices of separation.

(c) Any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or any claim to be presented to the Administrator of Veterans' Affairs under the World War Veterans' Act, 1924.

U S C, Title 38, Sec 421

(d) Furnishing a certified copy of the public record of marriage, death, birth or divorce, deed of trust, mortgage, or property assessment, or making the search for them, when they are to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance, automatic insurance, or otherwise under the World War Veterans' Act, 1924 or under

any other act of Congress for service in the Army, Navy, or Marine Corps.

The services specified in this section shall be rendered on the request of a United States official, a claimant, or his guardian or attorney. An officer is liable on his official bond for every failure or refusal to render the services.

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## CHAPTER 93

*An act to add Section 20654.5 to the Government Code, relating to veterans, and providing for their rights and privileges as members of the State Employees' Retirement System, to take effect immediately.*

In effect immediately

[Approved by Governor March 6, 1946 Filed with Secretary of State March 6, 1946.]

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

SECTION 1. Section 20654.5 is added to the Government Code, to read:

Redeposit of contributions by veterans

20654.5. Notwithstanding the provisions of Section 20654, a member who returns to State service from absence on military service may redeposit in the Retirement Fund, in one sum or in not to exceed 36 monthly or 72 semimonthly payments, an amount equal to any accumulated contributions that he has withdrawn, subject to minimum payments fixed by the board.

Any member who has returned to State service from absence on military service within one year prior to the effective date of this section may avail himself of the benefit of this section by notifying the board on or before July 1, 1946, of his election to make such redeposit.

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.

The facts constituting such urgency are as follows:

Many of the members of the State Employees' Retirement System who have returned or will shortly return to State service are financially unable to redeposit, within the 12 months period now allowed, the accumulated contributions which they withdrew from the system at the time they entered the military service. Unless they make such redeposit within the time provided by law, their eligibility for retirement will be deferred, and their retirement benefits upon ultimate retirement for service will be decreased. To avoid inflicting such penalties for military service upon veterans whose finances have been depleted by reason of their military service, it is necessary that this act take effect immediately.

## CHAPTER 94

*An act making an appropriation for investigation, survey and report concerning construction and operation of public works for the control and utilization of the flood waters of streams in Kern County, an urgency measure to take effect immediately.*

[Approved by Governor March 5, 1946. Filed with Secretary of State March 7, 1946.] In effect immediately

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

SECTION 1. Out of moneys in the State treasury not otherwise appropriated, the sum of seven thousand five hundred dollars ($7,500) is hereby appropriated for expenditure by the State Water Resources Board during the Ninety-seventh and Ninety-eighth Fiscal Years in investigating, surveying, formulating, and recommending to the Governor and the Legislature a plan for the construction, maintenance and financing of public works for the prevention of floods from and utilization of the flood waters of Caliente Creek, Kern County, and its tributaries, and Sycamore, Little Sycamore, Tejon and Comanche Creeks, the flood waters of which affect portions of the same area as the flood waters of said Caliente Creek. The board shall conduct this study with all expedition, making its final report not later than the tenth legislative day of the Fifty-seventh Regular Session of the Legislature. Appropriation: Flood control—Kern County

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. The facts constituting such necessity are as follows: Urgency

The flood damage caused by Caliente Creek and its tributaries has been rapidly increasing in recent years, the loss this last year alone having exceeded four hundred thousand dollars ($400,000) in amount, which makes it imperative that there be no delay in ascertaining and putting into effect and operation the best and most feasible means of controlling and utilizing the flood waters of these streams.

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## CHAPTER 95

*An act to add Article 4 to Chapter 1 of Division 1 of the Education Code, relating to the empowering of the Department of Education to act in connection with the acquisition by the schools of the State of surplus property from the Federal*

*Government and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 5, 1946. Filed with Secretary of State March 7, 1946.]

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

SECTION 1. Article 4 is added Chapter 1 of Division 1 of the Education Code, to read:

Article 4. State Educational Agency for Surplus Property

California State Educational Agency for Surplus Property

201. The State Department of Education is hereby designated as the California State Educational Agency for Surplus Property.

Cooperation with Federal Government

202. Said agency is authorized and directed to cooperate with the Federal Government and its agencies in securing the expeditious and equitable distribution of surplus property of the Federal Government to eligible educational institutions in California, to assist said institutions in securing such property and to do all things necessary to the execution of its powers and duties.

Appropriation

SEC. 2. Out of the moneys in the State treasury not otherwise appropriated, there is hereby appropriated the sum of fifty-four thousand seven hundred and fifty dollars ($54,750) for expenditure by the State Educational Agency for Surplus Property in the performance of its powers and duties under Article 4 of Chapter 1 of Division 1 of the Education Code.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace 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 Government of the United States of America has through appropriate agencies thereof the disposition of Federal surplus property to nonprofit schools of the State. In order to insure a fair and equitable allocation of such property it is essential, and the United States Office of Education, a constituent unit of the Federal Security Agency, has so advised, that a State Educational Agency for Surplus Property be established in each State to represent the various eligible schools within the State. Unless such an agency is established in California, the educational institutions of this State will be unable to take full advantage of the benefits to be derived from the acquisition of Federal surplus property to the detriment of the people of California. In order that the advantages to educational institutions in California which will result from the enactment of this measure may be gained at the earliest possible time, it is necessary that this act take effect immediately.

## CHAPTER 96

*An act making an appropriation for public works to facilitate the making of snow surveys.*

[Approved by Governor March 5, 1946. Filed with Secretary of State March 7, 1946.] In effect May 21, 1946

*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 to the Division of Water Resources, Department of Public Works, the sum of sixty thousand dollars ($60,000) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for public works to be used in connection with snow surveys, including the construction and reconstruction of shelter cabins and the construction, repair and marking of trails leading to and from such cabins. Appropriation Snow surveys, etc.

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## CHAPTER 97

*An act making an appropriation to the Department of Public Works, Division of Water Resources, for repair and restoration of a bridge damaged by storm and flood, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 5, 1946 Filed with Secretary of State March 7, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of ten thousand dollars ($10,000) to the Department of Public Works, Division of Water Resources, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to meet additional cost of repair and restoration of a bridge on Cache Creek in Yolo County damaged or destroyed by storm and flood subsequent to January 1, 1940. Appropriation Division of Water Resources

None of this appropriation shall be spent unless an amount equal to or in excess of the amount expended from this appropriation for said work shall have been made available (by political subdivision, district or other private or public agency in the State) for expenditure by the State for said work to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State. Matching funds

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows: Urgency

An unprecedented storm and flood, subsequent to January 1, 1940, damaged and destroyed the Stevens Bridge on Cache Creek, Yolo County, for which money had been set aside for the restoration or repair thereof out of the appropriation contained in Chapter 1, Second Session of the Fifty-third Legislature. However, due to war conditions the Department of Public Works was unable to proceed with the repair or restoration of said bridge, and since the original estimate for such repair and restoration was made, construction costs have increased to such an extent that unless an additional appropriation is made the work can not proceed. In order to avoid further damage to the public peace, health and safety it is necessary that this appropriation be made available immediately.

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## CHAPTER 98

*An act to add Section 19626.5 to the Business and Professions Code, authorizing Agricultural District 1A to expend money for construction, improvements and equipment, declaring the urgency of this act, to take effect immediately.*

In effect immediately

[Approved by Governor March 5, 1946 Filed with Secretary of State March 7, 1946.]

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

SECTION 1. Section 19626.5 is added to the Business and Professions Code, to read:

Expenditures authorized

19626.5. Notwithstanding any other provision of law Agricultural District 1A may, with the approval of the Department of Finance, expend any money, now or hereafter available for expenditure by it, for construction, repairs and equipment.

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

In past years certain money has been appropriated to Agricultural District 1A to be expended solely for premiums at the agricultural fair of the district. The unused portion of such appropriations should be made available immediately for needed construction, repairs and equipment in furtherance of the postwar construction program and to provide improved facilities for the public enjoyment of said agricultural fair. In order that the necessary work may be completed prior to the fair season of this current calendar year it is necessary that this act take effect immediately.

# CHAPTER 99

*An act to amend Sections 21290, 21291, 21295, and 21298 of the Government Code, and to add Section 21297 thereto, relating to retirement allowances payable by the State Employees' Retirement System in cases of retirement for disability, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 5, 1946. Filed with Secretary of State March 7, 1946.] In effect immediately

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

SECTION 1. Section 21290 of the Government Code is amended to read:

21290. Upon retirement for disability a State miscellaneous member who has attained age 60 shall receive his service retirement allowance. State miscellaneous member

SEC. 2. Section 21291 of said code is amended to read:

21291. Upon retirement for disability, a local miscellaneous member who has attained age 60 shall receive his service retirement allowance. Local miscellaneous member

SEC. 3. Section 21295 of said code is amended to read: See also Stats 1947, Chs. 1133 and 1140

21295. Every other State member retired for disability and every patrol member retired for nonindustrial disability shall receive a disability retirement allowance which shall consist of: Disability retirement allowances

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of retirement.

(b) If, in the opinion of the board, his disability is not due to intemperance, wilful misconduct or violation of law on his part, a disability retirement pension derived from the contributions of the State.

SEC. 4. Section 21297 is added to said code, to read:

21297. In no event shall the disability retirement pension under Sections 21295 and 21296 be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member should he retire at age 60. Maximum allowance

SEC. 5. Section 21298 of said code is amended to read: See also Stats 1947, Ch 1140

21298. The disability retirement allowance of a local miscellaneous member retired for disability or a local safety member retired for nonindustrial disability and the requirements for obtaining it are the same as those for State members so retired if the employing contracting agency elects, by amendment to its contract made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive. Retirement allowance of local miscellaneous member

If, however, the employing contracting agency does not so elect, then as to the local miscellaneous members employed by

that agency retired for disability and the local safety members employed by that agency retired for nonindustrial disability, the requirements for obtaining the disability retirement allowance are the same as those for State members so retired, but the disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety per cent of one-seventieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 per cent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-fourth of such final compensation; but in no event shall the disability retirement pension be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member should he retire at the lowest age at which he would be eligible for service retirement.

The disability retirement pension shall be derived from the contributions of the employer.

Retroactive effect

SEC. 6. The amendments made by this act shall apply to all retirement allowances payable under the State Employees' Retirement Law to persons retired for disability on or after October 1, 1945.

Operative date

SEC. 7. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative immediately.

Urgency

SEC. 8. 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 amendments to the State Employees' Retirement Law made by Chapter 1265 of the Statutes of 1945 have resulted in the reduction of the retirement allowances payable under that law in certain cases of retirement for disability, which reduction was not the intention of the Legislature. This reduction not only works an unjust hardship on persons who have been and must be retired for disability, but discourages the retirement of persons disabled for public service who should be retired for the good of the public service. To correct this situation at the earliest possible moment, it is necessary that this act take effect immediately.

## CHAPTER 100

*An act making an appropriation to the Department of Finance for the acquisition of real property, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 5, 1946 Filed with Secretary of State March 7, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of three hundred thousand dollars ($300,000) to the Department of Finance to be expended under the provisions of the Property Acquisition Act during the Ninety-seventh and Ninety-eighth Fiscal Years for the acquisition of real property for use as sites for Department of Motor Vehicle office buildings, and in furtherance of the postwar construction program. Appropriation Sites for Department of Motor Vehicle office buildings

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows: Urgency

The State and its agencies have not since the commencement of World War II had their buildings, offices, or operational facilities materially augmented commensurate with the increase in the volume of business required to be transacted. With the end of actual hostilities the problems of reconversion have put an additional burden upon the present inadequate facilities. Consequently, the State is unable to function in a normal manner because of the lack of real estate, buildings, offices, or operational facilities.

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## CHAPTER 101

*An act making an appropriation to the California Youth Authority for the acquisition of real property, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 5, 1946 Filed with Secretary of State March 7, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of one hundred thousand dollars ($100,000) to the California Youth Authority to be expended under the provisions of the Property Acquisition Act during the Ninety-seventh and Ninety-eighth Fiscal Years for the acquisition of real property for use as sites for a boys' school and Youth Authority clinics, and in furtherance of the postwar construction program. Appropriation: Sites, boys' school and Youth Authority clinics

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows:

The State and its agencies have not since the commencement of World War II had their buildings, offices, or operational facilities materially augmented commensurate with the increase in the volume of business required to be transacted. With the end of actual hostilities the problems of reconversion have put an additional burden upon the present inadequate facilities. Consequently, the State is unable to function in a normal manner because of the lack of real estate, buildings, offices, or operational facilities.

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## CHAPTER 102

*An act to add Sections 20602.3 and 20602.9 to the Government Code, and to repeal Sections 20602.2 and 20602.7 thereof, relating to the State Employees' Retirement System, and providing for the rights and privileges of patrol members and warden members thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 5, 1946. Filed with Secretary of State March 7, 1946.]

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

SECTION 1. Section 20602.3 is added to the Government Code, to read:

Optional contributions

20602.3. Notwithstanding the time limitation imposed by Sections 20602 and 20602.1, each patrol member may exercise the option of making contributions granted by those sections at any time prior to October 1, 1946, or, in the case of a patrol member absent on military service on or before July 1, 1946, prior to the ninety-first day after his return to State service, whichever is later. Any such member may make such optional contributions at times and in the manner prescribed by the board, or may make such contributions from additional accumulated contributions standing to his credit.

SEC. 2. Section 20602.9 is added to said code, to read:

Time limitation on options

20602.9. Notwithstanding the time limitation imposed by Sections 20602.5 and 20602.6, each warden member may exercise the option of making contributions granted by those sections at any time prior to October 1, 1946, or, in the case of a warden member absent on military service on or before July 1, 1946, prior to the ninety-first day after his return to State service, whichever is later. Any such member may make such optional contributions at times and in the manner prescribed by the board, or may make such contributions from additional accumulated contributions standing to his credit.

SEC. 3. Sections 20602.2 and 20602.7 of said code are repealed. Repeals

SEC. 4. 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 and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Chapters 1345 and 1421 of the Statutes of 1945 reduced the ages of retirement of highway patrolmen and fish and game wardens, and increased the normal rates of contributions for such members of the State Employees' Retirement System to provide for retirement at the reduced age, giving such persons the option, to be exercised by December 31, 1945, of making up the deficit in past contributions. Many such members were unable to exercise that option within the time limited, because the Retirement System was unable to supply necessary information within that time, or because of their absence in military service. To afford those members of the State Employees' Retirement System the opportunity to exercise the options in accordance with the legislative intent, and so to induce them to remain in State service in law enforcement positions essential to the maintenance of the public peace and safety, or to return thereto after military service, it is necessary that this act take effect immediately.

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## CHAPTER 103

*An act to amend Sections 6 and 7 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties for the prevention or alleviation of unemployment through the construction of public works in which there is a State interest, and providing the procedure for making such allocations, and for assignment of such allocations," Chapter 20, Statutes of 1946, relating to the administration of said act.* Stats. 1947, p. 30, amended

[Approved by Governor March 5, 1946. Filed with Secretary of State March 7, 1946.] In effect May 21, 1946

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

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read:

Sec. 6. As used in this act, (a) "department" means the State Department of Finance; (b) "director" means the State Director of Finance; (c) "Controller" means the State Controller; and, (d) "board" means the State Allocation Board, as provided in Section 7. Definitions

SEC. 2. Section 7 of the act cited in the title hereof is hereby amended to read:

Sec. 7. (a) There is hereby created a board to be known as the State Allocation Board, consisting of the Director of Finance, the Director of Public Works, and the Real Estate Com- State Allocation Board

missioner. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker, shall meet and advise with the board to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature.

Compensation

(b) The members of the board and the Members of the Legislature meeting with the board in an advisory capacity 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 by this act.

Powers

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

Administration, etc

(d) The director shall administer this act and shall provide such assistance to the board as it may require.

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## CHAPTER 104

*An act to add Sections 3211.9, 3211.91, 3211.92, 3211.93, and 3352.94 to, and Chapter 10.5 comprising Sections 4351 to 4386, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 10.7 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to disaster service workers, including the limiting of the liability of the State of California, counties, cities, and disaster councils for injuries arising out of and occurring in the course of activities as a disaster service worker, authorizing the California State Disaster Council to certify disaster councils and to make rules and regulations for the classifying and registering of disaster service workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.*

In effect immediately

[Approved by Governor with reduction hereunder noted March 7, 1946
Filed with Secretary of State March 8, 1946]

I object to the item of appropriation in Section 8 of S. B. 100, and I reduce the amount of said appropriation to $50,000. With this reduction I approve the bill.

EARL WARREN
*Governor of California*

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

SECTION 1. Section 3211.9 is added to the Labor Code, to read:

"Disaster council"

3211.9. "Disaster council" means a public agency which is empowered to register and direct the activities of disaster service workers within the area of the county or city, or any part thereof, and is thus, because of such registration and direction, acting as an instrumentality of the State in aid of the carrying

out of the general governmental functions and policy of the State, and includes a local disaster council established by ordinance.

SEC. 2. Section 3211.91 is added to the Labor Code, to read:

3211.91. "Accredited disaster council" means a disaster council which is certified by the California State Disaster Council as conforming with the rules and regulations established by the California State Disaster Council pursuant to the provisions of Article 10.7, Chapter 1, Division 7 of the Military and Veterans Code. A disaster council remains accredited only while the certificate of the California State Disaster Council is in effect and is not revoked. "Accredited disaster council"

SEC. 3. Section 3211.92 is added to the Labor Code, to read:

3211.92. "Disaster service worker" means any natural person in the State who is registered with a disaster council for the purpose of engaging in disaster service pursuant to the California Disaster Act without pay or other consideration. "Disaster service worker"

"Disaster service worker" does not include any male registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition and full or partial support of the city, town or district in which such fire department is located.

SEC. 4. Section 3211.93 is added to the Labor Code, to read:

3211.93. "Disaster service" means all activities authorized by and carried on pursuant to the California Disaster Act, including training necessary or proper to engage in such activities. "Disaster service"

SEC. 5. Section 3352.94 is added to the Labor Code, to read:

3352.94. "Employee" excludes a disaster service worker while performing services as a disaster service worker except as provided in Chapter 10.5 of this part. "Employee" excludes any unregistered person performing like services as a disaster service worker without pay or other consideration. "Employee"

SEC. 6. Chapter 10.5, comprising Sections 4351 to 4386, inclusive, is added to Part 1, Division 4 of the Labor Code, to read:

## CHAPTER 10.5. DISASTER SERVICE WORKERS

### Article 1. General

4351. Except as provided in this chapter, a disaster service worker and his dependents shall have no right to receive compensation from the State, from the disaster council with which he is registered, or from the county or city which has empowered the disaster council to register him and direct his activities, for an injury arising out of and occurring in the course of his activities as a disaster service worker. Injury

4352. Compensation provided by this division, as limited by the provisions of this chapter, is the exclusive remedy of a disaster service worker, or his dependents, for injury or death arising out of and in the course of his activities as a disaster service worker as against the State, the disaster council with Compensation Exclusive remedy

which he is registered, and the county or city which has empowered the disaster council to register him and direct his activities. Liability for the compensation provided by this division, as limited by the provisions of this chapter, is in lieu of any other liability whatsoever to a disaster service worker or his dependents or any other person on the part of the State, the disaster council with which the disaster service worker is registered, and the county or city which has empowered the disaster council to register him and direct his activities, for injury or death arising out of and in the course of his activities as a disaster service worker.

Compensable injuries

4353. Compensation shall be furnished to a disaster service worker for any injury arising out of and occurring in the course of his activities as a disaster service worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions concur:

(a) Where, at the time of the injury the disaster service worker is performing services as a disaster service worker, and is acting within the course of his duties as a disaster service worker.

(b) Where, at the time of the injury the disaster council with which the disaster service worker is registered is an accredited disaster council.

(c) Where the injury is proximately caused by his service as a disaster service worker, either with or without negligence.

(d) Where the injury is not caused by the intoxication of the injured worker.

(e) Where the injury is not intentionally self-inflicted.

Payment of compensation

4354. No compensation shall be paid or furnished to disaster service workers or their dependents pursuant to the provisions of this division except from money appropriated for the purpose of furnishing compensation to disaster service workers and their dependents. Liability for the payment or furnishing of compensation is dependent upon and limited to the availability of money so appropriated.

After all money so appropriated is expended or set aside in bookkeeping reserves for the payment or furnishing of compensation and reimbursing the State Compensation Insurance Fund for its services, the payment or furnishing of compensation for an injury to a disaster service worker or his dependents is dependent upon there having been a reserve set up for the payment or furnishing of compensation to that disaster service worker or his dependents and for that injury, and liability is limited to the amount of the reserve. The excess in a reserve for the payment or furnishing of compensation or for reimbursing the State Compensation Insurance Fund for its services may be transferred to reserves of other disaster service workers for the payment or furnishing of compensation and reimbursing the State Compensation Insurance Fund, or may be used to set up reserves for other disaster service workers.

Disaster service worker as "employee"

4355. Insofar as not inconsistent with the provisions of this chapter, all of the provisions of this division shall apply to dis-

aster service workers and their dependents, and to furnishing of compensation to them. "Employee," as used in this division, shall include disaster service worker when liability for the furnishing of compensation exists pursuant to the provisions of this chapter and as limited by the provisions of this chapter.

## Article 2. Benefits

Limited compensation

4361. Where liability for compensation exists, such compensation shall be provided as limited by this chapter.

Medical payments, etc

4362. The aggregate payment for the cost of medical, surgical, and hospital treatment provided a disaster service worker shall not exceed two thousand five hundred dollars ($2,500) for any one injury.

Weekly benefits

4363. The weekly benefit for disaster service workers is twenty dollars ($20) in all cases of temporary total disability except where 65 per cent of the average weekly earnings of the disaster service worker as computed upon the basis of his average income from all sources during the year immediately preceding the date of injury or death is less than twenty dollars ($20), in which event the weekly benefit is 65 per cent of the average weekly earnings as so computed. In no event may the weekly benefit in cases of temporary total disability be less than six dollars and fifty cents ($6.50) nor more than twenty dollars ($20).

Temporary partial disability

4364. If the injury sustained by a disaster service worker causes temporary partial disability, no disability payment shall be made to the worker during the period of such disability for the loss of wages due to such disability.

Permanent disability

4365. If the injury sustained by a disaster service worker causes permanent disability, the percentage of disability to total disability shall be determined as for the occupation of a laborer of like age by applying the schedule for the determination of the percentages of permanent disabilities prepared and adopted by the commission. The amount of the weekly payment for permanent disability shall be the same as the weekly benefit which would be paid for temporary total disability pursuant to the provisions of Section 4363.

Disability payments

4366. The aggregate disability payments for a single injury shall not exceed three thousand six hundred dollars ($3,600), nor shall the aggregate period for temporary total disability in any event extend beyond 240 weeks from the date of injury.

In no event, and not even if the percentage of permanent disability incurred exceeds 70 per cent, shall disability payments for permanent disability exceed three thousand six hundred dollars ($3,600).

Where an injury causes both temporary and permanent disability, the injured disaster service worker is not entitled to both a temporary and permanent disability payment, but only to the greater of the two.

Death benefits

4367. The death benefit shall be a sum sufficient to equal:

(a) In a case of total dependency, 240 times the weekly benefit which would be paid for temporary total disability pursuant to the provisions of Section 4363, but in no event in excess of three thousand six hundred dollars ($3,600), nor less than one thousand five hundred sixty dollars ($1,560).

(b) In a case of partial dependency only, 240 times the amount weekly devoted to support of the dependents by the disaster service worker, but in no event in excess of three thousand six hundred dollars ($3,600).

Except as provided in the following paragraph, the death benefit, when added to all accrued disability payments, shall not exceed three thousand six hundred dollars ($3,600).

Disability payments for disability occurring within 12 months after injury shall not be deducted from the death benefit and shall be paid in addition to the death benefit.

Burial expenses

4368. In addition to the death benefit, reasonable expenses of the disaster service worker's burial, not exceeding one hundred fifty dollars ($150), shall be paid.

## Article 3. Adjustment of Claims

Agreements with State Compensation Insurance Fund

4381. The California State Disaster Council and the State Compensation Insurance Fund (hereinafter referred to as the State Fund) shall enter into an agreement requiring the State Fund, as adjusting agent, to adjust and dispose of claims and furnish compensation to disaster service workers and their dependents. The agreement shall authorize the State Fund to make all expenditures, including payments to claimants for compensation or for the adjustment or settlement of claims.

Reimbursement of fund

4382. The agreement shall provide that the State Fund shall be reimbursed for the expenditures made as adjusting agent and for the cost of services rendered, which reimbursement shall be made out of money appropriated for the purpose of furnishing compensation to disaster service workers. The reimbursement for cost of services rendered shall not exceed 12½ per cent of the total expenditures for medical treatment and disability and death payments made by the fund in the adjustment of claims arising under this chapter. The agreement shall provide for the setting up of bookkeeping reserves in order that provision may be made for the reimbursement of the State Fund and that liability for the payment or furnishing of compensation may be determined. The agreement shall also provide that the State Fund shall be notified promptly by the California State Disaster Council when a disaster council is certified as an accredited disaster council and when the certification is revoked.

Parties to the agreement

4383. An accredited disaster council, and the county or city which has empowered the disaster council to register and direct activities of disaster service workers, automatically become parties to the agreement upon the disaster council becoming an accredited disaster council.

Scope of agreement

4384. The agreement may also contain any other provision not inconsistent with this division deemed necessary by the California State Disaster Council and the State Fund for the furnishing of compensation to disaster service workers and their dependents in accordance with the provisions of this division, and the serving by the State Fund as adjusting agent. The agreement may be modified by action of the California State Disaster Council and the State Fund.

Subrogation of employees' rights

4385. The State Fund may in its own name, or in the name of the California State Disaster Council do any and all things necessary to recover on behalf of the California State Disaster Council any and all amounts which an employer might recover from third persons under Chapter 5 of Part 1 of Division 4 of the Labor Code, or which an insurer might recover pursuant to Section 11662 of the Insurance Code, including the right to commence and prosecute actions, to file, pursuant to Chapter 5, Part 1, Division 4 of the Labor Code, liens for whatever sums would be recoverable by suit against such a third person, to intervene in other court proceedings, and to compromise claims and actions before or after commencement of suit. All amounts so recovered shall be used for the furnishing of compensation benefits, and the agreement shall provide for the reimbursing of the State Fund for expense incurred in recovering such amounts and the manner in which such amounts shall be applied to the furnishing of compensation.

Federal assistance

4386. Should the United States Government or any agent thereof, in accordance with any Federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to disaster service workers or to disaster service workers and their dependents for injuries arising out of and occurring in the course of their activities as disaster service workers, then the amount of compensation which any disaster service worker or his dependents are otherwise entitled to receive from the State of California under Division 4 of the Labor Code for any injury shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the disaster service worker or his dependents have received and will receive from the United States or any agent thereof as a result of the injury.

Federal medical assistance

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States Government or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured disaster service worker, then the disaster service worker has no right to receive similar medical, surgical or hospital treatment under Division 4 of the Labor Code. However, the State Compensation Insurance Fund, as adjusting agent of the California State Disaster Council, may furnish medical, surgical or hospital treatment as part of the compensation provided in Division 4 of the Labor Code in addition to that furnished by the United States Government or its agents.

Assignment of Federal assistance rights

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States Government or any agent thereof will reimburse a disaster service worker or his dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured disaster service worker, the disaster service worker has no right to receive similar medical, surgical or hospital treatment under Division 4 of the Labor Code, but the State Compensation Insurance Fund, as adjusting agent of the California State Disaster Council, may furnish medical, surgical or hospital treatment as part of the compensation provided in Division 4 of the Labor Code and apply to the United States Government or its agent for the reimbursement which will be made to the disaster service worker or his dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the State Compensation Insurance Fund shall require the disaster service worker and his dependents to assign to the State of California, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the State, any privilege or right such disaster service worker or his dependents may have to reimbursement from the United States Government or any agent thereof.

Priority of Federal assistance

If the furnishing of compensation under the provisions of Division 4 of the Labor Code to a disaster service worker or his dependents prevents such disaster service worker or his dependents from receiving assistance, benefits or other temporary or permanent relief under the provisions of a Federal statute or rule or regulation, then the disaster service worker and his dependents shall have no right to, and shall not receive, any compensation from the State of California under the provisions of Division 4 of the Labor Code for any injury for which the United States Government or any agent thereof will furnish assistance, benefits or other temporary or permanent relief in the absence of the furnishing of compensation by the State of California.

SEC. 7. Article 10.7 is added to Chapter 1 of Division 7 of the Military and Veterans Code, to read:

Article 10.7. Accredited Disaster Councils

Definitions

1599. As used herein, "disaster council" and "disaster service worker" have the meaning prescribed in Division 4 of the Labor Code.

Disaster service workers

1599.1. The California State Disaster Council shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The California State Disaster Council shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All such rules and regulations shall be designed to facilitate the paying of workmen's compensation.

Certification of disaster council

1599.2. Any disaster council which both agrees to follow the rules and regulations established by the California State Disaster Council pursuant to the provisions of Section 1599.1 of this code and substantially complies with such rules and regulations shall be certified by the California State Disaster Council. Upon making the certification, and not before, the disaster council becomes an accredited disaster council.

Revocation of certification

1599.3. Should an accredited disaster council fail to comply with the rules and regulations of the California State Disaster Council in any material degree, the California State Disaster Council may revoke the certification, and upon the act of revocation the disaster council shall lose its accredited status. It may again become an accredited disaster council in the same manner as is provided for a disaster council which has not had its certificate revoked.

Appropriation

SEC. 8. The unencumbered balance of the appropriation made to the California State War Council by Section 9 of Chapter 920 of the Statutes of 1943 is hereby reappropriated to the California State Disaster Council, to be expended by its adjusting agent, the State Compensation Insurance Fund, for the furnishing of workmen's compensation to disaster service workers and their dependents in accordance with the provisions of Division 4 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services rendered as adjusting agent.

State Compensation Insurance Fund

The State Compensation Insurance Fund may draw from the State treasury out of the appropriation made by this section, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate one hundred thousand dollars ($100,000), to be used as a cash revolving fund. The revolving fund shall be deposited in such banks and under such conditions as the State Department of Finance determines. The Controller shall draw his warrants in favor of the State Compensation Insurance Fund for the amounts so withdrawn, and the Treasurer shall pay such warrants.

Expenditures made from the revolving fund in payments on claims for workmen's compensation and for adjusting services are exempted from the operation of Section 16003 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the Controller requires.

Urgency

SEC. 9. 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:

Legal uncertainty has arisen as to whether volunteers performing duties pursuant to the California Disaster Act are eligible for workmen's compensation benefits for injury or death incurred in the performance of such duties. Disaster requiring the full performance of such duties may strike at any time.

To remove such doubt, and to provide such benefits whenever protection of the life, property, health and safety of the people of the State may be required by the occurrence of major calamity, it is necessary that this act take effect immediately.

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## CHAPTER 105

Stats. 1929, p. 1935, amended

*An act to add Section 1.5 to Chapter 873 of the Statutes of 1929, being an act, approved June 19, 1929 and entitled "An act to authorize, empower and direct the Governor of the State of California to employ counsel, agents and attorneys for the purpose of prosecuting, collecting and recovering claims of the State of California against the United States of America for disbursements made by the State of California in aid of the General Government during the Civil, Spanish, Indian and other wars and to prescribe the terms and conditions of employment, the rate of compensation therefor; and the manner of payment thereof, and to repeal an act entitled 'An act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof,' approved March 23, 1907, and also repealing an act entitled 'Concerning the war debt of this State, and providing for the redemption thereof,' approved April 19, 1856," relating to the authority of the Governor to contract for the recovery of claims of the State against the United States arising out of the Civil, Spanish, Indian and other wars, declaring the urgency thereof, to take effect immediately.*

Stats. 1907, p. 938, repealed

Stats. 1856, p. 206 repealed

In effect immediately

[Approved by Governor March 7, 1946. Filed with Secretary of State March 8, 1946.]

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

SECTION 1. Section 1.5 is added to the act cited in the title hereof, to read:

Contracts

Sec. 1.5. The Governor of the State of California is hereby authorized and empowered to enter into contracts and agreements for the purposes specified in Section 1 of this act and to renegotiate and amend any contracts and agreements executed under this act prior to the effective date of this section; provided that, no contract or agreement executed after the effective date of this act and no agreement renegotiating any prior contract or agreement shall provide any compensation

Fees

or fee in excess of (a) one hundred forty thousand dollars ($140,000), if the total amount recovered equals or is in excess of two million five hundred thousand dollars ($2,500,000) or (b) six per cent (6%) of the amount recovered, if the total amount recovered is less than two million five hundred thousand

dollars ($2,500,000). The Governor is also authorized and empowered to accept payment of the claims mentioned in Section 1 of this act either in money or in property.

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 take effect immediately. The facts constituting such necessity are as follows: Urgency

The claims of the State of California against the United States for disbursements made in aid of the Government of the United States are of long standing. If contracts previously executed for their recovery are modified, payment may be secured from surplus war properties now owned by the United States and available for distribution. Any delay in the renegotiation of such contracts may defeat the recovery of these claims as surplus war properties will not be available.

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## CHAPTER 106

*An act making an appropriation to the Division of Fish and Game, Department of Natural Resources, for construction, improvements, repairs and equipment.*

[Approved by Governor March 7, 1946 Filed with Secretary of State March 8, 1946.] In effect May 31, 1946

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

SECTION 1. Out of any money in the Fish and Game Preservation Fund there is hereby appropriated the sum of six hundred ninety-two thousand five hundred dollars ($692,500) for construction, improvements, repairs and equipment in augmentation of Item 199 of the "Budget Act of 1945." Appropriation from Fish and Game Preservation Fund

Stats 1945, p 1188

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## CHAPTER 107

*An act to amend Section 2302 of the Welfare and Institutions Code, relating to the inspection services licensing agencies for the care of the aged, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 5, 1946. Filed with Secretary of State March 8, 1946.] In effect immediately

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

SECTION 1. Section 2302 of the Welfare and Institutions Code is amended to read: See also Stats 1947, Ch 510

2302. The State Department of Social Welfare may inspect, examine and license under this chapter or any county or city may establish, and the State Department of Social Welfare may accredit and approve, a county or city inspection service to perform such functions under this chapter. Licensing county or city inspection service

If any county or city establishes an inspection service, and such service is approved by the State Department of Social Welfare, the inspection may be made either by a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the State Department of Social Welfare.

Costs

The costs of any inspection service undertaken by a county or city, with the approval of the State Department of Social Welfare, shall be borne by the State at the rate of three dollars ($3) per month per licensee. Claims shall be filed with the department at the times and in the manner specified by the department for reimbursement of the expenses incurred. If any grants-in-aid are made by the Federal Government for the support of any inspection service approved by the State Department of Social Welfare, the amount of the Federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the State.

Appropriation Department of Social Welfare

SEC. 2. The sum of fifty-six thousand two hundred fifty dollars ($56,250), 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 State Department of Social Welfare during the Ninety-seventh and Ninety-eighth Fiscal Years for expenses under Section 2302 of the Welfare and Institutions Code.

Operative date

SEC. 3. This act shall become operative April 1, 1946.

Urgency

SEC. 4. 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 and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Adequate inspection of institutions and boarding homes for the aged is urgently required to insure the proper care of such persons. This act provides the money and the supervision necessary to insure adequate inspection services without which the aged will not be protected and the public peace, health and safety will be endangered.

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## CHAPTER 108

*An act to amend Section 1622 of the Welfare and Institutions Code, relating to inspection services licensing agencies for child care and home finding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 5, 1946. Filed with Secretary of State March 8, 1946.]

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

See also Stats 1947, Ch. 509

SECTION 1. Section 1622 of the Welfare and Institutions Code is amended to read:

Licensing county or city inspection service

1622. The State Department of Social Welfare may inspect, examine and license under this chapter or any county or city may establish, and the State Department of Social Welfare may accredit and approve, a county or city inspection service to perform such functions under this chapter.

If any county or city establishes an inspection service, and such service is approved by the State Department of Social Welfare, the inspection may be made by a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the State Department of Social Welfare.

Costs to be borne by State

The costs of any inspection service undertaken by a county or city, with the approval of the State Department of Social Welfare, shall be borne by the State at the rate of three dollars ($3) per month per license. Claims shall be filed with the department at the time and in the manner specified by the department for reimbursement of the expenses incurred. If any grants-in-aid are made by the Federal Government for the support of any inspection service approved by the State Department of Social Welfare, the amount of the Federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the State.

Appropriation State Department of Social Welfare

SEC. 2. The sum of three hundred eighty-four thousand seven hundred fifty dollars ($384,750) 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 State Department of Social Welfare during the Ninety-seventh and Ninety-eighth Fiscal Years for expenses under Section 1622 of the Welfare and Institutions Code.

Operative date

SEC. 3. This act shall become operative April 1, 1946.

Urgency

SEC. 4. 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 and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Agencies for child care and home-finding have been and continue to be widely established for the care of the children of persons engaged in performing work and rendering services essential to reconversion of the economic life of the State from a wartime to a peacetime basis. Careful licensing and inspection of these agencies is necessary to protect the children placed therein. To insure the continuance and needed expansion of the inspection services, and so to insure adequate care without which the public peace, health, and safety will be endangered, it is necessary that this act take effect immediately.

## CHAPTER 109

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

In effect immediately

[Approved by Governor March 5, 1946. Filed with Secretary of State March 8, 1946.]

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

Additional appropriation Legislative printing

SECTION 1. In addition to any money otherwise appropriated, the sum of one hundred twenty-five thousand dollars ($125,000), 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 during the Ninety-seventh and Ninety-eighth Fiscal Years for legislative printing, binding, etc., for the First Extraordinary Session of the Fifty-sixth 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.

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## CHAPTER 110

*An act to amend Section 1262 of, and to add Section 1263 to, the Military and Veterans Code, relating to memorial buildings.*

In effect May 21, 1946

[Approved by Governor March 5, 1946 Filed with Secretary of State March 8, 1946.]

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

SECTION 1. Section 1262 of the Military and Veterans Code is amended to read:

County memorial buildings, etc

1262. Any county may provide and maintain buildings, memorial halls, meeting places, memorial parks, or recreation centers for the use or benefit of veterans' associations. For these purposes the board of supervisors of any county may:

Powers of supervisors

(a) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary for such buildings, memorial parks, or recreation centers, and improve, preserve, manage, and control the same.

(b) Purchase, construct, lease, furnish, or repair such buildings, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(c) Clear, grade, plant, irrigate, fence, and improve such memorial parks, or recreation centers, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(d) Furnish sites for such buildings to be built by or for such organizations, and furnish sites for the erection thereon of such buildings, the funds for which are supplied by county

authorities or from other sources. Any part or portion of any public lot, block, or park may be used for such purpose.

(e) In addition to all other taxes, levy in any year a special tax not to exceed two and one-half mills ($0.0025) on each dollar of assessed valuation on all the taxable property in the county, if all the taxable property in the county has an aggregate value of less than fifty million dollars ($50,000,000), or not to exceed one and one-half mills ($0.0015) on each dollar of assessed valuation on all the taxable property in the county if all the taxable property in the county has an aggregate value equal to or more than fifty million dollars ($50,000,000), and the fund so created to be expended for the purposes hereof. Tax levy

(f) Establish a fund for the purposes hereof, and transfer from the General Fund to such fund such moneys as the board deems necessary. Special fund

(g) Incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes hereof. Bonded indebtedness

(h) Join with any incorporated city in the county in the accomplishment of the above purposes and to that end hold jointly with such city all property acquired, and expend money in conjunction with such city in accomplishing the above purposes. Joining with city

(i) Join with memorial districts in the purchase, acquisition or construction of memorial halls, assembly halls, buildings or meeting places, or in the accomplishment of any other purpose for which a memorial district has been organized, using the funds authorized to be raised by this section. Title to any property so purchased, acquired or constructed may be taken in the name of the memorial district, or jointly with the county, or the county may convey any property so acquired, purchased or constructed to the memorial district without consideration to the county. The board of supervisors may transfer to a memorial district funds raised pursuant to this section to be expended by the district in furtherance of the purposes of the district under terms and conditions consistent with the purposes for which the funds were raised. Joining with memorial districts

SEC. 2. Section 1263 is added to said code, to read:

1263. Any money which is made available by the State to any political subdivision for the purposes of acquiring and constructing public buildings may be used for the purposes of this chapter. Funds

## CHAPTER 111

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

[Approved by Governor March 5, 1946 Filed with Secretary of State March 8, 1946] In effect immediately

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

SECTION 1. The sum of one hundred thousand dollars ($100,000) is hereby appropriated out of any money in the State Appropriation Senate contingent expenses

treasury not otherwise appropriated, for contingent expenses of the Senate, including expenses of committees created at any session of the Fifty-sixth Legislature.

Current expenses

SEC. 2. 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.

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## CHAPTER 112

*An act making an appropriation to the Division of Beaches and Parks for the establishment and development of riders' and hikers' trails, declaring the urgency hereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 10, 1946 Filed with Secretary of State March 11, 1946.]

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

Appropriation Development of California Riding and Hiking Trails Project

SECTION 1. Out of any money in the State Park Fund not otherwise appropriated, the sum of three hundred thousand dollars ($300,000), or so much thereof as may be necessary, is hereby appropriated to the Division of Beaches and Parks to be expended in the establishment and development of the California Riding and Hiking Trails Project as provided in the California Riding and Hiking Trails Law. So much of the moneys appropriated by this act as shall be necessary, and approved by the Director of Finance, therefor shall be available for the support of the Division of Beaches and Parks in carrying out the purposes of this act.

Conditions of appropriation

SEC. 2. The appropriation herein is made subject to both of the following conditions:

(a) That all land, easements, and rights of way acquired with moneys appropriated by this act or the proceeds thereof shall constitute a part of the State Park System.

(b) That all of the powers and duties of the State Park Commission and of the Chief of the Division of Beaches and Parks with respect to State parks and recreational areas shall be applicable to the establishment and development provided for through moneys appropriated by this act or the proceeds thereof.

Urgency

SEC. 3. 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:

Increasing land utilization for homes and increasing land values resulting from the increasing population and development of this State makes the acquisition of rights of way and construction of a riders' and hikers' trails system increasingly difficult and costly.

In order to provide a reservoir of employment for the building crafts and unskilled labor, against the inevitable time when such employment must be provided to augment the employment furnished by private enterprise, it is necessary that funds be made available at once to finance these preliminary steps before the time at which said employment must be immediately available for the welfare of the State.

The lack of suitable outdoor recreational facilities for the public makes the development of such a system more vital than ever before. In order that this development may take place at the earliest possible date, keeping always in mind the objective also of providing employment, and securing to the people of the State of California the outdoor benefits to be derived therefrom, it is essential that this act take effect immediately.

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## CHAPTER 113

*An act to provide for participation by the State of California in a celebration to be held at Sonoma commemorating the raising of the Bear Flag of the California Republic, creating a commission therefor, and making an appropriation.*

[Approved by Governor March 10, 1946 Filed with Secretary of State March 11, 1946 ] In effect May 21, 1946

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

SECTION 1. The California Bear Flag Commemoration Commission is hereby created. It consists of 15 members, to be appointed by the Governor. The members of the commission shall serve without compensation, but shall receive their actual traveling expenses incurred in the performance of their duties hereunder. The Governor shall designate the chairman of the commission. California Bear Flag Commemoration Commission

SEC. 2. The commission shall participate in the celebration of the raising of the Bear Flag of the California Republic to be held on June 14, 1946, at Sonoma, California. The commission shall cooperate with all historical, pioneer, and patriotic bodies and societies participating in the celebration in such manner as it deems suitable. The commission may employ and fix the compensation of a secretary and such other assistants as it deems necessary to perform its duties. Celebration of raising of Bear Flag

The commission shall have the exclusive charge and control of the expenditure of all money appropriated by the State of California for the purposes hereof, and may make and execute all contracts and agreements necessary to carry out the purposes of this act. All contracts made by said commission shall be executed in triplicate, signed by the chairman thereof, and one copy thereof shall be immediately filed with the State Controller. The said commission, through the chairman, shall audit all claims or demands for moneys expended by it, or for the expenditures of money which they have authorized in writing, and shall certify such claims and demands to the State Controller, Powers of commission

who shall thereupon draw his warrants therefor upon the State Treasurer payable out of money appropriated by the State of California for the purposes hereof and the State Treasurer shall pay the same. The Director of Finance is authorized to make such an audit of the transactions of the commission as in his judgment seems desirable.

Insuring employees

SEC. 3. The commission may insure all persons, employees or assistants under its control and all property, real, mixed and personal under its control against such risks and hazards as are incident to the work conducted by the commission and may pay the cost of such insurances out of the money appropriated for the use of the commission.

Appropriation

SEC. 4. Out of money in the State treasury not otherwise appropriated the sum of seven thousand five hundred dollars ($7,500) is hereby appropriated to the commission for expenditure in carrying out the provisions of this act.

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## CHAPTER 114

*An act to repeal Division 1 and Sections 691, 692, 693, 696, 697, 992, 992.3, 992.4, 1015, 1016, 1017, 1020, 1021, 1028, 1029, 1086, and 1087 of, to add Division 1 to, and to amend Section 1084 of, the Military and Veterans Code, to amend Section 18620 of, and to add Section 18629 to, the Business and Professions Code, providing for the reorganization of the State agencies concerned with veterans and veterans affairs and for matters incidental thereto, including the establishment of a Department of Veterans Affairs, California Veterans Board, and Director of Veterans Affairs and prescribing the powers, duties, purposes, and functions of each, abolishing the Department of Military and Veterans Affairs, creating the Office of The Adjutant General and placing The Adjutant General therein, incorporating the Division of Athletics within the Department of Professional and Vocational Standards, and providing for the transfer of funds, personnel, property and records.*

In effect May 21, 1946

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.]

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

SECTION 1. Division 1 and Sections 691, 692, 693, 696, 697, 992, 992.3, 992.4, 1015, 1016, 1017, 1020, 1021, 1028, 1029, 1086, and 1087 of the Military and Veterans Code are hereby repealed.

SEC. 2. Division 1 is added to the Military and Veterans Code, to read:

### DIVISION 1. ADMINISTRATION OF MILITARY AND VETERANS AFFAIRS

#### CHAPTER 1. OFFICE OF THE ADJUTANT GENERAL

Office of Adjutant General

50. There shall be in the State Government the Office of The Adjutant General.

National Guard and Naval Militia

51. The Office of The Adjutant General shall include the National Guard and Naval Militia.

Successor to Division of Military Affairs

52. The Adjutant General succeeds to and is vested with the duties, powers, purposes, responsibilities and jurisdiction of the Division of Military Affairs and of the officers and employees of said division.

## CHAPTER 2. DEPARTMENT OF VETERANS AFFAIRS

"Department"

60. As used in this chapter, "department" means the Department of Veterans Affairs.

"Board"

61. As used in this chapter, "board" means the California Veterans Board.

"Director"

62. As used in this chapter, "director" means the Director of Veterans Affairs.

Department of Veterans Affairs

63. There shall be in the State Government a Department of Veterans Affairs.

California Veterans Board

64. There shall be in the Department of Veterans Affairs the California Veterans Board.

Board members

65. The California Veterans Board shall consist of seven members who shall be appointed by the Governor subject to the confirmation of the Senate.

Each member a veteran

66. Each member of the board shall be a "veteran" as that term is defined in either Section 800 or Section 980 of this code.

Term

67. Of the members as appointed, one shall be appointed for a term expiring January 15, 1947, two for terms expiring January 15, 1948, two for terms expiring January 15, 1949, and two for terms expiring January 15, 1950. Subsequent appointments shall be for terms of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

Compensation

See also Stats. 1947, Ch. 294

68. Each member of the board shall receive for each day's attendance at each meeting of the board a per diem of twenty dollars ($20) and shall also receive the same per diem for each day spent under the direction of the board in the performance of its official duties. In addition, each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

Meetings

69. The board shall hold meetings at such times and at such places as shall be determined by it.

Special meetings may be called at any time by the chairman or by the secretary at the request of any four members, upon notice specifying the matters to be acted upon at such meeting, but no other matters shall be acted upon at such special meetings which were not so noticed, unless all members are present and consent thereto.

Succession to duties of previous boards, etc

70. The Department of Veterans Affairs succeeds to and is vested with the duties, powers, purposes, responsibilities and jurisdiction of the Department of Military and Veterans' Affairs, the Division of Veterans' Welfare, the Veterans' Welfare Board, the California Veterans' Commission, the Division of Veterans' Homes, the Board of Directors of the Veterans'

Home of California, and the Board of Directors of the Woman's Relief Corps Home of California and of the officers and employees of said department, divisions, boards, and commission, except that the Director of Veterans Affairs, in lieu of the Director of Military and Veterans' Affairs, is a member of the Governor's Council and, in lieu of the chairman of the Veterans' Welfare Board, is a member of each and every veterans' finance committee of which the chairman until now has been a member.

Officers of board

71. The members of the board shall select one of their members to serve as chairman, who shall hold office as chairman at the pleasure of the board. The board shall also appoint and fix the salary of a secretary, who shall attend all meetings of the board, keep a full and true record of all its proceedings, preserve at its general office all its books, documents, and papers, and perform such other duties as the board may prescribe.

Rules and regulations
See also Stats 1947, Ch 293

72. The California Veterans Board may adopt such rules and regulations as are necessary to govern the activities of the department and to carry out the provisions of Division 4 and of Chapters 1 and 2 of Division 5 of this code and shall determine the policies for the department.

Advisory committees

73. The California Veterans Board may create advisory committees consisting of veterans to advise the board in specific fields under or relating to the jurisdiction of the board. The board shall appoint the members thereof and they shall serve at its pleasure. The board shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the board 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, but when called into conference or session by the board shall be reimbursed for their actual and necessary expenses incurred in connection with such conferences or sessions, and for purposes of such reimbursement shall be deemed to be nonsalaried commission members.

Director of Veterans Affairs

74. The chief administrative officer of the Department of Veterans Affairs shall be the Director of Veterans Affairs, who shall be a civil executive officer.

Appointment

75. The director shall be appointed by and serve at the pleasure of the Governor.

Salary

76. The salary of the director shall be ten thousand dollars ($10,000) a year.

Bond

77. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars ($25,000). The premiums upon such bond shall be paid by the State out of moneys available for the use of the department.

Duties
See also Stats 1947, Ch 293

78. The Director of Veterans Affairs is head of the department and, as head of the department and subject to the direction of the board, shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities and carry

out and effect all purposes now or hereafter vested by law in the department, except such duties, powers, jurisdiction, responsibilities and purposes as are specifically vested in the California Veterans Board by the provisions of this chapter.

Deputy Director

79. There shall be a Deputy Director of Veterans Affairs, who shall be a civil executive officer. He shall be appointed and his salary shall be fixed by the director pursuant to law.

Employees

See also Stats 1947, Ch 292

80. The director may employ subject to law such expert, technical, legal, clerical, and other employees as may be necessary to carry out his powers and duties and except as expressly otherwise provided in this chapter shall be the appointing authority for the department for all positions. Whenever possible preference shall be given to veterans for employment in the department.

Divisions of department

81. The department shall be divided into four divisions as follows:

(a) The Division of Farm and Home Purchases, which shall be administered by the Manager of Farm and Home Purchases.

(b) The Division of Educational Assistance, which shall be administered by the Manager of Educational Assistance.

(c) The Service and Coordination Division, which shall be administered by the Manager of Service and Coordination.

(d) The Division of Veterans Homes, which shall be administered by the Commandant, Veterans' Home of California, who shall also be known as the Manager of Veterans Homes.

Bonds of divisional managers

82. Before entering upon the duties of his office, each division manager shall execute an official bond to the State of California in the penal sum of ten thousand dollars ($10,000). The premiums upon all such bonds shall be paid by the State out of moneys available for the use of the department.

Law applicable

83. Except to the extent inconsistent with the provisions of this chapter, the provisions of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to the Department of Veterans Affairs as if the provisions of said Chapter 2 were set out fully herein.

"Head of department"

Whenever in such chapter the term "head of the department" or similar designation occurs, it shall mean the director, except that for the purposes of Article 2 of said Chapter 2 it shall also mean both the board and any member of the board to whom the duty of conducting any investigation is given by the board.

Director's reports to board

84. The director may whenever he deems it advisable and shall when required so to do by the board present reports and recommendations to the board concerning any matter relating to veterans' welfare whether or not provided by existing law.

SEC. 3. Section 1084 of the Military and Veterans Code is amended to read:

Woman's Relief Corps Home

1084. The home is managed and controlled by the Department of Veterans Affairs.

SEC. 4. Section 18620 of the Business and Professions Code is amended to read:

State Athletic Commission

18620. There shall be in the Department of Professional and Vocational Standards the State Athletic Commission, which consists of five members appointed by the Governor.

The State Athletic Commission succeeds to and is vested with the duties, powers, purposes, responsibilities and jurisdiction of the Division of Athletics and of the officers and employees of said division.

SEC. 5. Section 18629 is added to the Business and Professions Code, to read:

Law applicable

18629. The commission is subject to all of the provisions of Division 1 of this code and for the purposes of that division shall be deemed to be a board, except that for the purposes of Section 102 the commission shall not be deemed to be a board created by an initiative act.

Succession to property of other boards, etc

SEC. 6. On the effective date of this act, the Department of Veterans Affairs shall succeed to and be entitled to the immediate possession and control of all of the records, books, papers, equipment, and other property, both real and personal, of offices, boards, bureaus, agencies, divisions, or departments which are abolished by this act except of the Division of Athletics and of the Division of Military Affairs.

The State Athletic Commission shall retain all of its records, books, papers, equipment, and other property, both real and personal, and shall be entitled to all of the records, books, papers, equipment, and other property, both real and personal, of the Division of Athletics.

The Adjutant General shall retain all of his records, books, papers, equipment, and other property, both real and personal, and shall be entitled to all of the records, books, papers, equipment, and other property, both real and personal, of the Division of Military Affairs.

Funds

SEC. 7. All money available, including money which becomes available after the effective date of this act, for expenditure by any department, division, board, commission, or officer or employee thereof, to be used in the administration of any function, the exercise of any right, or performance of any duty which function, right or duty is transferred by this act, shall be available for expenditure by the department, commission, or officer which is to administer the function, exercise the right, or perform the duty.

Transfer of personnel

SEC. 8. All persons, including persons on military leave, other than temporary appointees heretofore serving in the State civil service and engaged in the performance of a function transferred to the Department of Veterans Affairs or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the State civil service and are hereby transferred to the Department of Veterans Affairs on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. In pursuance hereof the person holding the position of Secretary to the Veterans' Welfare Board on the day

prior to the effective date of this act is hereby transferred to the Department of Veterans Affairs on the effective date of this act as the Secretary to the California Veterans Board and his status, position, and rights shall not be affected by such transfer and shall continue to be retained by him pursuant to the State Civil Service Act.

## CHAPTER 115

*An act to add Section 10182 to the Education Code, relating to the instruction by correspondence of veterans enrolled in schools, or classes of school districts.*

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.] In effect May 21, 1946

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

SECTION 1. Section 10182 is added to the Education Code, to read:

10182. Notwithstanding anything in Section 10181 to the contrary, the governing board of any school district may subject to such rules and regulations as may be prescribed by the State Board of Education and upon the authorization of the Superintendent of Public Instruction, provide veterans enrolled in schools or classes of the district with instruction by correspondence, provided by any university or college referred to in Section 10181 or by any other university, college, school, institution or organization approved by the Superintendent of Public Instruction in subjects which may be necessary to adjust the veteran to an occupation and which, for good reason, can not be given by the school, and pay for the cost thereof. Correspondence courses for veterans

## CHAPTER 116

*An act augmenting the appropriation to the California Veterans' Commission for support, to take effect immediately.*

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.] In effect immediately

*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 to the California Veterans' Commission the sum of sixty-six thousand dollars ($66,000), in addition to any money otherwise appropriated, for the support of the commission during the Ninety-seventh and Ninety-eighth Fiscal Years. Appropriation California Veterans' Commission

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

## CHAPTER 117

Stats 1945, p 2802, amended

*An act to amend the title and Section 2 of, and to add Sections 1.5, 10 and 11 to, and to repeal Section 6 of, an act entitled "An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code;" approved July 18, 1945, relating to refunding or crediting certain payments and interest made pursuant to contracts for the purchase of farms and homes by veterans, declaring the urgency hereof, to take effect immediately.*

Stats 1921, p 815

In effect immediately

[Approved by Governor March 11, 1946 Filed with Secretary of State March 11, 1946.]

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

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

Title

An act to provide for refunding or crediting to veterans certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code, and the Veterans' Farm and Home Purchase Act of 1943.

Stats 1921, p 815

M & V C., Sec 985, et seq

SEC. 2. Section 1.5 is added to said act, to read:

"Veteran"

Sec. 1.5. "Veteran" as used in this act includes veteran as defined in Section 800 and in Section 980 of the Military and Veterans Code.

SEC. 3. Section 2 of said act is amended to read:

Extent of refund

Sec. 2. The board shall repay or credit to each veteran purchaser who has heretofore entered into a contract for the purchase of a farm or home and whose contract is in good standing at the time of the completion of the contract or at the time of an assignment approved by the board the portion of the load charge and the interest paid on such load charge actually paid by him as follows:

(a) To each veteran who has completed his contract according to its terms or to modified terms approved by the board the board shall refund the load charge and interest thereon in cash. If the contract was assigned before completion, the board shall apportion the refund between the assignor and the assignee in proportion to the amounts actually paid by each.

(b) If the contract has not been completed, the board shall credit the amount of the load charge and interest paid thereon upon the principal of the contract, or if the amount of the load charge and interest paid thereon is more than sufficient to pay the balance remaining due upon the contract it shall apply the amount of such balance to the contract and pay the remainder in cash. If the contract was assigned prior to the completion thereof, the board shall refund to the assignor the portion of

the load charge and interest thereon actually paid by him and shall credit to the assignee any portion of such load charge and interest paid by him.

Refunds to assignee shall be made only to such assignees as are: Assignees

(a) Veterans.

(b) Dependents of Veterans.

(c) Other assignees to whom assignment was made on or after September 15, 1945.

The board may apply any such credit at any time and in any manner. No refund in cash shall be made pursuant to this act unless application therefor is made within four years after the effective date of this act.

SEC. 4. Section 6 of said act is repealed.

SEC. 5. Section 10 is added to said act, to read:

Sec. 10. The cost of administering this act shall be paid from the unencumbered balance remaining in the Veterans Farm and Home Building Fund.

SEC. 6. Section 11 is added to said act, to read:

Sec. 11. Any unencumbered balance remaining at the expiration of four years from the effective date of this act in the appropriation made in Section 8 of this act shall revert to the Veterans Farm and Home Building Fund. Time limitation on cash refunds

SEC. 7. 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 Legislature at the Fifty-sixth Regular Session enacted Chapter 1502 which made an appropriation to refund load charges and interest thereon to veterans on farm and home building contracts. This appropriation became available for expenditure on September 15, 1945, but questions of interpretation of the act and computations required by the act have necessitated postponement of disbursements. It is necessary that this act go into effect immediately in order that further delay may be avoided. Urgency

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## CHAPTER 118

*An act making an appropriation for the support of the Department of Veterans Affairs.*

[Approved by Governor March 11, 1946 Filed with Secretary of State March 11, 1946.] In effect May 21, 1946

*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 one hundred thousand dollars ($100,000), or so much thereof as may be necessary, for the support of the Department of Veterans Affairs during the Ninety-seventh and Ninety-eighth Fiscal Years. Appropriation Department of Veterans Affairs

# CHAPTER 119

Stats 1935, p 1123, amended

*An act to add Section 6.1 to the Alcoholic Beverage Control Act, relating to veterans' organizations and providing for the issuance of on-sale distilled spirits licenses to such organizations.*

In effect May 21, 1946

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.]

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

SECTION 1. Section 6.1 is added to the Alcoholic Beverage Control Act, to read:

Veterans' organizations as "clubs"

Sec. 6.1. Any post, chapter, camp or other local unit composed solely of veterans, and which is a post, chapter, camp or other local unit of an organization composed solely of veterans which has been chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes, and which post, chapter, camp or other local unit has, as the owner, lessee or occupant thereof, operated an establishment for any such purpose for not less than one year, is a bona fide club within the meaning of Section 22 of Article XX of the Constitution and of this act.

Veterans' club licenses

The board may issue one "veterans' club license" to any such post, chapter, camp or other local unit of an organization of veterans above mentioned for the establishment, if otherwise satisfactory, where such post, chapter, camp or other local unit maintains such club. The fee for a veterans' club license shall be in such amount as is set by the board, not to exceed the fee for an on-sale general license in the locality where the club is maintained.

The holder of a veterans' club license is authorized to exercise all of the rights and privileges permitted by an on-sale general license except that the holder of such license is authorized to sell and serve alcoholic beverages for consumption within the licensed establishment so owned, leased, or occupied by the local unit of an organization of veterans for patriotic, fraternal, or benevolent purposes only to bona fide members of the veterans' organization and their bona fide guests. A veterans' club license is not transferable to another person from the person to whom issued or by whom renewed. The provisions of Section 38f do not apply to licenses issued or to be issued pursuant to this section.

Restrictions

No member and no officer, agent, or employee of a licensee under this section shall be paid or shall directly or indirectly receive, in the form of salary or other compensation, any of the profits from the distribution or sale of alcoholic beverages to the licensee or to the members of the licensee or its guests, beyond the amount of such salary as may be fixed and voted at any regular meeting by the members of the licensee or by its governing body, out of the general revenue of the local unit of

the organization of veterans to which a license is issued pursuant to this section.

Revocation of license

The board may revoke any license issued pursuant to this section in any case where, in the judgment of the board, the licensee ceases to operate as a bona fide club.

"Veteran"

As used in this section, "veteran" means any person who has served in the United States Army, Navy, Marine Corps, Revenue Marine Service, or as an active nurse in the service of the American Red Cross, or in the Army and Navy Nurse Corps in time of war, or in any expedition of the armed forces of the United States, or who served in one of said services during the period September 16, 1940 to December 7, 1941, and received a discharge under conditions other than dishonorable.

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## CHAPTER 120

*An act to amend Section 205 of the Revenue and Taxation Code, relating to the veterans' exemption.*

In effect May 21, 1946

[Approved by Governor March 11, 1946 Filed with Secretary of State March 11, 1946.]

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

SECTION 1. Section 205 of the Revenue and Taxation Code is amended to read:

Veterans' exemption

205. The veterans' exemption is as specified in Section 1¼ of Article XIII of the Constitution.

Wars

The following are wars under Section 1¼ of Article XIII of the Constitution:

(a) Revolutionary War, April 19, 1775-January 14, 1784.

(b) Second war with England, June 18, 1812-February 17, 1815.

(c) Black Hawk War, April 6, 1832-August 2, 1832.

(d) War with Mexico, April 24, 1846-May 30, 1848.

(e) Civil War, April 18, 1861-August 20, 1866.

(f) War with Spain, April 21, 1898-April 11, 1899.

(g) War in Philippines, April 11, 1899-July 4, 1902.

(h) Chinese Relief Expedition, June 20, 1900-May 15, 1901.

(i) Campaign against the Rogue River, Yakima, Nez Perce, and Snake Indians in Oregon and Washington, 1855-1856.

(j) Campaign against the Indians in southern Oregon and Idaho and northern California and Nevada, 1865-1868.

(k) Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, 1867-1869.

(*l*) Modoc War, 1872-1873.

(m) Campaign against the Apaches in Arizona, 1873.

(n) Campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico, 1874-1875.

(o) Campaign against the Northern Cheyennes and Sioux, 1876-1877.

(p) Nez Perce War, 1877.

(q) Bannock War, 1878.

(r) Campaign against the Northern Cheyennes, 1878-1879.

(s) Campaign against the Ute Indians in Colorado and Utah, September, 1879-November, 1880.

(t) Campaign against the Apache Indians in Arizona, 1885-1886.

(u) Campaign against the Sioux Indians in South Dakota, November, 1890-January, 1891.

(v) War with Germany-Austria, April 6, 1917-November 11, 1918.

(w) Campaign against the Apache Indians in Arizona, 1895-1896.

(x) World War II, December 7, 1941 to May 16, 1946.

Application of "World War II"

SEC. 2. The definition of World War II as added to Section 205 of the Revenue and Taxation Code by this act applies only to the subject matter of that section. Particularly, it does not apply to or affect the meaning of "cessation of hostilities," "termination of hostilities," "termination of wars in which the United States is engaged," or similar terms, as used in other statutes, which terms shall continue to mean (unless otherwise indicated in the statute in which used) the cessation or termination of hostilities or of war as appropriately declared by the President or the Congress of the United States.

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## CHAPTER 121

*An act to amend Sections 18540, 18541 and 18973 of the Government Code, relating to veterans' preference in State civil service, declaring the urgency hereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.]

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

See also Stats 1947, Ch. 1488

SECTION 1. Section 18540 of the Government Code is amended to read:

"Veteran"

18540. "Veteran" means any person who has served in the United States Army, Navy, Marine Corps, Revenue Marine Service, or as an active nurse in the service of the American Red Cross, or in the Army and Navy Nurse Corps in time of war, or in any expedition of the armed forces of the United States, or who served in one of said services during the period September 16, 1940 to December 7, 1941, and received a discharge under conditions other than dishonorable or has been released from active duty under conditions other than dishonorable.

See also Stats 1947, Ch 791

SEC. 2. Section 18541 of said code is amended to read:

"Disabled veteran"

18541. "Disabled veteran" means any person who has served in the United States Army, Navy or Marine Corps in time of war or in any expedition of the armed forces of the United States, and received an honorable discharge or has been

released from active duty under conditions other than dishonorable or has received a certificate of honorable active service and who was disabled as a result of such service. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans' Administration.

SEC. 3. Section 18973 of said code is amended to read:

Veterans' credits for civil service

18973. In the case of all other entrance examinations, a veteran with 30 days or more of service and widows of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:

(a) Disabled veterans, 15 points.

(b) All other veterans and widows of veterans, 10 points.

(c) In promotional examinations, three points, irrespective of physical condition.

Urgency

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:

Many veterans are now available for employment and reemployment by the State. Many State positions are vacant and need to be filled by persons possessing the qualifications and experience of veterans. In order to prevent a stoppage of public business by lack of suitably experienced and suitably qualified personnel, it is necessary that this act take effect immediately.

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## CHAPTER 122

*An act to amend Section 13204.1 of the Education Code, relating to certificated employees of school districts, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.]

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

SECTION 1. Section 13204.1 of the Education Code is amended to read:

Absence on active military service, etc

13204.1. Every person employed by a school district as a probationary or permanent employee in a position requiring certification qualifications who enters the active military service of the United States of America or of the State of California, 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 service of the United States Merchant Marine, or in the full time paid service of the American Red Cross, during any period of National emergency declared by the President of the United States of America or during any war in which the

United States of America is engaged, shall be entitled to absent himself from his duties as an employee of the district.

Effect of absence

Such absence shall not affect, in any way, the classification of such employee. In the case of a probationary employee the period of such absence shall not count as part of the service required as a condition precedent to the classification of such employee as a permanent employee of the district, but such absence shall not be construed as a break in the continuity of the service of such employee for any purpose.

Reduction of staff

The dismissal of any probationary employee because of reduced attendance due to war conditions, after his entry into the active military service or service in the American Red Cross, shall not deprive him of any of the benefits of this section.

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall, subject to the provisions of this section, be entitled to return to the position held by him at the time of his entrance into such service, at the salary to which he would have been entitled had he not absented himself from the service of the school district under this section.

If such employee was employed under a lawful contract for a period in excess of one year in a position in which he had not become a permanent employee of the district, he shall be entitled to return to such position for the period his contract of employment had to run at the time he entered such service. Notwithstanding any provision of this code to the contrary, a person employed to take the place of any such employee shall not have any right to such position following the return of such employee to the position.

Red Cross

Notwithstanding anything in Section 14495 to the contrary if any member of the Retirement System serving in the full time paid service of the American Red Cross does not pay during such service the contributions to the Permanent Fund and to the Retirement Annuity Fund provided for in Section 14495 the contributions shall be paid by him directly to the Retirement System or deducted from his salary payments at the rate of fifty dollars ($50) or at the rate of 20 per cent of such contributions, whichever is the greater, during each successive period of 12 months following his return to duty in a position requisite to membership in the Retirement System; provided that all contributions required to be made to the Retirement Annuity Fund and all contributions required to be made to the Permanent Fund on account of service rendered on or after July 1, 1944 shall be paid before retirement.

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:

Through an inadvertent error made at the time Education Code Section 13204.1 was amended by Chapter 124, Statutes of 1945, the theretofore existing provisions of the section relat-

ing to employees of school districts employed in positions requiring certification qualifications who enter, or entered, the full time paid service of the American Red Cross in the time of war or National emergency was omitted. This measure corrects that error and, further, extends to such employees the same privileges with respect to the payment of contributions to the State Teachers Retirement System as are contemplated by other measures with respect to veterans of active military service. In order that the persons coming within the scope of this measure may secure at the earliest possible time the rights and privileges granted thus by this act, it is necessary that it take effect immediately.

## CHAPTER 123

*An act to make an appropriation to the Veterans' Welfare Board to carry out the provisions of Section 699.5 of the Military and Veterans Code.*

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.] In effect May 21, 1946

*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 two hundred fifty thousand dollars ($250,000) to be expended by the Veterans' Welfare Board during the Ninety-seventh and Ninety-eighth Fiscal Years in carrying out the provisions of Section 699.5 of the Military and Veterans Code. Appropriation Veterans' Welfare Board

## CHAPTER 124

*An act to amend Section 5082 of the Business and Professions Code, relating to the registration of veterans as public accountants.*

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.] In effect May 21, 1946

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

SECTION 1. Section 5082 of the Business and Professions Code is amended to read: See also Stats. 1947, Ch. 1127

5082. Any person who meets the requirements of subdivisions (a), (b), (c), or (d) of this section who is a citizen of the United States, or has declared his or her intention of becoming a citizen, who resides within the State or has a place for the regular transaction of business therein, who is 21 years of age or over, and of good moral character, may register with the board as a public accountant on or before six months after the effective date of this chapter. Registration as public accountant

(a) Persons who held themselves out to the public as being engaged in the practice of public accountancy and who were Persons practicing public accountancy

engaged at the time of the enactment of this chapter in the practice of public accountancy as their principal occupation either as principals or as employees.

Veterans

(b) Persons serving in the armed forces of the United States or of any of the United Nations between September 16, 1940, and the termination of hostilities in all wars in which the United States is now engaged may register as public accountants under this chapter within a period of 12 months from the time such person is honorably discharged from such service, or is retired, or relieved from active duty, whichever occurs first.

Governmental or private accountancy

(c) Any person who has been engaged for at least two years in governmental or private accounting or auditing or in the supervision of governmental or private accounting or auditing in a position for which an examination in accountancy or qualifying experience in accounting is required comparable to that required by the State of California for the position of accountant auditor, grade 1; or any person employed in governmental or private service in a position of a grade comparable to or higher than that of accountant auditor, grade 1 requiring equivalent accounting qualifications.

Education and experience required

(d) Persons who present satisfactory evidence of graduation from high school or equivalent thereof and have completed a recognized course in accounting either as a student in residence or by correspondence and have had at least three years' experience in public accounting as a full time employee of a certified public accountant or a public accountant.

Citizenship

The registration of any person under this section who has declared his intention of becoming a citizen of the United States shall become void at the expiration of eight years from the date of declaration of intention of such applicant to become a citizen, unless prior to the expiration of said eight years, evidence is furnished to the board that the applicant has become a citizen of the United States.

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## CHAPTER 125

Stats 1943, p 2775, repealed

*An act to add Section 395.1 to the Military and Veterans Code and to repeal an act entitled "An act relating to public officers, deputies, assistants, and employees, and their return to public service," approved May 31, 1943, relating to the rights of veterans to return to public office or employment upon release from the armed services of the United States, and declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 11, 1946. Filed with Secretary of State March 11, 1946.]

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

See also Stats 1947, Ch 738

SECTION 1. Section 395.1 is hereby added to the Military and Veterans Code, to read:

Veterans' right to return to public employment

395.1. (a) Notwithstanding any other provision of law to the contrary, any public officer, deputy, assistant, or employee of the State, or of any city, county, city and county, school district, water district, irrigation district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, leaves or has left his office or position prior to the expiration of the Selective Training and Service Act of 1940 as amended, or any extension thereof, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces shall have a right, if released or discharged under conditions other than dishonorable, to return to and reenter upon the office or position within six months after the termination of his active service with the armed forces, if the term for which he was elected or appointed has not ended during his absence. He shall also have a right to return to and reenter upon the office or position during terminal leave from the armed forces and prior to discharge or release therefrom.

Sick leave, vacation, salary, etc

(b) Upon such return and reentry to the office or employment the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which he would have enjoyed if he had not been absent therefrom; provided, however, such officer or employee shall not be entitled to sick leave, vacation or salary for the period during which he was on leave from such governmental service and in the service of the armed forces of the United States.

If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he is qualified.

Rights of reinstated veteran

(c) Any officer or employee other than a probationer who is restored to his office or employment pursuant to this act shall not be discharged from such office or position without cause within one year after such restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to such officers or employees on furlough or leave of absence in effect at the time such officer or employee left his office or position to join the armed forces of the United States.

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:

Nearly 1,000,000 California veterans have been discharged or will be discharged from the armed services of the United States within the next few months. Many of these veterans left positions of public office and employment without a clear

understanding of their rights of reinstatement. There is a lack of clarity and uniformity in the various laws governing the rights of such veterans. In order that all such veterans may have a uniform right to reinstatement and may resume their proper places in the civil life of the community at the earliest opportunity, it is necessary that this act take immediate effect.

Repeal

SEC. 3. The act cited in the title hereof is hereby repealed.

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## CHAPTER 126

*An act to amend Section 6951 of the Business and Professions Code, relating to the regulation and licensing of collection agencies, declaring the urgency of this act, to take effect immediately.*

In effect immediately

[Approved by Governor March 11, 1946 Filed with Secretary of State March 11, 1946]

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

SECTION 1. Section 6951 of the Business and Professions Code is amended to read:

Military licenses

6951. If the license of any person, partnership, association or corporation has been permitted to expire by reason of the military service, as defined in the Soldiers and Sailors Civil Relief Act of 1940, of such person, or the managing partner, or managing trustee or director of such partnership, association or corporation, the license may be revived and continued upon application of such person, managing partner, or managing trustee or director, filed within six months after the termination of such military service, with the Secretary of State. Upon receipt of the application, payment of the continuation fee, and filing of the bond provided for by Article 6 of this chapter, the Secretary of State shall issue a receipt which shall bear upon its face in conspicuous type the words "continuation of license" and the date to and including which the license is continued.

U S C, Title 50, War App Sec 501

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 welfare of veterans is of the highest and most immediate concern to the State. Many veterans who were conducting collection agencies under State license at the time of their entry into the armed forces have returned from military service and desire to resume their former occupation but are unable to do so because their licenses expired during the period of military service and the issuance of certificates without cost to such veterans is prevented by an ambiguity in the existing statute. Many of such veterans do not have the money to pay the fees required for the issuance of new certificates. This act will

make possible the immediate issuance of continuation certificates and make possible the resumption of their business without delay, enabling them to provide for their own livelihood, thus providing for the public peace and safety.

## CHAPTER 127

*An act making an appropriation to carry out the State postwar building program in respect to the Veterans' Home of California.*

[Approved by Governor March 11, 1946, with the reduction herewith noted Filed with Secretary of State March 11, 1946.] In effect May 21, 1946

I object to the item of appropriation in Section 1 of Assembly Bill No. 156, and I reduce the amount of said appropriation to $820,000 With this reduction I approve the bill

EARL WARREN,
Governor of California

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

SECTION 1. The sum of two million two hundred thirty-five thousand dollars ($2,235,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to the Veterans' Home of California, to be expended for construction, improvements, and equipment at the Veterans' Home of California and in furtherance of the State postwar building program to provide convalescent barracks, domiciliary barracks, five quarters for officers, a central warehouse, a west wing to the hospital, and a hog ranch addition. Appropriation Veterans' Home of California

SEC. 2. The appropriation made by this act shall be available without regard to fiscal years and shall be exempt from the provisions of Section 16304 of the Government Code. Exemption

## CHAPTER 128

*An act to add Section 14126.1 to the Education Code, relating to the placement of veterans on eligibility lists for positions in the classified service of school districts, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 11, 1946 Filed with Secretary of State March 11, 1946] In effect immediately

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

SECTION 1. Section 14126.1 is added to the Education Code, to read:

14126.1. Whenever during the absence of an employee of a school district or student body association operating under Sections 16141 to 16144, inclusive, in the active military service of the United States of America during any period of National emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged, the position held by such employee at the Veterans' eligibility for classified positions in school districts

time of his entrance into such military service is placed within the classified service of the district and an eligible list is established for such position through competitive examination, the employee shall, at his request made within six months after his leaving such active military service under honorable conditions, be given forthwith an examination of substantially the same character and scope as the competitive examination through which the original eligibility list was established. The grade secured by such employee in such examination shall be deemed to be the grade he would have secured had he taken the competitive examination as a veteran and he shall be placed on the original eligibility list accordingly with all the rights and privileges to which he would have been entitled had he had such place on the original eligibility list at the time of its establishment.

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:

During the time many employees of certain school districts and student body associations were in the active military service, the positions held by them were placed in the classified service of such districts and eligibility lists were established for such positions by competitive examinations in which the employees in military service had no opportunity to participate. This measure gives to such veterans an opportunity, under reasonable conditions, to secure places on such eligibility lists and thus remain eligible for employment in the district.

In order that the veterans to whom this act will apply may secure its benefits at the earliest possible time, it is necessary that this act take immediate effect.

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## CHAPTER 129

*An act to provide for the acquisition, establishment, and operation of additional temporary hospital facilities for mental patients in State institutions, making an appropriation therefor, and declaring the urgency of the act, to take effect immediately.*

In effect immediately

[Approved by Governor March 9, 1946. Filed with Secretary of State March 12, 1946.]

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

Appropriation Temporary State hospital facilities

SECTION 1. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated the sum of three million three hundred thousand dollars ($3,300,000) for the acquisition (by lease, purchase, or otherwise) of land and buildings for temporary State hospital facilities, the purchase of equipment therefor, and the maintenance and operation thereof during the Ninety-seventh and Ninety-eighth Fiscal Years.

Properties to be acquired

SEC. 2. The State Public Works Board as created by the First Extraordinary Session of the Fifty-sixth Legislature, with the approval of the Director of Mental Hygiene, shall determine the specific properties to be acquired under this act, and the terms and conditions of acquisition. In making such determination full consideration shall be given to the nature of the facilities available to best care for the patients over the period of time for which an excess population in the mental hospitals will exist during the period of construction of permanent buildings, to the lowest unit cost for such operation, including remodeling and maintenance of buildings, fire hazards and climatic conditions. The Department of Finance shall, from time to time, allocate and make available to the Department of Mental Hygiene such portions of the appropriation made by this act as may be necessary for the operation and maintenance of the hospital facilities acquired.

Operation

SEC. 3. The hospital facilities acquired under this act shall be operated by the Department of Mental Hygiene on a temporary basis, as one or more temporary State mental institutions. The facilities may be operated as one or more institutions or units for the reception and care of insane, mentally ill, and mentally disordered persons, and for the reception and care of mentally deficient persons.

Except as otherwise provided in this act, Sections 6500 to 6762, inclusive, of the Welfare and Institutions Code, relative to State hospitals, shall apply to the institutions or units for insane, mentally ill, or mentally disordered persons, and Sections 7000 to 7015, inclusive, of the Welfare and Institutions Code, relative to State homes for the mentally deficient, shall apply to the institutions or units for mentally deficient persons.

Commitments, etc

SEC. 4. No commitments shall be made to the Department of Mental Hygiene for placement in the temporary hospital facilities provided for in this act, but the department may transfer patients to and from these facilities from and to other institutions within the department pursuant to Sections 163 and 6700 of the Welfare and Institutions Code.

Urgency

SEC. 5. 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:

There is in the State hospitals of California a condition of overcrowding constituting a serious menace to the health and safety of the patients detained therein, while an increase in mental illness and mental disorder consequent upon war conditions requires the commitment to State hospitals of additional patients whose mental condition renders them dangerous to themselves or to the community. It is therefore necessary for the immediate preservation of the public peace, health, and safety that this act, providing additional temporary facilities for the hospitalization of mental patients, take effect immediately.

## CHAPTER 130

*An act to amend Sections 2955 and 3014.5 of the Civil Code, relating to trust receipts on aircraft.*

In effect May 21, 1946

[Approved by Governor March 9, 1946. Filed with Secretary of State March 12, 1946.]

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

SECTION 1. Section 3014.5 of the Civil Code is amended to read:

Trust receipt transaction

3014.5. A trust receipt transaction is also one in which, pursuant to a trust receipt, a motor vehicle dealer or aircraft dealer as trustee obtains new value from an entruster upon the transfer to the latter of a security interest in new or used motor vehicles or aircraft, whether or not such vehicles or aircraft are owned or possessed by the trustee prior or subsequent to the execution of the trust receipt document, and whether or not such vehicles or aircraft are thereafter retained in the trustee's possession.

All of the provisions of this chapter which are applicable to the trust receipt transactions enumerated in Section 3014 are applicable to the trust receipt transaction specified in this section.

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## CHAPTER 131

Stats. 1937, p. 1898, amended

*An act to amend Section 44 of the County Employees Retirement Act of 1937, relating to elective officers' declarations to become members of county retirement associations, and declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 9, 1946. Filed with Secretary of State March 12, 1946.]

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

See also Stats. 1947, Ch. 388

SECTION 1. Section 44 of the County Employees Retirement Act is amended to read:

Elective officers Declarations, etc

Sec. 44. Officers holding elective office shall become members of the system on the first day of the month after filing a declaration with the board to become a member of the retirement association. Such declaration must be filed within 90 days after:

(a) Taking office, or

(b) The effective date of a system established pursuant to this act, or

(c) The effective date of this amendment to this section, whichever is latest.

Every such declaration filed after September 15, 1945, and prior to the effective date of this amendment to this section

is hereby validated, confirmed, and declared to be of full force and effect from and after the date on which it was filed.

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

The period of time allowed for the filing of declarations, by Section 44 of the County Employees Retirement Act of 1937 as amended by Chapter 304 of the Statutes of 1945, has proved inadequate. Postponement of the correction of that inadequacy until 90 days after final adjournment of the Legislature at this special session would operate unjustly and against the public interest.

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## CHAPTER 132

*An act to amend Section 3 of an act entitled "An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection," approved July 10, 1945, relating to meat inspection and providing for an extension of the period within which veterans who own or establish slaughtering or meat food manufacturing establishments may elect to assume State inspection, declaring the urgency of this act, to take effect immediately.*

Stats. 1945, p. 2258, amended

[Approved by Governor March 11, 1946. Filed with Secretary of State March 12, 1946.] 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:

Sec. 3. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of four hundred fifty thousand dollars ($450,000) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Department of Agriculture in administering and enforcing the provisions of the Agricultural Code relating to meat inspection and slaughterhouse inspection. Appropriation

No portion of the sum appropriated by this act shall be expended in any county, city and county or city where an approved meat inspection service is now maintained, except for supervision by the director, unless such establishment shall elect in writing to the Director of Agriculture on or before January 1, 1946, to discontinue such municipal or county approved inspection service and assume State inspection service. If an establishment does not elect to assume State inspection on or before January 1, 1946, then it may not so elect to assume State inspection service until further moneys shall have been Limitation on expenditure

appropriated by the Legislature from the General Fund to provide State inspection service in said establishment. State inspection service may be instituted in such an establishment requesting it, when such moneys have been made available to the Department of Agriculture to provide State inspection service in said establishment.

*Election to assume State inspection*

Notwithstanding any other provision of this section, an establishment temporarily operating under Federal inspection pursuant to wartime regulations for such inspection may elect to assume State inspection service at the termination of such Federal inspection.

Veterans

Notwithstanding any other provision of this section an establishment may elect to assume State inspection at any time prior to February 1, 1947, if the establishment is either:

(a) Owned and operated by a veteran who had owned and operated the establishment prior to his military service; or

(b) A new establishment owned and operated by a veteran.

As used in this section veteran means any person who served in the military or naval forces of the United States on and after December 7, 1941, and prior to September 2, 1945, and who has been separated therefrom under conditions other than dishonorable.

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 of this State and therefore shall take effect immediately. The following is a statement of facts constituting such necessity:

The 1945 statute which is amended by this act provided that a slaughtering or meat packing establishment operated under local inspection could elect to assume State inspection only if the election was made prior to January 2, 1946. Establishments owned by veterans who were absent in service in the armed forces were included in the establishments affected. Therefore a veteran returning to his old business or starting a new establishment may be required to pay local inspection fees while competing establishments receive State inspection without charge. The operation of such establishments is a matter connected with the public health and any inequitable differential in the payment of inspection fees might lead to improper practices in an attempt to save costs in order to make up the differential in operating expenses.

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## CHAPTER 133

*An act making an appropriation for the construction of a women's dormitory at the Veterans' Home of California.*

In effect May 21, 1946

[Approved by Governor March 12, 1946 Filed with Secretary of State March 12, 1946.]

Appropriation: Women's dormitory at Veterans' Home

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

SECTION 1. Out of any money in the State treasury not otherwise appropriated, the sum of three hundred thousand

dollars ($300,000) is hereby appropriated for the construction of a women's dormitory at the Veterans' Home of California. The appropriation made by this act shall be available without regard to fiscal years and shall be exempt from the provisions of Section 16304 of the Government Code.

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## CHAPTER 134

*An act to add Chapter 13.6 to Division 3 of the Education Code, relating to the support of school districts in distress as a result of war created conditions, and making an appropriation therefor.*

[Approved by Governor March 12, 1946. Filed with Secretary of State March 12, 1946.] In effect May 21, 1940

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

SECTION 1. Chapter 13.6 is added to Division 3 of the Education Code, to read: Repealed, Stats. 1947, Ch 401

### CHAPTER 13.6. EMERGENCY STATE AID TO SCHOOL DISTRICTS

7001. There is hereby established in the State treasury a fund to be known as the State School District Emergency Fund which shall be apportioned during the school year 1946-1947, as provided in this chapter to school districts in distress as a result of war created conditions. Same

7002. A school district shall be eligible to receive an apportionment under this chapter if: Same

(1) The district received funds from, or was allocated funds by, the Federal Government or any agency thereof during the school year 1945-1946 as a result of war created conditions for the general maintenance and operation of schools of the district.

(2) There is levied for the district for the school year 1946-1947 a rate of school district tax which shall be the maximum rate of school district tax fixed for such district by Section 6357 of this code less not more than one-half cent ($0.005).

7003. The governing board of a school district eligible to receive an apportionment under this chapter may submit to the Superintendent of Public Instruction on or before July 1, 1946, an application, in such form as he may prescribe, for such an apportionment. Same

7004. The Superintendent of Public Instruction shall apportion to each school district submitting an application for an apportionment, and eligible therefor, an amount which shall be the difference between the total needs of the district for the school year 1946-1947 for current expenses as shown by the budget of the district for said school year plus not more than 5 per cent of said current expenses for capital outlay and community services plus an amount for transfers for tuition as required by law, and the total of the known and estimated Same

income exclusive of the net beginning balance on July 1, 1946 of the district from all sources applicable to these budgetary purposes for said school year.

In computing an apportionment under this act, an allowance shall be made for the 1946-1947 accumulation in a Special Accumulative Building Fund established before January 1, 1946; no allowance shall be made for such funds established on or after that date. Nothing in this act shall interfere with the expenditure of a Special Accumulative Building Fund.

Same

7005. The Superintendent of Public Instruction shall not later than July 20, 1946, compute and furnish to each school district eligible for an apportionment under this chapter an estimate of the amount to be apportioned to such district. The estimate shall be made pursuant to the formula established by Section 7004 and the average daily attendance of the schools of the district shall, for the making of such estimate, be deemed to be the same as the actual average daily attendance of the schools of the district was for the school year 1945-1946. For the purposes of this section, the current expenses allowed under Section 7004 shall not exceed one hundred twenty dollars ($120) per unit of average daily attendance in the elementary schools of the district and one hundred eighty dollars ($180) per unit of average daily attendance in the high schools and junior colleges of the district, except that in any elementary school district in which the assessed valuation is less than one dollar ($1) per unit of average daily attendance for the school year 1946-1947 and which district is eligible to receive an apportionment under this chapter, the current expenses shall not exceed one hundred forty-one dollars ($141) per unit of average daily attendance in the elementary schools of the district.

Same

7006. Not later than January 10, 1947, the Superintendent of Public Instruction shall compute the total amount to be apportioned to each school district eligible for an apportionment under this chapter. The amount shall be computed pursuant to the formula established by Section 7004 but the average daily attendance of the schools of the district shall, for the making of such computation be taken as the actual average daily attendance of the schools of the district for the first three school months following the opening of the regular day schools of the districts for the school year 1946-1947, multiplied by the ratio between the actual average daily attendance of the schools of the district for the first three school months following the opening of the regular day schools of the districts for the school year 1945-1946 and the actual average daily attendance of the schools of the district for the entire school year 1945-1946. For the purposes of this section, the current expenses allowed under Section 7004 shall be the amount computed as shown by the budget of the district but not more than the amount obtained by multiplying the average daily attendance of the schools of the district as determined under this section for the first three school months following the opening of the regular day schools of the district for the school year 1946-1947 by the average

amount of current expenses per unit of average daily attendance during the school year 1945-1946 for all districts, except that in any elementary school district in which the assessed valuation is less than one dollar ($1) per unit of average daily attendance for the school year 1946-1947 and which district is eligible to receive an apportionment under this chapter, the current expenses shall be not less than one hundred forty-one dollars ($141) per unit of average daily attendance in the elementary schools of the district. For purposes of this section the average daily attendance shall be the total number of days of pupil attendance divided by the number of days taught in the regular day schools of the district during the first three school months of the school year. The average daily attendance in classes in which average daily attendance is calculated on a weekly basis may be estimated by the Superintendent of Public Instruction from data based on the first three months of 1946-1947 and corresponding figures for the prior year.

Same

7007. The Superintendent of Public Instruction shall not later than September 1, 1946 apportion to each school district, eligible for an apportionment hereunder, 25 per cent of the total apportionment estimated for such district pursuant to Section 7005.

Same

7007.1. Not later than January 20, 1947, the Superintendent of Public Instruction shall apportion to each such school district the amount computed as the total apportionment to such district pursuant to Section 7006, less the amount apportioned to the district under the preceding paragraph of this section.

Same

7007.2. If the amount computed as the total apportionment to any district pursuant to Section 7006 is less than the amount apportioned to such district under the second preceding paragraph of this section, the Superintendent of Public Instruction shall demand, and the governing board of the district shall make, a refund of the excess apportionment. The amount refunded shall be paid by the Superintendent of Public Instruction into the State treasury for credit to the General Fund.

Same

7007.3. If any district receives funds from the Federal Government for the general maintenance and operation of the schools of the district after the making of the apportionment to the district under Section 7007.1; and such funds were not taken into account in computing the apportionment to the district under Section 7006, the Superintendent of Public Instruction shall demand, and the governing board of the district shall make, a refund of the amount which would not have been apportioned to the district had such Federal funds been so taken into account. The amount refunded shall be paid by the Superintendent of Public Instruction into the State treasury for credit to the General Fund.

Same

7008. If the total required to be apportioned to all school districts eligible for apportionment under this chapter exceeds the amount in the State School District Emergency Fund, the amount apportioned to the several districts shall be reduced in the ratio that the amount of the deficit bears to the total

amount of the moneys otherwise required to be apportioned to such districts.

Same

7009. The Superintendent of Public Instruction shall furnish an abstract of the apportionment of the State School District Emergency Fund to the State Controller, the Department of Finance and to the county and city and county auditors, county and city and county treasurers, and to the county and city and county superintendent of schools of the several counties and cities and counties of the State.

Same

7010. He shall certify the apportionment made by him under this chapter to the State Controller who shall draw his warrants during the school year on the State School District Emergency Fund in favor of the treasurer of each county for the amount apportioned to each county from each fund.

Same

7011. All moneys received by the treasurer of any county from the apportionments of the State School District Emergency Fund shall be immediately credited by the treasurer to the general funds of the several school districts exactly as apportioned by the Superintendent of Public Instruction.

Same

7012. The budget of a school district which has applied for an apportionment under this chapter shall not be reduced by a county board of supervisors under Political Code Section 3714 or otherwise.

Appropriation State School District Emergency Fund

SEC. 2. There is hereby appropriated to the State School District Emergency Fund from any moneys in the State treasury not otherwise appropriated the sum of two million twenty thousand dollars ($2,020,000), or so much thereof as may be necessary.

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## CHAPTER 135

*An act to amend Section 24626 of the Education Code, relating to the use of county funds for the support and maintenance of extension work in agriculture and home economics.*

In effect May 21, 1946

[Approved by Governor March 12, 1946 Filed with Secretary of State March 12, 1946.]

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

SECTION 1. Section 24626 of the Education Code is amended to read:

County funds for agriculture extension work, etc

24626. The boards of supervisors of any county may appropriate and use county funds for the support and maintenance of extension work in agriculture and home economics. The extension work shall be designed for the benefit of the respective counties and conducted under the approval of the United States Department of Agriculture and in cooperation with the University of California. Such appropriation of county funds in any county having less than 1,000,000 population shall not exceed thirty thousand dollars ($30,000) in any one year.

## CHAPTER 136

*An act making an appropriation to the Division of Forestry, Department of Natural Resources, for construction, improvements and equipment, declaring the urgency of this act, to take effect immediately.*

[Approved by Governor March 11, 1946. Filed with Secretary of State March 12, 1946.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of two hundred seventy thousand dollars ($270,000) for construction, improvements, and equipment, Division of Forestry, Department of Natural Resources, in augmentation of Item 205.5 of the "Budget Act of 1945." Appropriation: Division of Forestry; Stats 1945, p. 1188

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows: Urgency

The State and its agencies have not since the commencement of World War II had their buildings, offices or operational facilities materially augmented commensurate with the increase in the volume of business required to be transacted. With the end of actual hostilities the problems of reconversion have put an additional burden upon the present inadequate facilities. Consequently, the State is unable to function in a normal manner because of the lack of real estate, buildings, offices, or operational facilities.

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## CHAPTER 137

*An act to make an appropriation to the California Polytechnic School for the production of herbs and plants for applied research in the production of resins, gums, and oils for medicinal and other purposes, declaring the urgency of this act, to take effect immediately.*

[Approved by Governor March 12, 1946. Filed with Secretary of State March 12, 1946.] In effect immediately

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

SECTION 1. Out of any money in the Fair and Exposition Fund available to the California Polytechnic School under the provisions of Section 19626 of the Business and Professions Code, there is hereby appropriated the sum of one hundred ten thousand dollars ($110,000), in addition to any other money heretofore appropriated, to the California Polytechnic School to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for the planting and the cultivation of herbs and Appropriation: California Polytechnic School

plants on a scale sufficient to permit the utilization of their resins, gums, and oils for medicinal, perfume, and other purposes in quantities sufficient to determine the possibilities of their commercial production in this State.

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:

Experiment and research have shown that many plants and herbs of medicinal, perfume, and other commercial value which were formerly imported from foreign countries may be produced in California. This act provides for planting and the cultivation of such herbs and plants on a scale sufficient to demonstrate to agriculture and industry the value and commercial practicability of such production. The production of drugs from herbs and plants produced in this country is a matter of vital concern to the health of the people. In order that plantings may be made in time for the growing season of 1946 it is necessary that this act take effect immediately.

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## CHAPTER 138

*An act making an appropriation to the Department of Agriculture for construction, maintenance and equipment to provide housing facilities at State border quarantine stations, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 12, 1946. Filed with Secretary of State March 12, 1946.]

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

Appropriation State border quarantine stations

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of seventy-seven thousand two hundred dollars ($77,200) to the Department of Agriculture to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to provide housing facilities at State border quarantine stations.

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows:

At four of the state-line State border quarantine stations there is now either no housing or no livable housing available in which inspectors assigned to such quarantine stations may live. These stations are situated in isolated places in mountain areas or on the desert far removed from population centers or cities where houses are available for rent. Because of this con-

dition the Department of Agriculture is unable to obtain suitable personnel to accept permanent work at these stations, and unless some means is found to provide adequate housing the stations can not be manned properly, with the result that agricultural and horticultural pests may be permitted to enter the State because of the inability to inspect automobiles entering California from adjoining States. It is necessary, therefore, that this money be made available immediately in order that the required housing may be constructed as quickly as possible.

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## CHAPTER 139

*An act to amend Section 5 of, and to add Sections 1.5, 3.5, 38, and 38.1 to, the California Food and Fiber Production Act, relating to the providing of housing facilities for agricultural labor, authorizing the granting of assistance to local agencies for the purpose of providing such housing, authorizing such local agencies to provide such housing facilities and defining their powers and duties in respect thereto, making an appropriation, and declaring the urgency thereof, to take effect immediately.*

Stats. 1943, p. 3397, amended

[Approved by Governor March 12, 1946. Filed with Secretary of State March 12, 1946.]

In effect immediately

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

SECTION 1. Section 1.5 is added to the act cited in the title hereof, to read:

Repealed, Stats. 1947, Ch. 253

Sec. 1.5. The Legislature finds that in agricultural areas there is a serious shortage of housing for farm labor and declares that it is the policy of the State to aid local agencies in purchasing, leasing, or otherwise acquiring from the United States Government, or any agency thereof, surplus housing or property adaptable and adequate for the housing of farm labor. It is recognized that the continued production and harvesting of farm crops is dependent upon an adequate supply of farm labor and the lack of adequate housing in rural areas is seriously reducing the available supply of farm labor.

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

Sec. 3.5. As used in this act "local agency" means any county, city and county, city, or a housing authority of any thereof.

Same

SEC. 3. Section 38 is added to said act, to read:

Sec. 38. The director may assist local agencies in acquiring and using surplus housing or property adaptable for housing from the United States or any of its agencies for housing of agricultural labor, upon such terms and conditions as the director may determine, with the approval of the council. State assistance under this act shall not exceed 90 per cent of the cost of any housing facility acquired or to be acquired by a local agency.

Same

Each local agency may do any and all acts necessary or desirable to enable it to acquire, erect, alter, operate, lease, maintain, and administer any housing facilities for housing farm labor with assistance under this act and to those ends may contract and comply with the requirements of the director and make any other contracts and meet any other requirements.

Veterans seeking and obtaining employment as farm labor shall have first preference for themselves and families in occupying such housing facilities.

SEC. 4. Section 38.1 is added to said act, to read:

Same

Sec. 38.1. In providing housing pursuant to this act, a local agency shall not be subject to any State statute or regulation prescribing standards of construction, repair, maintenance or use of buildings. As to the housing provided for in this act, the governing body of any local agency by which any ordinance or regulation prescribing the use or occupancy of land or standards of construction, repair, maintenance or use of buildings was enacted may by ordinance or resolution suspend or make inapplicable all or a part of any such ordinance or regulation.

A housing authority insofar as its operations under this act are concerned shall not be subject to any provisions of the Housing Authority Law relating to rentals and tenant selection, particularly the limitations in Section 10 and in the second sentence of Section 9 of said act.

Nothing in this act is intended to, nor does it, render any of the provisions of Part 7 of Division 2 of the Labor Code inapplicable to any public works to which it would otherwise apply.

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

Same

Sec. 5. The sections of this act other than the sections added or amended at the First Extraordinary Session of the Fifty-sixth Legislature shall remain in effect only until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the expiration of one year after the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Upon either such occurrence the Director of Finance shall succeed to all the powers and duties conferred by this act upon the California Farm Production Council and the California Farm Production Director, and the provisions of law conferring such powers and duties shall remain in effect solely and exclusively for the purpose of authorizing the Director of Finance on behalf of the State to take such steps as may be necessary to protect the interests of the State in any outstanding contracts, and the disposition of any property or rights acquired or possessed by the council and director on behalf of the State, and in the orderly liquidation and disposal of any facilities or projects in which the State has an interest under this act; provided, however, that the Director of Finance shall continue to administer the provisions of this act added or amended at the First Extraordinary Session of the Fifty-sixth Legislature until

the ninetieth day after the convening of the Sixtieth Regular Session of the Legislature.

Appropriation

SEC. 6. Out of any money in the State treasury not otherwise appropriated, the sum of two million dollars ($2,000,000) or so much thereof as may be necessary is hereby appropriated to the California Farm Production Council to be expended in carrying out the purposes of the sections of the California Food and Fiber Production Act amended or added by this act.

Of the amount herein appropriated not more than one per cent (1%) thereof may be expended by the Department of Finance to carry out the duties required of the Director of Finance by the provisions of this act.

Urgency

SEC. 7. 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 California Farm Production Council is by various provisions of the California Food and Fiber Production Act authorized to provide for the housing of farm labor and to assist in the housing of farm labor, but it is uncertain whether it may in doing so utilize the services and facilities of housing authorities created by the Housing Authorities Law or of other local agencies. The need for agricultural labor is steadily increasing and the existing housing shortage in the State at large makes it imperative that housing facilities be provided at or near the farms in order that the fullest production of food and fiber may be obtained.

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## CHAPTER 140

*An act making an appropriation to the Department of Agriculture for the acquisition of real property, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor March 12, 1946 Filed with Secretary of State March 12, 1946.]

In effect immediately

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

Appropriation Quarantine inspection stations

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of thirty-two thousand three hundred dollars ($32,300) to the Department of Agriculture to be expended under the provisions of the Property Acquisition Act during the Ninety-seventh and Ninety-eighth Fiscal Years for the acquisition of real property for use as sites for quarantine inspection stations, and in furtherance of the postwar construction program.

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 as such shall take effect

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

The State and its agencies have not since the commencement of World War II had their buildings, offices or operational facilities materially augmented commensurate with the increase in the volume of business required to be transacted. With the end of actual hostilities the problems of reconversion have put an additional burden upon the present inadequate facilities. Consequently, the State is unable to function in a normal manner because of the lack of real estate, buildings, offices, or operational facilities.

## CHAPTER 141

*An act making an appropriation for support of the Division of Fish and Game, Department of Natural Resources, to take effect immediately.*

In effect immediately

[Approved by Governor March 12, 1946. Filed with Secretary of State March 12, 1946.]

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

Appropriation Division Fish and Game

SECTION 1. Out of any money in the Fish and Game Preservation Fund there is hereby appropriated the sum of four hundred twenty-seven thousand eight hundred thirty-five dollars ($427,835) to be expended for support of the Division of Fish and Game, Department of Natural Resources, in augmentation of Item 196 of the "Budget Act of 1945."

Stats 1945, p 1188

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 142

"Flood Control Fund Act of 1946"

*An act making an appropriation for projects for flood control in this State, creating a special fund in the State treasury for such projects, and making allocations for certain projects, declaring the urgency of this act, to take effect immediately.*

In effect immediately

[Approved by Governor March 12, 1946 with the reduction herewith noted Filed with Secretary of State March 12, 1946.]

I object to the item of thirty-two million two hundred fifty housand dollars ($32,250,000) in Section 9 of Senate Bill No. 41, and I reduce said amount as follows: (a) By the total amount payable out of any money in the State treasury not otherwise appropriated, to wit: Seven million two hundred fifty thousand dollars ($7,250,000); and (b) by the further sum of fifteen million dollars ($15,000,000) payable out of the Postwar Employment Reserve, thus reducing said appropriation of thirty-two million two hundred fifty thousand dollars ($32,250,000) to ten million dollars ($10,000,000). With this reduction I approve the bill

EARL WARREN,
Governor of California

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

Purposes Stats 1945, p 2827

SECTION 1. In pursuance of the policy declared in the State Water Resources Act of 1945, the Legislature finds a State

interest in assuming the cost of cooperation by the State with the United States in the construction of projects for flood control to the extent provided in said act. The Legislature by this act undertakes to appropriate funds with which the State may participate in the construction of flood control works and projects. While money is allocated by this act for only two plans and projects adopted and authorized by the State Water Resources Act of 1945, to the extent for which Federal funds have already been made available for construction, the Legislature does so with the intention that from time to time by law allocations from the Flood Control Fund of 1946, created by this act, will be made to pay for the cost of all lands, easements, and rights of way necessary for the construction of flood control projects heretofore adopted and authorized by the Legislature and also those hereafter adopted and authorized by the Congress of the United States, recommended by the State Water Resources Board, and approved by the Legislature, in the order in which the Congress makes available funds for their construction.

"Public agency"

SEC. 2. As used in this act, "public agency" means any State agency, county, city and county, city, or district of the State, except the State Water Resources Board.

"Flood control project"

SEC. 3. As used in this act, "flood control project" means any project heretofore or hereafter adopted and authorized by the Congress requiring local cooperation for flood control purposes.

Federal funds, etc

SEC. 4. When the United States hereafter makes funds available for the construction of any flood control project either adopted and authorized by the State Water Resources Act of 1945 or by subsequent legislation, any public agency affected may request the State Water Resources Board to investigate and report to the Legislature as to the date State funds should be allocated to pay the cost of cooperation by the State with the United States for such project and the estimated amount thereof; provided, that no money in the Flood Control Fund of 1946 shall be allocated for the purchase of lands, easements, and rights of way necessary for multiple purpose dams or reservoirs constructed by the United States, except that this proviso shall not apply to the projects on the Fresno and Merced County Stream Groups.

Other projects

SEC. 5. As to projects other than those approved and authorized by the Legislature, the State Water Resources Board shall proceed to make its determination in the manner provided by the State Water Resources Act of 1945.

Flood Control Fund of 1946

SEC. 6. The Flood Control Fund of 1946 is hereby created as a special fund in the State treasury, the moneys, securities, and increment of which shall be held in trust by the State Treasurer for the purposes for which appropriated, to be expended (1) when allocated by future legislation to pay the cost of cooperation by the State with the United States in the construction of projects for flood control or (2) as provided in Sections 13, 14 and 15 of this act.

Same

SEC. 7. The Flood Control Fund of 1946 shall consist of:

(a) Such appropriations as the Legislature from time to time makes to the fund, including the appropriation made by this act.

(b) All securities acquired by and from the use of moneys of the fund, together with all increment directly or indirectly resulting from such securities.

Investment of money

SEC. 8. The Director of Finance shall cause all moneys in the fund which are in excess of current requirements to be invested and reinvested, from time to time, in securities described in Sections 16430, 16431, and 16432 of the Government Code, and such securities may be sold or exchanged if in his opinion such sale or exchange is in the best interests of the State in effectuating the purposes of this act.

Appropriation For flood control

SEC. 9. The sum of thirty-two million two hundred fifty thousand dollars ($32,250,000), of which sum twenty-five million dollars ($25,000,000) shall be payable out of the Post-war Employment Reserve in the State treasury and seven million two hundred fifty thousand dollars ($7,250,000) shall be payable out of any money in the State treasury not otherwise appropriated, together with all of the assets at any time in the Flood Control Fund of 1946, are hereby appropriated for projects for flood control.

Said sum shall be retained in the State treasury in the Flood Control Fund of 1946 and shall not be expended for the purposes for which appropriated except as allocated in Sections 13, 14 and 15 of this act or as allocated by future legislation.

This appropriation shall be available for expenditure without regard to fiscal years and shall not be subject to the provisions of Section 16304 of the Government Code.

Reallocation, etc.

SEC. 10. Except where the cooperation required by the United States, in addition to the costs of all lands, easements, and rights of way, has heretofore been authorized to be assumed by the State, the State Water Resources Board shall not reallocate the funds allocated to it by Sections 13 and 14 for any project for which the Reclamation Board is directed to give assurances to the United States unless and until a public agency other than the Reclamation Board has either assumed the obligations of maintenance and holding the United States harmless from damages due to the construction works directly with the United States or has by binding agreement with the Reclamation Board agreed to assume such obligations and to hold the State and the Reclamation Board harmless from any claims therefor.

Same

SEC. 11. The money allocated by Sections 13 and 14 shall be reallocated to public agencies upon order of the State Water Resources Board after application therefor has been made to it by such public agencies or by the showing that such public agencies have made necessary advances or incurred obligations for the purpose of expediting the projects described in Sections 13 and 14 of this act and giving such other information as it may require. Expenditures of such sums shall be reported to the State Water Resources Board as and when required by it. Such reports shall give such information as it may require. The State

Water Resources Board may refuse to make any order for the reallocation of any of said funds if the provisions of this act are violated. The board shall render a report to the Legislature within 15 days after the commencement of each regular session thereof respecting the expenditure of money allocated by said sections.

Fulfillment of policy

SEC. 12. The allocations made by Sections 13 and 14 are made pursuant to the State Water Resources Act of 1945 and are, to the extent of such allocations, in fulfillment of the policy set forth in said act that the State will pay for such cost of cooperation as provided in said act necessary for the construction of flood control projects, as required by acts of Congress.

Allocation Reclamation Board, Fresno County Stream Group

SEC. 13. Of the money in the Flood Control Fund of 1946, not more than two hundred ten thousand dollars ($210,000) is hereby allocated to the State Water Resources Board for reallocation to the Reclamation Board for expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State for construction of the project for the Fresno County Stream Group approved and authorized by Congress (Act of Congress, approved August 18, 1941, Public, Numbered 228, Seventy-seventh Congress, First Session).

Los Angeles County flood control

SEC. 14. Of the money in the Flood Control Fund of 1946, not more than two hundred thirty-five thousand dollars ($235,000) is hereby allocated to the State Water Resources Board for reallocation to the Los Angeles County Flood Control District for expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State for construction of the project for control of floods on the Los Angeles and San Gabriel Rivers and Ballona Creek approved and authorized by Congress (Act of Congress, approved August 18, 1941, Public, Numbered 228, Seventy-seventh Congress, First Session and Act of Congress approved December 22, 1944, Public, Numbered 534, Seventy-eighth Congress, Second Session).

Repealed, Stats 1947, Ch 30

SEC. 15. Of the money in the Flood Control Fund of 1946, not more than two hundred fifty thousand dollars ($250,000) is hereby allocated to the Department of Public Works for expenditure only for the purpose of surveying flood control projects required for the mountainous areas of this State, including present sources of water supply and the present means of controlling the same for such areas, and reporting to the Legislature thereon.

Short title

SEC. 16. This act shall be known and may be cited as the Flood Control Fund Act of 1946.

Urgency

SEC. 17. 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:

It is anticipated that the Federal Government in the very near future will be prepared to commence work on the projects

for which money is allocated herein. It is necessary that money be allocated to pay the State's share for the cost of cooperation in the construction of the projects at the earliest possible time, in order that persons and property may be protected from destructive floods in the areas involved.

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## CHAPTER 143

*An act providing for research and its adaptation to the production, processing, distribution and utilization of agricultural products grown in the State of California and making an appropriation therefor, declaring the urgency of this act, to take effect immediately.*

In effect immediately

[Approved by Governor March 12, 1946, with the reduction herewith noted. Filed with Secretary of State March 12, 1946.]

I object to the item of appropriation in Section 1 of Senate Bill No. 49, and I reduce the amount of said appropriation to one million dollars ($1,000,000). With this reduction I approve the bill

EARL WARREN,
Governor of California

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

Appropriation: Research, agricultural products

SECTION 1. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated the sum of two million three hundred thousand dollars ($2,300,000) in addition to any other money heretofore appropriated to The Regents of the University of California to be expended by The Regents of the University of California through the College of Agriculture of the University of California in providing for and carrying on research relating to the production, processing, distribution and utilization of agricultural products grown in the State of California, and for the dissemination of such research information to all persons within the State affected by or interested therein. Of the sum of money hereby appropriated, 87 per cent is expendable only during the Ninety-seventh and Ninety-eighth Fiscal Years; 13 per cent, if and when expended, is available for expenditure without regard to fiscal years, exempt from the provisions of Section 16304 of the Government Code, and for no purpose other than the acquisition of land or the construction of buildings, and the purchase of equipment for expansion of the agricultural research facilities of the Meloland Field Station of the University of California in Imperial County.

Years available

Declaration of policy

SEC. 2. It is hereby declared that the welfare of the people of this State is dependent in large part upon the maintenance of the high productivity of the farms and ranges in California, the efficiency of the processing and packing industries handling farm products, and in the continued improvement of methods of production, distribution and utilization of agricultural products grown in this State. To maintain such high agricultural

productivity it is imperative that means be provided for the ascertainment, dissemination and practical application of timely, authentic and scientific information in the improvement of any processes, matters, or things allied to or connected with the production, processing and marketing of agricultural products grown in this State.

Need for research

The need for such information based on adequate research is now compelling and such need will continue and will increase throughout the years to come due to the material increase of farm production in this State, the great diversity of its agriculture, the rapid growth in the State's population, and the attendant increased problems in connection with production, distribution and utilization of agricultural products grown in California. It is also recognized that at all times there must be a close relationship between those engaged in fundamental and vital research and those engaged in the production, distribution and utilization of agricultural products in order that the practical application of such research shall be facilitated and assured.

Public funds to supplement private funds

It is recognized that persons engaged in agriculture and allied industries are now contributing substantial funds to The Regents of the University of California for the use of the College of Agriculture for the carrying on of research. The making of such contributions is desirable and should be encouraged. Such private funds are usually inadequate to meet the needs of such required research and the use thereof is often limited in scope. In order that a broad program of research may be carried on, the expenditure of any part of the funds hereby appropriated which are deemed necessary and in the public interest to supplement such contributions of private funds in the solution of any research problems of the nature herein referred to and in the dissemination of the results thereof is hereby authorized.

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 effect immediately. The following is a statement of the facts constituting such necessity:

Due to the limitations on the availability of technicians and equipment for the four-year war period, the research program has not kept pace with the problems developed in the fields of production, processing and utilization of the agricultural products of the State. To meet the increasing research needs of California agriculture which have never been adequately met and which will continue to increase, the immediate inauguration of the program provided for by this act is essential. Circumstances have created an emergency in connection with the research program for agriculture in California which seriously threatens the maintenance and continued expansion of agriculture and related industries of the State.

# CHAPTER 144

*An act to create an Agricultural Research Study Committee, provide for its powers and duties, and making an appropriation.*

In effect May 21, 1946

[Approved by Governor March 12, 1946. Filed with Secretary of State March 12, 1946.]

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

Agricultural Research Committee Members

See also Stats 1941, Ch 118

SECTION 1. The Agricultural Research Study Committee, herein called the committee, is hereby created. It shall consist of nine members, to be appointed by and serve at the pleasure of the Governor. Three members shall be representative of the public at large; the other members shall have practical knowledge and experience in the production, processing or distribution of agricultural, horticultural, viticultural, livestock, and dairy or poultry products.

Ex officio members, etc.

The Director of Agriculture and the Dean of the College of Agriculture of the University of California are ex officio members of the committee. One member of the Senate appointed by the Senate Committee on Rules, and one member of the Assembly appointed by the Speaker, shall meet with and participate in the work of the committee as ex officio members to the extent that such participation is not incompatible with their respective positions as members of the Legislature. The members of the Legislature so appointed are hereby constituted a legislative interim committee on the subject of this act, with all the powers and duties imposed upon such committees by the Joint Rules of the Legislature.

Compensation

SEC. 2. The members of the committee shall receive no compensation for their services under this act, but shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder.

Organization

SEC. 3. Within 30 days after this act becomes effective, the members of the committee shall meet at Sacramento and organize for the carrying on of its activity. The committee shall elect a chairman and vice chairman from its membership and shall select a secretary who may but need not be a member of the committee.

Duties, reports, etc

SEC. 4. The committee shall study and ascertain all pertinent facts and relevant matters, and shall, within 30 days prior to the next regular session of the Legislature, prepare and present a report to the Governor and the State Legislature on the scope and general progress of research and the extent of the practical application of the results thereof to problems affecting agriculture and related industries. The committee shall ascertain the necessity for the creation of a permanent agency or the possibility of the use of existing agencies to insure the widest possible dissemination of the benefits of such research. Such report shall also include reference to, but not be limited to, long-standing or current problems requiring research with

relation to the production, processing, and distribution of agricultural products, the need, if any, for applying research to new and improved methods of production, processing, and distribution of such products, the experimentation necessary to be carried on in connection with new plants, herbs or other products of the soil, together with recommendations regarding the continuance or future expansion of a research program necessary or helpful to the solution of existing problems of agriculture and related industries to the end that the prosperity of this State shall remain unimpaired. The committee is authorized to do any and all things necessary to carry out the provisions of this act.

Appropriation

SEC. 5. Out of any money in the State treasury not otherwise appropriated, the sum of ten thousand dollars ($10,000) is appropriated to the committee for expenditure in carrying out the purposes of this act, without regard to fiscal years.

Effective period

SEC. 6. The committee shall cease to have existence on and after the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature.

See also Stats 1947, Ch. 118

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## CHAPTER 145

*An act to provide a unified program of construction, improvement, and equipment for State agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act.*

[Approved by Governor March 13, 1946. Filed with Secretary of State March 13, 1946.]

In effect May 21, 1946

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

State Public Works Board

SECTION 1. There is hereby created a board to be known as the State Public Works Board, hereinafter called the board, consisting of the Director of Finance, the Director of Public Works, and the Real Estate Commissioner. Two members of the Senate appointed by the Senate Committee on Rules and two members of the Assembly appointed by the Speaker, shall meet with and participate in the work of the board to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

Interim committee

The Members of the Legislature so appointed are hereby constituted a legislative interim committee on the subject of this act with all the powers and duties imposed upon such committees by the Joint Rules of the Legislature. The members of the board and of the interim committee 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.

Public works program

SEC. 2. In furtherance of the postwar public works program for State agencies which has been prepared to accomplish the purpose for which the Postwar Employment Reserve was established, the head or governing body of each State agency shall submit to the board, when requested to do so, such additional information with reference thereto and such plans, specifications and estimates of cost as the board may require.

Duties of board

SEC. 3. The board shall determine when and if any construction, improvements, and equipment provided for by this act shall be undertaken and shall give due consideration to: (1) the immediate needs of State agencies for construction and improvements; (2) obtaining construction, improvements, and equipment at the most reasonable price consistent with such needs; (3) the needs of construction, improvements, and equipment at State agencies in relation to the needs for private construction, improvements, and equipment; (4) providing of public works to relieve unemployment.

Policy

In enacting this act the Legislature does not approve or disapprove any of the projects or buildings mentioned in the "overall priority lists" or supplemental "balance of program" lists set forth in the statement of capital expenditures required by State agencies submitted by Director of Finance to the First Extraordinary Session Fifty-sixth Legislative Session, January, 1946, as printed in the Senate Journal for January 7, 1946, beginning at page 26 and in the Assembly Journal for January 7, 1946, beginning at page 35; but the Legislature commits such approvals and the establishment of priorities to the State Public Works Board. The Legislature realizes that said Statement of Capital Expenditures Required by State Agencies includes proposals for the expenditure of many, many millions of dollars for projects not designed or calculated to relieve, ameliorate or rectify the intolerably overcrowded and distressed living conditions at our hospitals and other institutions for the care of the mentally ill and other wards of the State, and, therefore, requests and directs the State Public Works Board, in the exercise of its powers and the discharge of its responsibilities under this act, to give prime consideration to the needs of these institutions, and, in making its approvals and in establishing priorities, to do everything within its power to assure prompt rectification of such conditions and to allow or suffer the undertaking of no other project at a time or in a manner or under conditions that will or may impair or retard the expeditious and complete attainment of these objectives for the wards of the State.

Administration

SEC. 4. The Director of Finance, hereinafter called the director, shall administer this act and shall provide such assistance to the board as it may require. When the board has determined that any construction, improvements, and equipment is to be undertaken, or that plans and specifications for such construction, improvements, and equipment shall be prepared, the Director of Finance shall by executive order allot to the University of California the amount required to perform

the work approved for the University of California, or to the Department of Public Works or other State agency the amount required to perform the work approved for State agencies other than the University of California. Thereupon the University of California or the State agency to which money from this appropriation has been allotted shall perform such work or cause the same to be performed in such manner as may be provided by law.

Cooperation with United States

SEC. 5. As a matter of policy all of the State departments and agencies concerned with the expenditure of funds herein appropriated and the performance of work herein provided for, shall, so far as is reasonably practicable, cooperate with all agencies of the Government of the United States to the end that grants in aid may be made available to the State from the said agencies.

Nothing contained in this section, however, may be used as the basis for invalidating, restraining, enjoining or otherwise affecting any act performed or expenditure made pursuant to the terms of this act.

Appropriation

See also Stats 1947, Ch 1342

SEC. 6. The sum of one hundred fifty-four million dollars ($154,000,000) is hereby appropriated to be expended in carrying out the provisions of this act, to be allocated to the State Department of Public Works, University of California or other State agency by the Director of Finance in such sum or sums as the Director of Finance may determine; provided, however, that except as to any allocation for miscellaneous repairs and improvements made under the provisions of this act, the maximum amount which may be expended from the appropriation contained herein for any State agency shall be within the limitations set forth in the following schedule:

Allocations

| | |
|---|---|
| University of California | $30,000,000 |
| Department of Education | 13,500,000 |
| Department of Mental Hygiene | 57,500,000 |
| Department of Corrections | 12,200,000 |
| California Youth Authority | 7,000,000 |
| Veterans' Home | 2,400,000 |
| State Department of Finance for State Capitol, Office and other Buildings | 15,800,000 |
| Department of Natural Resources | 3,300,000 |
| Department of Motor Vehicles | 3,407,500 |
| Department of Agriculture | 450,000 |
| State Agricultural Society and Exposition Park —Sixth District Agricultural Association | 3,500,000 |
| Miscellaneous Repairs and Improvements of which not more than one million dollars ($1,000,000) shall be available to the University of California | 4,942,500 |

No allocation shall be made to any State agency other than those listed in this section.

Limitations

No expenditures shall be made from the appropriation made by this act for any construction, building, or work for any agricultural purpose or activity other than housing for persons

until 90 days after the convening of the Fifty-seventh Session of the Legislature.

Of the amount herein appropriated, one hundred twenty million dollars ($120,000,000) shall be payable out of the Postwar Employment Reserve in the State treasury and thirty-four million dollars ($34,000,000) shall be payable out of unappropriated moneys in the State treasury.

Payment of claims

SEC. 7. In the event that there be insufficient money in the Postwar Employment Reserve in the State treasury from which to pay claims out of the appropriation contained in this act, then such claims shall be payable out of any money in the State treasury not otherwise appropriated.

Administration, etc

SEC. 8. There shall first be allotted from this appropriation such amount as the Director of Finance shall determine as necessary for the administration of the provisions of this act, the total of which amount shall in no event exceed fifty thousand dollars ($50,000).

Plans, policy, etc

SEC. 9. (a) Prior to the commencement of any work of construction to be paid for from the appropriation made by this act, or the letting of any contract therefor, the State Public Works Board shall:

(1) Adopt a master plan for any State institutions or agency specified in Section 6 of this act; and

(2) Cause model plans for buildings for such institutions and agencies to be prepared and made available.

(b) Each of the State departments and agencies specified in Section 6 of this act shall adopt a policy for determining the allowable cost to the State of residences for superintendents and other officers and employees of State institutions, under which the residences provided to such institution officers and employees, whether or not a charge is made to the officer or employee for the use of the residence, shall not exceed in value or luxury the average private homes of persons not in public office or employment who hold positions of comparable responsibility, and, where such charges are made, shall, subject to approval of the State Board of Control, fix charges for rental of such residences to institution officers and employees in accordance with that policy. The policy as to allowable cost to the State of such residences shall be approved by the Department of Finance and by the State Public Works Board before any plan is finally adopted for such residences to be paid for from the appropriation made by this act, or any contract is let for the building of such residences or for work of construction thereon, or any such building or work of construction is commenced.

Availability of funds, etc.

SEC. 10. The appropriation contained in this act shall be available without regard to fiscal years and shall be exempt from Section 16304 of the Government Code, but any money in this appropriation not actually obligated by contracts or purchase orders that have been let or entered into for construction, improvements, and equipment, but remain available, either in the fund itself, in the appropriation, or which have been transferred to the Division of Architecture Fund, or transferred to

any other fund, shall on June 30, 1951, revert to the General Fund.

Specific projects, etc

SEC. 11. If the State Public Works Board allots a specific sum for a specific project, and any or all of the sum allotted is not expended for that project, it shall remain in the appropriation and shall continue to be available for any project authorized by the board in carrying out the provisions of this act.

Reports to Legislature

SEC. 12. Within 10 days after the opening of the Fifty-seventh Regular Session of the Legislature, and at each succeeding regular session, until said building program shall have been completed, the State Public Works Board shall report to the Legislature the progress being made in carrying out the building program herein provided for, the amount of money allocated and obligated by contract, work order or purchase order, the balance remaining unencumbered in such allotment and in each work order, the balance available for each State agency and for miscellaneous repairs, improvements, and equipment as listed in Section 6 of this act, the anticipated needs for expenditure during the next biennium. The said board shall, at the beginning of each regular session of the Legislature, advise the Legislature as to such additional amount, if any, which should be appropriated by the Legislature from the State treasury to meet the costs of carrying out such program during the next biennium.

Reports to Governor

SEC. 13. Ninety days prior to the opening of the Fifty-seventh Regular Session of the Legislature and 90 days prior to the convening of each succeeding session until said building program shall have been completed, the State Public Works Board shall report to the Governor the progress being made in carrying out the building program herein provided for, the amount of money allocated and obligated by contract or purchase order, the balance remaining unencumbered in such allotment and in each work order, the balance available for each State agency and for miscellaneous repairs, improvements and equipment as listed in Section 6 of this act, the anticipated needs for expenditure during the next biennium. The Governor shall include this information in his biennial budget and shall recommend to the Legislature such additional amounts, if any, which should be appropriated by the Legislature to meet the costs of carrying out such building program as he recommends during the next biennium.

Calling for bids, etc Repealed, Stats 1947, p 195

SEC. 14. In calling for bids for the construction of public works and improvements under the provisions of this act the Director of Public Works in his discretion may waive the requirements of Sections 4100 to 4107, inclusive, of the Government Code.

## CHAPTER 146

*An act making an appropriation for the acquisition of land for State forests.*

In effect May 21, 1946

[Approved by Governor March 14, 1946. Filed with Secretary of State March 14, 1946.]

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

Appropriation Land for State forests

SECTION 1. The sum of two million dollars ($2,000,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Natural Resources out of any money in the State treasury not otherwise appropriated, for the acquisition of land for State forests pursuant to Article 6 of Chapter 2 of Division 4 of the Public Resources Code.

Availability of appropriation

SEC. 2. The appropriation made by this act shall be available without regard to fiscal years and shall be exempt from Section 16304 of the Government Code.

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## CHAPTER 147

*An act making an appropriation to The Regents of the University of California to meet the urgent building needs of the University of California, and in furtherance of the building program thereof.*

In effect May 21, 1946

[Approved by Governor March 18, 1946, with reduction herewith noted Filed with Secretary of State March 18, 1946 ]

I object to the item of appropriation in Section 1 of Assembly Bill No 47, and I reduce the amount of said appropriation to $5,570,000 With this reduction I approve the bill.

EARL WARREN
Governor of California

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

Appropriation Construction, etc , University of California

SECTION 1. In addition to any money otherwise appropriated to The Regents of the University of California, the sum of seven million one hundred seventy thousand dollars ($7,170,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to The Regents of the University of California, to be expended for construction, improvements, and equipment needed by the University of California at its several campuses and units, and in furtherance of the building program of the University of California.

Availability of appropriation

SEC. 2. The appropriation made by this act shall be available without regard to fiscal years and shall be exempt from the provisions of Section 16304 of the Government Code.

# CHAPTER 148

*An act authorizing The Regents of the University of California to issue and sell bonds to provide funds for the acquisition of real property, and for the erection, equipping, and furnishing thereon, or upon other real property owned by the said Regents of the University of California, of dormitories or other housing facilities for the use of students or employees of the University of California, declaring the urgency thereof, and to provide that this act shall take effect immediately.*

Repealed, Stats. 1947, Ch. 1027

[Approved by Governor March 18, 1946. Filed with Secretary of State March 18, 1946.]

In effect immediately

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

SECTION 1. The Regents of the University of California, hereinafter in this act referred to as "Regents," have the power to acquire real property by gift, purchase or by the exercise of the right of eminent domain, and to erect, equip, and furnish thereon, or upon other real property owned by the Regents, dormitories or other housing facilities for use by students or employees of the University of California.

Repealed, Stats 1947, Ch 1027

SEC. 2. For the purpose of raising funds for the acquisition of real property, and for the erection, construction, equipping, and furnishing of dormitories or other housing facilities thereon, or upon other real property owned by Regents, the Regents are authorized and empowered, from time to time, to issue and sell revenue bonds of the Regents, to be secured by a first lien upon the net income from dormitories or other housing facilities to be acquired or constructed, equipped and furnished from the proceeds of such issue.

Same

SEC. 3. Said bonds may be issued at such times, for such amount or amounts, and in such denominations, and such maturities, and bearing such rate or rates of interest as the Regents may fix and determine. Before selling any bond or bonds issued for the purpose of acquiring, constructing, equipping and furnishing any one or more dormitories or other housing facilities, the Regents shall specify the maximum amount of bonds to be issued for such facilities and bonds shall not be issued or sold for those facilities in an amount exceeding such specified maximum. The issuance of bonds for one or more dormitories or other housing facilities may be included in a single authorization.

Same

SEC. 4. Such bonds may be issued from time to time and in such amounts as may be deemed necessary to provide sufficient funds for the acquisition or construction, equipping and furnishing of the dormitories or other housing facilities under said bond issue, and to pay interest on the outstanding bonds so issued during the period of actual construction, equipping and furnishing, and for a period of six months

thereafter, and the proceeds of any such bond issue are made available for such purposes.

Same SEC. 5. Principal and interest on such bonds shall be payable at such place or places as may be determined by the Regents and said bonds may contain provisions for registration thereof as to principal only or as to both principal and interest.

Same SEC. 6. The Regents may provide for the retirement of said bonds at any time or times prior to their maturity, and in such manner and upon payment of such premiums as may be fixed and determined by them and referred to in said bonds.

Same SEC. 7. All such bonds shall be signed by the president of the Regents and countersigned by the secretary thereof. All interest coupons shall bear the facsimile signature of the president. In case any of such officers whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes as if they had remained in office until the delivery of the bonds.

Same SEC. 8. Temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached thereto, to be signed by the secretary of the Regents, may be issued and delivered until the definitive bonds are executed and available for delivery.

Same SEC. 9. Said bonds may be sold by the Regents at either public or private sale but shall not be sold for less than the par value thereof.

SEC. 10. The Regents may from time to time enter into indentures or agreements containing any or all of the following provisions: Providing for the amount, form, maturities, registration, transfer and interchange of such bonds and coupons, and the terms and conditions upon which the same shall be issued, sold, paid or retired, providing for sinking funds, the methods of receipt and disbursement of the revenues from the dormitories or other housing facilities, provisions for insurance upon said facilities, and, without being limited by the foregoing, such other provisions for the protection of the holders of the bonds as it deems necessary.

Same SEC. 11. No bond issued or sold pursuant to this act shall be or become a lien, charge or liability against the State of California or against Regents or against the property or funds of either except to the extent of the pledge of income from the facilities completed from the proceeds of said bonds, and any bond issued hereunder shall contain a recital on the face thereof stating in substance the contents of this section.

Same SEC. 12. All bonds and the income therefrom issued under this act shall at all times be exempt from taxation, except for transfer, inheritance and estate taxes. The Regents, in operating dormitories or other housing facilities constructed with the proceeds of any bonds shall fix the rentals and other charges to be received for the use or occupancy of said facili-

ties so as to insure the availability annually of the amounts required to meet redemption of bonds and the interest payments thereon after all expenses of operation, depreciation and reserves are provided for.

SEC. 13. The Regents in their discretion may furnish heat, light, power, and other like facilities or services to any or all of said dormitories or other housing facilities from other plants or facilities of the Regents, with or without charge therefor, and may make provision therefor in any bond or indenture or agreement concerning the same. Same

SEC. 14. This act shall not be construed to repeal, modify or amend any law of this State, but shall be deemed as supplemental thereto. Same

SEC. 15. 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 this State, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Same

The increase in the population of the State of California and the influx of veterans desirous of availing themselves of the educational opportunities provided by the Federal Government has caused a critical shortage of housing facilities adjacent to the several campuses of the University of California, with the result that many persons have been, and will be, unable to enroll as students at said university. The Regents of the University of California are without funds with which to supply the needed housing and it is imperative that a method be provided whereby said Regents may be enabled to alleviate the existing critical shortage.

## CHAPTER 149

*An act to repeal Section 14 of an act entitled "An act to provide a unified program of construction, improvement, and equipment for State agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act," enacted at the First Extraordinary Session of the Fifty-sixth Legislature, relating to public works.* Stats 1947, p. 187, amended

[Approved by Governor March 18, 1946. Filed with Secretary of State March 20, 1946.] In effect May 21, 1946

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

SECTION 1. Section 14 of the act cited in the title hereof is repealed. Repeal

## CHAPTER 150

*An act to provide for increased services by the California Highway Patrol by permitting payment of salaries of reinstated highway patrolmen out of the appropriation made for*

*support of the California Highway Patrol by the Budget Act of 1945 and declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 20, 1946. Filed with Secretary of State March 20, 1946.]

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

Reinstatement of members of highway patrol, etc Stats 1945 p 1188

SECTION 1. Notwithstanding any existing provisions of Items 187 and 187.2 of the Budget Act of 1945 to the contrary, persons heretofore employed by the Department of Motor Vehicles as members of the California Highway Patrol, and who terminated such employment through resignation, may be reinstated to their former positions in accordance with the provisions of Section 19140 of the Government Code. Each such employee shall be required to pass the same physical tests as are required by law or rule of the board as a prerequisite to original appointment to the position to which the employee is reinstated. The salaries of the persons so reinstated shall be paid from the appropriation made for the support of the Department of Motor Vehicles by the Budget Act of 1945.

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:

There is now existing an urgent, critical and increasingly dangerous situation with respect to traffic on roads and highways of the State. Owing to the vastly increased number of motor vehicles on the public highways since the termination of the war and the present shortage of trained highway patrol officers the rate of accidents has climbed to an alarming figure. It is a matter of the most urgent necessity that trained personnel be added at once to the State Highway Patrol, in order that motor vehicle traffic may be better regulated and the number of accidents reduced. This act, by providing for reinstatement of former personnel will facilitate the immediate addition of trained highway officers to said patrol.

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## CHAPTER 151

*An act making an appropriation for construction, improvements, and equipment for the Training Center for Adult Blind, Department of Education, declaring the urgency thereof, to take effect immediately.*

In effect immediately

[Approved by Governor March 26, 1946. Filed with Secretary of State March 26, 1946.]

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

Appropriation Trades building, Adult Blind

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of one hundred eight thousand dollars ($108,000) for construc-

tion, improvements, and equipment for a new trades building at the Training Center for Adult Blind, Department of Education, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years.

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 as such shall take effect immediately. A statement of facts constituting such necessity is as follows: Urgency

The State and its agencies have not since the commencement of World War II had their buildings, offices or operational facilities materially augmented commensurate with the increase in the volume of business required to be transacted. With the end of actual hostilities the problems of reconversion have put an additional burden upon the present inadequate facilities. Consequently, the State is unable to function in a normal manner because of the lack of real estate, buildings, offices or operational facilities.

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## CHAPTER 152

*An act making an appropriation for a State School for the Deaf in the southern part of California.*

[Approved by Governor March 26, 1946. Filed with Secretary of State March 26, 1946.] In effect May 21, 1946

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

SECTION 1. Out of any money in the State treasury not otherwise appropriated, the sum of two million dollars ($2,000,000) is hereby appropriated to the State Department of Education to be expended for the establishment (including the acquisition of a site, the construction of a building or buildings, and necessary equipment therefor) of a State School for the Deaf, to be located in the southern part of California, and to be administered by the Department of Education for the same purposes and in the same manner as the California School for the Deaf in Berkeley, Alameda County. Appropriation School for Deaf, So. Cal.

Any site acquired under the provisions of this act shall be subject to the provisions of the Property Acquisition Act

SEC. 2. The appropriation made by this act shall be available without regard to fiscal years and shall be exempt from the provisions of Section 16304 of the Government Code.

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## CHAPTER 153

*An act to add Section 10.5 to the County Highway Aid Act of 1945 (Chapters 938 and 952 of the Statutes of 1945), relat-*

*ing to the expenditure of moneys for construction of highways, to take effect immediately.*

In effect immediately

[Approved by Governor March 26, 1946. Filed with Secretary of State March 26, 1946.]

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

SECTION 1. Section 10.5 is added to the County Highway Aid Act of 1945 (Chapter 938 of the Statutes of 1945), to read:

Apportionment of excess appropriation

Sec. 10.5. Notwithstanding any other provision in this act so much of the moneys appropriated by this act as exceed the amount of money expended and to be expended to pay the State's share for construction of highways as now provided in this act shall be apportioned for expenditure in the same manner as provided in this act as to money expended and to be expended to pay the State's share for construction of highways and as so apportioned may be expended for or in augmentation of any project authorized by this act.

SEC. 2. Section 10.5 is added to the County Highway Aid Act of 1945 (Chapter 952 of the Statutes of 1945), to read:

Same

Sec. 10.5. Notwithstanding any other provision in this act so much of the moneys appropriated by this act as exceed the amount of money expended and to be expended to pay the State's share for construction of highways as now provided in this act shall be apportioned for expenditure in the same manner as provided in this act as to money expended and to be expended to pay the State's share for construction of highways and as so apportioned may be expended for or in augmentation of any project authorized by this act.

Urgency

SEC. 3. 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 construction of highways as permitted by this act is of immediate concern to the State during the present period of reconstruction. The ability of the agricultural and urban communities to communicate with each other and of goods and produce to travel between them is a matter of highest and most immediate necessity. It now appears that there will be a surplus of moneys appropriated by the County Highway Aid Act of 1945 (Chapters 938 and 952 of the Statutes of 1945) beyond the amount of money expended and to be expended to pay the State's share for construction of highways as now provided in said act. It is necessary to the public peace, health and safety that this act become effective immediately in order that the construction of highways as permitted by this act may be accomplished at the earliest possible time.

# CHAPTER 154

*An act to add Section 126 to the Government Code, relating to the acquisition of land in this State by the United States and the consent of the Legislature to such acquisition upon the conditions and subject to the reservations in this act prescribed.*

[Approved by Governor March 26, 1946. Filed with Secretary of State March 26, 1946.] In effect May 21, 1946

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

SECTION 1. Section 126 is added to the Government Code, to read: See also Stats 1947, Ch 1532

126. Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State upon and subject to each and all of the following express conditions and reservations, in addition to any other conditions or reservations prescribed by law: Conditions of acquisition by United States

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of Clause 17 of Section 8 of Article I of the Constitution of the United States;

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must have acquired title to the land and must in writing have assented to acceptance of jurisdiction over the land upon and subject to each and all of the conditions and reservations in this section prescribed;

(d) The conditions prescribed in subdivisions (a), (b), and (c) of this section must have been found and declared to have occurred and to exist, by the State Board of Equalization, and the board must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or resolutions making such findings and declarations to be filed in the office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State reserve jurisdiction on and over the land for the execution of civil process and criminal process in all cases, and the State's entire power of taxation including that of each State agency, county, city, city and county, political subdivision or public district of or in the State; and reserves to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given. Reservations by State

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed. Duration of State consent

The finding and declaration of the State Board of Equalization provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published once in a newspaper of general circulation in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Board of Equalization shall make rules and regulations governing the conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice shall be borne by the owner or transferee of the property.

Exceptions

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 375 to 380, inclusive, of the Fish and Game Code.

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## CHAPTER 155

*An act making an appropriation for student housing at the State colleges.*

In effect May 21, 1946

[Approved by Governor March 26, 1946, with reduction herewith noted Filed with Secretary of State March 26, 1946 ]

I object to the item of appropriation in Section 1 of Assembly Bill No 104, and I reduce the amount of said appropriation to $4,000,000 With this reduction I approve the bill.

EARL WARREN
Governor of Californ.a

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

Appropriation Student housing at State colleges

SECTION 1. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated five million eight hundred thirty thousand dollars ($5,830,000) to be expended by the Director of Education, with the approval of the Director of Finance for the acquisition of sites for, and the construction, furnishing and equipping of, student housing on the campuses of the State colleges.

The acquisition of any sites under the provisions of this act shall be subject to the Property Acquisition Act.

# CONCURRENT AND JOINT RESOLUTIONS

## FIRST EXTRAORDINARY SESSION

## 1946

# CONCURRENT AND JOINT RESOLUTIONS

## ADOPTED AT THE 1946 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

## CHAPTER 1

*Assembly Joint Resolution No. 1—Relative to memorializing the General Assembly of the United Nations Organization to reconsider the recommendations of its Preparatory Commission, and to select the City of San Francisco, State of California, or other suitable site within said State, as capital of the United Nations Organization.*

[Filed with Secretary of State January 9, 1946.]

Capital of United Nations

WHEREAS, Since April of 1945, when representatives of 48 Nations met in San Francisco and formulated the historic United Nations Charter, the State of California and the people thereof have entertained fervent hopes that the United Nations Organization would select its birthplace, the City of San Francisco, as its permanent capital; and

WHEREAS, Extensive evidence, both oral and documentary, as to the diverse and continuing merits of this site has been heretofore presented to the United Nations Organization not only by the city itself, but by numerous organizations, public and private, and by individual citizens, such evidence now being before the General Assembly of the United Nations Organization for consideration and ultimate decision; and

WHEREAS, Foremost among the cited advantages of the City of St. Francis are its strategic geographic location, its equal accessibility both to Europe and to Asia, its frontage upon one of the world's largest and most beautiful harbors, its adequate and growing rail and aviation facilities, its proximity to two great universities and to the renowned Hoover War Library, the dramatic quality of brief but colorful history, its fame throughout the world as a cosmopolitan city of gaiety and unique charm, its numerous hotel and apartment facilities which, even under the exigencies of wartime, proved adequate for the needs of the first United Nations Conference, the availability within its boundaries of not one but several suitable sites for a world capital, the tolerance of its people toward minorities and their understanding and entire sympathy with the objectives of world organization; and

WHEREAS, While the Preparatory Commission of the General Assembly, in its initial study of site proposals, wisely refrained from proposing an exact site for the capital of the United Nations Organization, it did recommend, however, to the Gen-

eral Assembly that the latter body eliminate from its consideration sites within the western portion of the United States; and

WHEREAS, The State of California, lying within the area thus proposed to be eliminated, does not doubt or criticize the integrity of the Preparatory Commission in making such recommendation but respectfully submits that upon fuller consideration of the facts and further presentations in substantiation thereof, the commission may well have deemed such recommendations unduly precipitous; and

WHEREAS, The State of California believes that the arguments heretofore and herewith submitted in behalf of the City of San Francisco are based solely upon merit and as such entitled to great weight; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the General Assembly of the United Nations Organization is hereby respectfully memorialized and earnestly requested to reconsider the recommendations of its Preparatory Commission in the light of the foregoing recitals, and to select the City of San Francisco, State of California, or other suitable site within said State, as capital of the United Nations Organization; and be it further

*Resolved,* That emphasis is placed upon the fact that this request by the Legislature of the State of California is made for and in behalf of the people thereof; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the General Assembly of the United Nations Organization, Church House, London, England, such transmission to be by cablegram, in order that a copy of this resolution may be received by said General Assembly when it convenes in London on January 10, 1946.

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## CHAPTER 2

*Assembly Concurrent Resolution No. 1—Relative to the passing of Philip A. Stanton.*

[Filed with Secretary of State January 10, 1946.]

Death of Philip A Stanton

WHEREAS, Meeting now in special session, the members of the Legislature are afforded their first opportunity to join in tribute to a former Speaker of the Assembly and to perpetuate in their official records the sorrowful fact of his passing; and

WHEREAS, Death came to Philip A. Stanton at his home in Anaheim on September 8, 1945, bringing to a close a long, active career in the State's business and political life; and

WHEREAS, Though Ohio-born, he gave to his adopted State, for almost 50 years, the loyalty and devotion of a native son, envisioning its potentialities and contributing substantially to its growth and development; and

WHEREAS, A self-made man of broad interests and diverse talents, he was to become, with time, a leading realtor of Southern California, a founder of three of its cities, a member of the

State Legislature, Speaker of the Assembly for four, consecutive terms, a candidate for Governor, a Republican National Committeeman, a State Highway Commissioner—an outstanding Californian; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That when the respective houses this day adjourn, they shall do so in deference and respect to the memory of Philip A. Stanton; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to convey to Mrs. Grace C. O'Sullivan Stanton, of Anaheim, the bereaved widow of Philip A. Stanton, and to his sisters, Mrs. Carrie Thompson and Mrs. Otto Weimer, of Los Angeles, this expression of tribute from the Legislature of California in memory of an able, respected and beloved former member

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## CHAPTER 3

*Assembly Concurrent Resolution No. 2—Relative to the passing of Walter Friar Dexter.*

[Filed with Secretary of State January 10, 1946.]

Death of Walter Friar Dexter

WHEREAS, The sudden passing in Sacramento on October 21, 1945, of Walter Friar Dexter, State Superintendent of Public Instruction and Director of the Department of Education, came as a deep shock and distinct loss to the State of California; and

WHEREAS, During his eight years as head of the State's Public School System, Dr. Dexter had executed with diligence and skill the heavy duties of his office, evidencing thorough training and experience as an educator and administrative ability of a high order; and

WHEREAS, A graduate of Pennsylvania College, with higher degrees from Columbia and Harvard Universities, Dr. Dexter had at one time headed the Education Department at Earlham College, Indiana, had lectured at the University of Virginia, and from 1923 to 1934 was President of Whittier College; and

WHEREAS, While serving as Executive Secretary to Governor Merriam, he was appointed by the latter in 1937 to fill the vacancy then existing in the office of Superintendent of Public Instruction, in which he was retained thereafter for two successive terms by vote of the people; and

WHEREAS, Recognized throughout State governmental circles as an able department head who worked earnestly and indefatigably for the betterment of the Public School System, Dr. Dexter, when fatally stricken, had just completed preliminary plans for the entire reorganization of his department pursuant to legislative authorization conferred at the last session of the Legislature, to which work he had devoted much time, thought and energy; and

WHEREAS, With his passing, numerous friends and associates have given utterance to the esteem in which he was held and of the public loss which his passing has occasioned, in which senti-

ments the Legislature of California respectfully joins; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That when the respective houses this day adjourn, they shall do so in tribute to the memory of Walter Friar Dexter; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Mrs. Ethel Lenore Dexter, the widow of Walter Friar Dexter, and to their son, Lieutenant (j.g.) Walter Franklin Dexter of the United States Naval Reserve.

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## CHAPTER 4

*Senate Concurrent Resolution No. 4—Approving an amendment to the charter of the City of Stockton, State of California, ratified by the qualified electors thereof, at a general municipal election held therein on Tuesday, October 9, 1945.*

[Filed with Secretary of State January 14, 1946.]

City of Stockton Charter amendments

WHEREAS, The City of Stockton in the County of San Joaquin, State of California, contains a population of over 50,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized 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 a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders charter is printed in full in Chapter 7 of concurrent and joint resolutions and constitutional amendments passed at the Regular Session of the Forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of a certain amendment to the charter of the City of Stockton as set out in the certificate of the mayor and city clerk of the City of Stockton, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 9TH DAY OF OCTOBER, 1945, OF A CERTAIN

## AMENDMENT TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON,

Certificate

We, Gay E. Crane, mayor of the city of Stockton, and B. L. Trahern, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the County of San Joaquin, State of California, is now and at all of the times ment oned herein was a city containing a population of more than fifty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Stockton is now and at all of the times herein mentioned was organized and existing under a free-holders charter adopted pursuant to the provisions of sect on 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the State of California on January 29, 1923; and

That pursuant to section 8 of article XI of the constitution of the State of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the State of California duly propose to the electors of the city of Stockton one amendment to the charter of said city and order that said amendment be submitted to the electors of said city at the general municipal election to be held in said city on the ninth day of October, 1945; and

That said charter amendment was, on the 22d day of August, 1945, duly published in each issue of the Stockton Daily Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council, did, by Resolution No. 14,455, adopted on August 6, 1945, fix October 9th, 1945, the date of the general municipal election in Stockton, as the date of the election on said charter amendment.

That said charter amendment was, on August 22d, 1945, printed in convenient pamphlet form and in type of no less than ten-point, and that the clerk of the city of Stockton caused copies of said charter amendment to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, said mailing having been commenced not more than forty nor less than fifteen days before the day fixed for election, to-wit, Octo-

ber 9, 1945, and said mailing having been completed at least ten whole days before said election.

That the city clerk of the city of Stockton did, commencing August 22d, 1945, and continuing through October 9th, 1945, the date of the election, advertise in each issue of the Stockton Daily Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said charter amendment might be had upon application at the office of the said city clerk.

That said general municipal election was held in the said city of Stockton on the ninth day of October, 1945, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said charter amendment in the Stockton Daily Record, the official newspaper of the city of Stockton as hereinabove stated.

That at such general municipal election held as aforesaid on said ninth day of October, 1945, a majority of the qualified voters of said city of Stockton voting thereon voted in favor of said charter amendment and duly ratified the same;

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had voted for and ratified the amendment to the charter of the city of Stockton, as hereinafter set forth;

That the said amendment to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, is in words and figures as follows, to-wit:

AMENDMENT

That Article XXIII of the Charter of the City of Stockton be, and the same is hereby amended by adding a new section thereto to be designated Section 15, which said section reads as follows:

Purchase of personal property from United States

Section 15. The city council may, by resolution, authorize the purchase of any personal property from the United States of America, or any state, municipality, or other public corporation or agency, without calling for bids, as required by Article XXIII of the Charter of the City of Stockton, and without holding the resolution over as required by Section 14 of Article IV of said Charter, and may, in said resolution, authorize the city manager, or any municipal officer, to submit a bid for said personal property or to make a down-payment or payment in full that may be required in connection with such bidding or sale.

Any provisions of the charter which are inconsistent with the provisions of this section are suspended to the extent that such provisions are inconsistent herewith.

That the foregoing is a full, true and correct copy of said amendment to the charter of the City of Stockton ratified by

the electors of said city as aforesaid, on file in the office of the City Clerk of said City of Stockton.

IN WITNESS WHEREOF, Gay E. Crane, Mayor of the City of Stockton, and B. L. Trahern, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Stockton to be thereunto affixed on this 4th day of January, 1946.

GAY E. CRANE
Mayor of the City of Stockton.

(SEAL)

B. L. TRAHERN
City Clerk of the City of Stockton.

WHEREAS, Said amendment to the charter of the City of Stockton ratified by the electors of said city, as aforesaid, has been submitted to the Legislature of the State of California for approval or rejection without 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 concurring,* a majority of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Stockton ratified by the electors of said city as aforesaid after being presented to, adopted and ratified by the qualified electors of said City of Stockton as hereinabove fully set forth be and the same is hereby approved as a whole without amendment or alteration as an amendment to and a part of the charter of the City of Stockton. Approval

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## CHAPTER 5

*Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the eighteenth day of June, 1945.*

[Filed with Secretary of State January 14, 1946]

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 Eureka, a municipal corporation in the County of Humboldt, State of California, as set out in the certificate of the acting mayor and the city clerk of said city as follows, to wit: City of Eureka Charter amendments

## CERTIFICATION OF RATIFICATION BY ELECTORS OF THE CITY OF EUREKA OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA,
COUNTY OF HUMBOLDT, } ss.
CITY OF EUREKA.

Certificate

We, the undersigned, ANGELO J. FRANCESCHI, Acting Mayor of the City of Eureka, State of California, and J. C. BARKDULL, City Clerk of said City, do hereby certify and declare as follows:

That the City of Eureka, a Municipal Corporation of the County of Humboldt, State of California, now is, and at all times herein mentioned was, a City containing a population of more than 3,500 inhabitants, and now has a population of over 17,000 inhabitants, and ever since the year 1895 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 26th day of January, 1895, and approved by the Legislature of the State of California on the 8th day of February, 1895 (Statutes of 1895, page 355).

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 Eureka, being the legislative body thereof, on its own motion, by Ordinance No. 2310, adopted on the 13th day of April, 1945, duly and regularly proposed and submitted to the qualified electors of the City of Eureka a certain proposal for the amendment of the Charter of said City by amending Section 77 thereof, relating to the levy of a special tax to be used for recreational purposes only, and also, on its own motion, by Ordinance No. 2312, adopted on the 13th day of April, 1945, duly and regularly proposed and submitted to the qualified electors of the City of Eureka a certain proposal for the amendment of the Charter of said City by adding thereto in Article X thereof a new Section, to be known and designated as Section 161½, authorizing the Council of the City of Eureka to contract with the County of Humboldt to consolidate the City and County Health Departments and administer the Health Departments of the City and County of Humboldt either by the City or County in accordance with the provisions of the Health and Safety Code of the State of California. That both of said proposed Amendments were directed to be voted upon by the qualified electors at a General Municipal Election called and held on the 18th day of June, 1945. That said Election was duly and regularly called, authorized and provided for by the Council by Ordinance No 2315, adopted on the 10th day of May, 1945, which said Ordinance called for a General Municipal Election and submission of said

Amendments, to be held in said City on the 18th day of June, 1945, and that by said Ordinance the said General Municipal Election was held and said proposed Amendments duly submitted. That said Election was duly and regularly called and held on the 18th day of June, 1945, which day was not less than 40 nor more than 60 days after the completion of the publication and advertising of the proposed Amendments aforesaid in the official newspaper.

That said proposed Amendment amending Section 77 of the Charter, relating to the levying of a special tax to be used for recreational purposes only, was separately published and advertised in accordance with 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 Eureka on the 19th day of April, 1945, in the Redwood Empire Labor Journal, a newspaper of general circulation published in the City of Eureka and the official newspaper of said City, and said proposed Amendment adding Section 161½ to said Charter, authorizing the Council of the City of Eureka to contract with the County of Humboldt to consolidate the City and County Health Departments and administer the Health Departments of the City and County of Humboldt either by the City or the County in accordance with the provisions of the Health and Safety Code of the State of California, was published and advertised in accordance with 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 Eureka on the 17th day of April, 1945, in the Humboldt Standard, a daily newspaper of general circulation published in the said City of Eureka and the official newspaper of said City for that purpose.

That copies of said proposed Amendments were printed in convenient pamphlet form and in type of not less than ten point, and until the day fixed for the said Election, and as required by Section 8 of Article XI of the Constitution and by the Charter of the City of Eureka, a Notice was advertised and published in the Humboldt Times, the same being a newspaper of general circulation in said City, that copies might be had upon application therefor at the Office of the City Clerk of the City of Eureka.

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 a copy thereof was 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 and of the Charter of said City of Eureka and said Ordinances of the legislative body thereof, there was, in the said City of Eureka, on the 18th day of June, 1945, a General Municipal Election, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said Charter and said Ordinances 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 the ratification of and did ratify said proposed Amendments to the Charter of said City, which Amendments are hereinafter set forth.

That in accordance with the provisions of the Charter of the City of Eureka and with the law in such cases made and provided, the City Council of the City of Eureka met on the 26th day of June, 1945, at its usual time and place of meeting, and did duly and regularly canvass the returns of said Election, and on said 26th day of June, 1945, the said City Council did duly find, determine and declare the result of said General Municipal Election as determined from the canvass of the returns therefor aforesaid to be that a majority of the qualified electors of said City voting on said proposed Amendments had voted for and ratified each of said Amendments.

That said Amendment to the Charter of said City of Eureka by adding Section 77 to said Charter, so ratified by the electors of the City of Eureka, is in words and figures as follows, to-wit:

Tax levy for recreational purposes

"SEC. 77. The Council shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the City, necessary to raise sufficient revenue to carry on the various Departments of the Municipal Government for the current fiscal year; PROVIDED that the rate of taxation so levied shall not exceed in any year one dollar for each one hundred dollars upon the assessed value thereof, except for the payments of the principal and interest of the bonded debt of the City, if any; AND PROVIDED FURTHER that in addition to said one dollar rate, the Council may levy a tax of not more than ten cents for each one hundred dollars upon the assessed value thereof, to be used for recreational purposes only."

That said Amendment to the Charter of said City by adding in Article X thereof Section 161½, so ratified by the electors of the City of Eureka, is in words and figures as follows, to-wit:

Consolidate City and County Health Departments

"SEC. 161½. In the event the Council of the City of Eureka finds it more beneficial to public interest, necessity and convenience of the City, the Council of the City of Eureka may enter into Contracts with the County of Humboldt, in accordance with and under the provisions of the Health and Safety Code of the State of California, for the purpose of consolidation of the City Health Department with the County Health Department for the purpose of carrying into effect the laws, Ordinances and regulations concerning health. In the event it is deemed advisable for the County Board of Health to enforce the Health Laws in the City of Eureka, and such Contract shall be entered into, the Council may retain such officers in Article X of the Charter as it may deem necessary, and may eliminate all other officers and employees when lawful so to do. In the event a Contract is entered into, it shall have the right to pay the County from City Funds the amount of money agreed upon for such health enforcement. Any Sections of said Article X of the Charter appearing to be mandatory in its enforcement

shall be interpreted as being within the sound discretion of the Council."

That we have compared the foregoing Amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct and exact copies thereof.

That as to said Amendments, 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 Seal of the said City of Eureka to be affixed hereto this 4TH day of JANUARY, 1946.

(SEAL)

ANGELO J. FRANCESCHI
Acting Mayor

J. C. BARKDULL
City Clerk

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are 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 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 said amendments to the charter of the City of Eureka as presented to, and adopted, and ratified by the electors of said city 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 parts of the charter of said City of Eureka.

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## CHAPTER 6

*Senate Concurrent Resolution No. 3—Approving a certain amendment to the charter to 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 special municipal election held therein on the twentieth day of November, 1945.*

[Filed with Secretary of State January 14, 1946.]

City of San Leandro Charter amendments

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 Leandro, a municipal corporation of the County of Alameda, State of Cali-

fornia, 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 H. H. BURBANK, 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 Resolution No. 721 C.M.S., entitled, "Resolution calling a special election for amendment of the Charter relating to Park and Recreation and Library Funds and consolidating said election with the Bond Election," duly and regularly submitted to the qualified electors of said city a certain proposal to amend the charter of said city and to be voted on by qualified electors at a special municipal election called and held for that purpose in said city on the 20th day of November, 1945.

That said certain proposal was designated and entitled as follows:

PROPOSITION

Shall a new Section 3a be added to Article XVII of the Charter of the City of San Leandro to provide that in addition to the taxes permitted to be levied by Section 3 of Article XVII relating to a dollar tax limit the City Council shall annually levy and collect, along with other taxes upon property, such additional taxes as it shall estimate are required to provide sufficient revenue to meet the annual budgets of the Board of Recreation Commissioners and the Board of Library Trustees, which taxes, when collected, shall be kept in two separate funds, one of which shall be used exclusively for park and recreation purposes,

and the other exclusively for Library purposes; provided, however, that the amount of the annual tax levy for park and recreation purposes shall not exceed the rate of 20 cents and the amount of the annual tax levy for library purposes shall not exceed the rate of 15 cents on each one hundred dollars of valuation of the property assessed?

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 and in accordance with the provisions of the Charter of the City of San Leandro, on the 5th day of October, 1945, 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 amendment was submitted to the voters at said special election on the 20th day of November, 1945, 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 amendment in "The San Leandro News Observer", the official newspaper of said City.

That thereafter on the 27th day of November, 1945, 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 return of said municipal election by Resolution No. 734CMS adopted on the said 27th day of November, 1945, 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 amendment to the Charter of the City of San Leandro was 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 amendment to the Charter of the City of San Leandro so ratified by the electors of said City is in words and figures as follows, to-wit:

That Article XVII of the City Charter be amended by adding a new section thereto, to be numbered 3a, to read as follows:

"Section 3a. In addition to the taxes permitted to be levied by Section 3 hereof (relating to a dollar tax limit) the City Council shall annually levy and collect, along with other taxes upon property, such additional taxes as it shall estimate are required to provide sufficient revenue to meet the annual budgets of the Board of Recreation Commissioners and the Board of Library Trustees, which taxes, when collected, shall be kept in two separate funds, one of which shall be used exclusively for park and recreation purposes, and the other exclusively for library purposes; provided, however, that the amount of the

Tax levy for park and library

annual tax levy for park and recreation purposes shall not exceed the rate of 20 cents and the amount of the annual tax levy for library purposes shall not exceed the rate of 15 cents on each one hundred dollars of valuation of the property assessed."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of San Leandro with the original proposal 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 twenty-eighth day of November, 1945.

THOMAS O. KNICK
Mayor of the City of San Leandro

(SEAL)

H. H. BURBANK
City Clerk of the City of San Leandro

WHEREAS, Said proposed amendment so ratified as hereinabove set forth has been and is 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

Approval

*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 amendment 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 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 City of San Leandro.

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## CHAPTER 7

*Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of December, 1945.*

[Filed with Secretary of State January 14, 1946.]

City of Santa Rosa Charter amendment

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 Santa Rosa, a municipal corporation in the County of Sonoma, State of California.

as set out in the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF SANTA ROSA OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA }
COUNTY OF SONOMA }
CITY OF SANTA ROSA }

Certificate

We, the undersigned Robert Madison, Mayor of the City of Santa Rosa, California, and Agnes S. Farquar, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Rosa, a municipal corporation in the County of Sonoma, 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, and has been ever since the 29th day of January, 1923, 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 7th day of November, 1922, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 29th day of January, 1923, (Statutes of 1923, p. 1298).

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 Santa Rosa, being the legislative body thereof, by its Ordinance No. 601, duly and regularly submitted to the qualified electors of said City two certain proposals to amend the Charter of said City and to be voted on by said qualified electors at the special municipal election called and held for that purpose in said City on the 4th day of December, 1945.

That such 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 Santa Rosa, on the 9th day of November 1945, in the Santa Rosa Republican, a daily newspaper of general circulation published in said City of Santa Rosa and the official newspaper of said City, and in each edition thereof, during the day of publication; that said City of Santa Rosa has a population of less than 50,000; that on October 30th said City Clerk caused to be published in said official newspaper, "Notice of Proposed Amendments to City Charter", wherein among other things was set forth the fact that the City Council proposed the amendment of Section 25 and the addition of Section 4a to the Charter of said City in the manner therein provided, to be voted upon at the special municipal election to be held in said City on Decem-

ber 4, 1945; that in accordance with the provisions of the Charter of the City of Santa Rosa and in the manner provided by law, the said special municipal election was duly and regularly held in said City after due notice given and published, the day of election being on December 4, 1945, which day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforesaid proposed amendments in the Santa Rosa Republican, the official newspaper of said City.

That at said special municipal election the following proposed amendments to said charter were voted on, to-wit:

CHARTER AMENDMENTS

1. Proposal to amend Section 25 of the Charter of the City of Santa Rosa to read as follows:

SECTION 25. WATER RATES. The Council shall establish, by ordinance, the rates to be charged for water furnished by the City of Santa Rosa."

2. Proposal to amend Charter of the City of Santa Rosa by adding a section thereto to be designated therein as section 4a, to read as follows:

Qualifications for city positions

"SECTION 4a. COUNCILMEN INELIGIBLE FOR OTHER CITY POSITIONS DURING TERM OF OFFICE AND ONE YEAR THEREAFTER. No member of the Council shall be eligible for any office in or employment by the City of Santa Rosa, for compensation, other than his elective office of Councilman, during his term of office and for one year after the termination of his office."

That less than a majority of the qualified electors voting on said proposal to amend Section 25 of the Charter of the City of Santa Rosa voted in favor thereof, and said proposal failed to carry.

That more than a majority of the qualified electors voting on said proposal to amend the Charter of the City of Santa Rosa by adding a section thereto designated therein as Section 4a, voted in favor of said amendment set out hereinabove, and the said City Council of said City did by Resolution No. 2302 find, determine and declare that said proposed amendment to the Charter of the City of Santa Rosa was ratified by a majority of the qualified electors of the City voting thereon.

And we further certify that we have compared the foregoing proposed amendments and ratified amendment to the Charter of the City of Santa Rosa with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendments as proposed and as adopted.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Santa Rosa to be affixed hereto this 2d day of January, 1946.

ROBERT MADISON
Mayor of the City of Santa Rosa

[SEAL]

AGNES S. FARQUAR
City Clerk of the City of Santa Rosa

WHEREAS, The said proposed amendment is 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

*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 said amendment to the charter of the City of Santa Rosa as presented 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 part of the charter of said City of Santa Rosa. Approval

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## CHAPTER 8

*Assembly Concurrent Resolution No. 4—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 of San Francisco at a general municipal election held therein on the sixth day of November, 1945.*

[Filed with Secretary of State January 15, 1946.]

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 City and County of San Francisco Charter amendments

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 fourteen (14) 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 proposals cause said fourteen (14) 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 10 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 the election upon 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 general municipal election to be held in the City and County of San Francisco on the sixth day of November, 1945, the said fourteen (14) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the sixth day of November, 1945, 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 said general municipal election held on the sixth day of November, 1945, be immediately begun and made by the registrar of voters of said city and county, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said general municipal election held on the sixth day of November, 1945, from each election precinct in the City and County of San Francisco in which polls were opened had theretofore been received by the said registrar of voters; and

WHEREAS, Thereafter, to wit, on the twenty-sixth day of November, 1945, said board of supervisors duly approved the "official statement" of votes cast at the general municipal election held in the City and County of San Francisco, State of California, on Tuesday, the sixth day of November, 1945; and

WHEREAS, At said general municipal election so held on the sixth day of November, 1945, eleven (11) of said proposed amendments were ratified by a majority of the electors of said

city and county voting thereon, to wit, charter amendments numbered two, three, four, five, six, eight, nine, eleven, twelve, thirteen and fourteen, and the three other charter amendments submitted at said general municipal election, to wit, charter amendments numbered seven, ten and fifteen, received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection 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. 2

Lease of City Property

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 93 thereof, relating to "Lease of City Property" to provide that airport properties may be leased for periods not to exceed forty years. Lease of airports

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general Municipal election to be held on November 6, 1945, a proposal to amend the Charter of said City and County by amending section 93 thereof, so that the same shall read as follows:

Lease of City Property

Section 93. When the head of any department in charge of real property shall report to the board of supervisors that certain land is not required for the purposes of the department, the board of supervisors, by ordinance, may authorize the lease of such property. The director of property shall arrange for such lease for a period not to exceed twenty years, to the highest responsible bidder at the highest monthly rent. The director of property shall collect rents due under such lease. Lease of city property

The public utilities commission may provide, by resolution, that agricultural or other lands used and useful for water department purposes and at the same time available for leasing or rental for agricultural or other purposes shall be subject to lease and administration by the operating forces of the water department, and further, the public utilities commission may provide, by resolution, that lands now devoted to airport purposes or lands that may hereafter be acquired and devoted to airport purposes may be leased or rented for a period not to exceed forty years, and the director of property shall arrange for such lease to the highest responsible bidder at the highest

monthly or annual rent, and thereafter the administration of any and all such leases shall be by the public utilities commission; provided, however, that no such lease shall be made to any other public utility without the approval of the board of supervisors by two-thirds vote thereof.

Ordered submitted—Board of Supervisors, San Francisco, Sept. 17, 1945.

Ayes: Supervisors Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisors Brown, Colman.

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.

CHARTER AMENDMENT NO. 3

Transfer of Disabled

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 the general municipal election to be held therein on November 6, 1945, 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 civil service employee

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 (3) 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, including any permanent member of the fire department and police department, 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, September 24, 1945.

Ayes: Supervisors: Brown, Colman, Gallagher, Garthand, Green, MacPhee, Mancuso, Mead, Sullivan, Uhl.

Absent: Supervisor Meyer.

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.

CHARTER AMENDMENT No. 4

## Fire and Police Departments

Compensation adjustments

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 36 thereof, Fire Department, and by amending section 35.5 thereof, Police Department, by providing a graduating scale and readjustments in the schedule of annual compensations for the several ranks of said departments by providing maximum compensations on the basis of years of service rendered by firemen, police officers, women protective officers and police patrol drivers in said departments and repealing section 36.2 of said Charter.

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 the general municipal election to be held on November 6, 1945, a proposal to amend the Charter of said City and County by amending section 36 thereof, Fire Department, and section 35.5, Police Department, so that the same shall read as hereafter set forth and by repealing section 36.2 of said Charter.

### Fire Department

Fire department

Section 36. The fire department shall be under the management of a fire commission, consisting of three members, who

shall be appointed by the mayor and each of whom shall receive an annual compensation of twelve hundred dollars ($1,200). The term of each commissioner shall be four years, commencing at twelve o'clock noon on the 15th day of January in the years 1946-1948-1949, respectively.

The fire commission shall appoint a chief engineer, a secretary and a department physician who shall hold office at its pleasure.

The fire commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof, except as in this charter otherwise provided. The commissioners shall have power, upon recommendation of the chief engineer, to send fire boats, apparatus and men outside the City and County of San Francisco for fire-fighting purposes.

Positions of officers and employees of the fire department legally authorized shall continue, and the incumbents therein legally appointed thereto shall continue as the officers and employees of the department under the conditions governing their respective appointments, and except as in this charter otherwise provided. The annual compensation for the several ranks in the department shall be as follows: chief engineer, $9,000; first assistant and second assistant chief engineers, $6,000; battalion chiefs, $5,100; captains, $3,900; lieutenants, $3,600; engineers, $3,300; chief's operators, $3,300; drivers, stokers, tillermen, truckmen and hosemen, for first year of service, $2,700; for second year of service, $2,800; for third year of service $2,900; for fourth year of service and thereafter, $3,000. Pilots of fire boats and marine engineers of fire boats, $3,900; firemen of fire boats, $3,060.

Each period of twenty-four hours shall be divided into two tours of duty, to-wit: from eight o'clock a.m. to six o'clock p.m., and from six o'clock p m. to eight o'clock a.m. The uniformed force of the fire department shall be divided into two platoons, the officers and members assigned to which shall alternate on the tours of duty at intervals of not more than one week. No officer or member shall be required to remain on duty for more than fourteen consecutive hours, except in case of a conflagration requiring the services of more than one-half of the force of the department.

On the recommendation of the chief engineer, the commission may reward any member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the fire commission, but not to exceed one month's salary in any one instance.

The chief engineer, or in his absence any assistant chief engineer, or in their absence, any battalion chief in charge, may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

In determining years of service necessary for a driver, stoker, tillerman, truckman and hoseman to receive the annual compensation sum of $2,800, $2,900 and $3,000, respectively, as pro-

vided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any officer or member of the fire department on military leave of absence, as defined by section 153 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

The salary increases herein provided for the respective ranks of the fire department shall be effective and shall accrue on the first day of January, 1946, notwithstanding any contrary provision of the charter, but the payment thereof may be deferred by the board of supervisors until the beginning of the fiscal year immediately following ratification of this section by the Legislature of the State of California.

Upon the increased compensation in this section provided becoming effective section 36.2 shall stand repealed.

## Police Department

Police department

Section 35.5. The police force of the City and County shall not exceed one police officer for each five hundred inhabitants thereof. The annual compensations for the several ranks in the department shall be as follows: chief of police, $9,000; deputy chief of police, $7,500; captain of inspectors, $6,600; supervising captain of districts and department secretary, $6,000; captain of traffic, $5,400; director bureau of personnel and director of bureau of criminal information, $5,100; captains and criminologist, $4,980; lieutenants and director of bureau of special services, $3,900; inspectors, $3,600; sergeants, $3,480; photographer, $3,300; police surgeon, $3,000; police officers, police patrol drivers and women protective officers, for first year of service, $2,700; for second year of service, $2,800; for third year of service, $2,900; for fourth year of service and thereafter, $3,000.

The minimum annual compensation for police officers, women protective officers, and police patrol drivers, now members of the department or who shall be appointed from eligible lists established prior to January 11, 1943, shall be $2,800, and further adjustments shall be in accordance with the preceding paragraph.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation sum of $2,800, $2,900 and $3,000, respectively, as provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer, or police patrol driver on military leave, as defined by section 153 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

Any member assigned to two-wheel motorcycle traffic duty shall receive $15 per month in addition to the compensation to which he would otherwise be entitled.

The salary increases herein provided for the respective ranks of the police department shall be effective and shall accrue on the 1st day of January, 1946, notwithstanding any contrary provision of the charter, but the payment thereof may be deferred by the board of supervisors until the beginning of the fiscal year immediately following ratification of this section by the Legislature of the State of California.

Ordered Submitted:—Board of Supervisors, San Francisco, Sept. 24, 1945.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Sullivan, Uhl.

Absent: Supervisor Meyer.

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.

CHARTER AMENDMENT No. 5

Bonds of Officers and Employees

Official bonds of officers and employees

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, amending section 8 of the charter of said city and county, relating to bonds required of officers and employees of the city and county and prescribing the terms, form and conditions of all such bonds and for the filing 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 the general municipal election to be held on November 6, 1945, a proposal to amend the charter of said city and county by amending section 8 thereof, so that the same shall read as follows:

Bonds of Officers and Employees

Section 8. Unless otherwise provided in this charter, such officers and employees as may be specified by ordinance, shall give bond in such amounts as may be required by the ordinance, provided that the minimum amount of the bond to be furnished by the Controller be $100,000; by the Tax Collector $100,000; by the County Clerk $50,000, and by the Public Administrator $50,000. The Board of Supervisors shall provide by ordinance the terms, form and conditions of all such bonds and for the filing thereof. The sureties on such bonds shall be such as specified by and approved in the manner provided by ordinance. The Board of Supervisors may, by ordinance, provide for group bonding of officers and employees. The premiums on all official bonds shall be paid by the City and County.

Ordered Submitted—Board of Supervisors, San Francisco, September 17, 1945.

Ayes: Supervisors Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisors Brown, Colman.

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.

## CHARTER AMENDMENT NO. 6

### Employees of Steinhart Aquarium

Employees of Steinhart Aquarium subject to civil service

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 52 thereof, relating to the Steinhart Aquarium so that all positions in said aquarium, for which funds are furnished by the said City and County, with the exception of the director, secretary of the board in charge thereof, curators and other scientific or professional personnel and part-time positions for which a compensation of less than $80.00 per month is provided, inclusive of allowance for maintenance and other incidental benefits, shall be held by employees of said City and County, subject to civil service, salary standardization and other provisions of law applicable to City and County employment, that occupants of such positions and persons on military leave therefrom, for one year prior to the effective date hereof, who are citizens of the United States, and residents of said City and County, for said period, shall be continued in said positions as though after civil service examination and certification and that funds provided may be used not only for maintenance and operation, but for continuance, of said aquarium.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general Municipal election to be held on November 6, 1945, a proposal to amend the Charter of said City and County by amending section 52 thereof, so that the same shall read as follows:

### Employees of Steinhart Aquarium

Section 52. The management, superintendence and operation of the Steinhart Aquarium shall be in charge and under the direction of the California Academy of Sciences of San Francisco. Funds necessary for the maintenance, operation and continuance of said aquarium shall be furnished by the city and county to the said California Academy of Sciences of San Francisco. Such funds shall be appropriated in accordance with the budget and fiscal provisions of this charter. All positions in

said aquarium for which funds shall be furnished by the city and county, as aforesaid, shall be held by employees of the city and county, with the exception of the director, the secretary of the board of trustees of said California Academy of Sciences, the curators and other scientific and professional personnel, and part-time positions, for which a compensation of less than $80.00 per month is provided, inclusive of allowance for maintenance and other incidental benefits. Any occupant of a position in the Steinhart Aquarium, not within the exceptions hereinabove, and any person on military leave from such a position, who shall be a citizen of the United States, on the effective date of this amendment, a resident of said city and county and employed at said aquarium, or on military leave from such employment, for at least one year prior to said effective date, shall be continued in such position by said city and county on said date, as a position in the service of said city and county. Each such occupant so employed and each such person on military leave shall, for the purposes of civil service and other rights to which he may be entitled as a city and county employee, be deemed to have been appointed to such position by the city and county upon the date of commencement of his occupancy thereof; provided that, if such date is prior to January 16, 1945, the date of commencement of such occupancy shall for such purposes and rights be deemed to be January 16, 1945. Positions held by employees of the city and county at said aquarium shall be subject to the civil service provisions of this charter and the compensation thereof shall be subject to the salary standardization provisions of this charter, in like manner and extent in all respects as positions and compensations of employments in the city and county service generally, notwithstanding anything to the contrary contained in the charter or ordinances of said city and county. Appointments, herein provided, to positions hereby included in the classified civil service shall be deemed as if made after examination and certification from a civil service list of eligibles.

Nothing herein contained shall abrogate the trust under and by which said Steinhart Aquarium was accepted by the city and county or under and by which it is now held.

Ordered Submitted—Board of Supervisors, San Francisco. Sept. 17, 1945.

Ayes: Supervisors Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisors Brown, Colman.

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.

CHARTER AMENDMENT NO. 8

Civil Service Commission

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 140 thereof, Civil Service Commission,

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 the general municipal election to be held on November 6, 1945, a proposal to amend the Charter of said City and County by amending section 140 thereof, Civil Service Commission, to read as follows:

Civil Service Commission

Duty of civil service commission

Section 140. There is hereby established a civil service commission which is charged with the duty of providing qualified persons for appointment to the service of the city and county. All appointments in the public service shall be made for the good of the public service and solely upon merit and fitness, as established by appropriate tests, without regard to partisan, political, social or other considerations.

The civil service commission shall consist of three members, appointed by the mayor. The commissioners in office at the time of the adoption of this charter, and this charter section as amended, shall continue in office until the expiration of the terms for which they were appointed, and their successor shall be appointed for terms of six years beginning on the 1st day of July immediately following the expiration of the terms for which they were appointed.

The persons so appointed shall, before taking office, make under oath and file in the office of the county clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of civil service commissioner in the spirit of this declaration."

A commissioner may be removed only upon charges preferred, in the same manner as in this charter provided for elective officers. Each of the commissioners shall receive a monthly salary of one hundred dollars ($100).

Special meetings of the commission for the purpose of considering and adopting examination questions shall not be open to the public. The regular meetings of the civil service commission shall be open to the public and held at such a time as will give the general public and employes of the city and county adequate time within which to appear before the commission after the regular daily working hours of 8 a. m. to 5 p. m. Such person or persons shall be given an opportunity to be heard by the commission before final action is taken in any case involving such person or persons.

Ordered Submitted—Board of Supervisors, San Francisco, September 24, 1945.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mancuso, Sullivan, Uhl.

Absent—Supervisors Mead, Meyer.

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.

CHARTER AMENDMENT NO. 9

Purchaser of Supplies to Purchase Surplus Commodities

Purchase of Federal and State surplus commodities

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of the said City and County by adding a new section thereto to be designated as section 88.1 dealing with the purchase of surplus commodities from the United States or from the State of California.

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 the general municipal election to be held in said City and County of San Francisco on the 6th day of November, 1945, a proposal to amend the Charter of said City and County by adding a new section thereto to be designated as section 88.1, which will provide that the Purchaser of Supplies may purchase surplus commodities from the United States or from the State of California without advertising for bids for such commodities.

Purchaser of Supplies to Purchase Surplus Commodities

Section 88.1. Notwithstanding any other provision of the charter, the purchaser of supplies, with the approval of the chief administrative officer, may purchase any commodity either from the government of the United States or from the State of California without advertising for bids for said commodity, irrespective as to the cost thereof, and no written contract need be entered into with the government of the United States or with the State of California for the purchase of said commodity. Before any such purchase is made the controller shall certify as to the availability of funds to pay the purchase price of said commodity.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 24, 1945.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Uhl.

Absent: Supervisors Mancuso, Mead, Meyer, Sullivan.

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.

## CHARTER AMENDMENT No. 11

### Officers Subject to Salary Standardization

Standardization of salary of appointive officers

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 thereto a new section to be designated Section 151.1, "Officers Subject to Salary Standardization."

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 the general municipal election to be held therein on November 6, 1945, a proposal to amend the Charter of said City and County by adding thereto Section 151.1 to read as follows:

### Officers Subject to Salary Standardization

Same: Officers subject to

Section 151.1. Notwithstanding any other provisions or limitations of this charter, the compensations of all appointive officers of the city and county, except members of boards and commissions, the superintendent of schools and officers of the police and fire departments, shall be fixed in accordance with the salary standardization provisions of this charter.

Ordered Submitted—Board of Supervisors, San Francisco, September 24, 1945.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Sullivan, Uhl.

Absent: Supervisor Meyer.

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.

## CHARTER AMENDMENT No. 12

### Department and Bureau Heads—Continued

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 62 thereof titled "Department and Bureau Heads Continued."

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 the general municipal election to be held therein on November 6, 1945, a proposal to amend the Charter of said City and County by amending Section 62 thereof titled "Department and Bureau Heads Continued," to read as follows:

### Department and Bureau Heads—Continued

Appointive officers subject to civil service

Section 62. Offices heretofore elective which are, by the provisions of this charter, made appointive, shall come within the civil service provisions of this charter and any incumbent, in

any such office at the time this charter became effective on January 8, 1932 shall, if he has held such office for one year continuously prior thereto, be deemed appointed to such position, at his then existing salary under the civil service provisions of this charter, and thereafter shall hold office under such provisions; provided that such salaries so continued shall apply only to such incumbents as long as they legally hold such positions and, on the appointment of a successor to any such incumbent, the salary of such position shall be subject to the salary standardization provisions of this charter.

Other positions as heads of departments, bureaus, offices or institutions which have heretofore been exempt from charter civil service provisions, are hereby declared to be subject to the civil service provisions of this charter unless specifically exempted, and any incumbent in any such position at the time this charter became effective on January 8, 1932 shall, if he has held office for one year continuously prior thereto, be deemed appointed to such position under the civil service provisions of this charter and thereafter shall hold office under such provisions.

Ordered Submitted: Board of Supervisors, San Francisco, September 24, 1945.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Uhl.

Absent: Supervisors Mancuso, Mead, Meyer, Sullivan.

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.

## CHARTER AMENDMENT No. 13

### Basis of Standardization of Compensations of Certain Employees

Public and private rates of pay

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 thereto a new section to be designated as section 151.3, relating to the fixing of compensation of certain employees of said City and County and providing for the basis on which said compensations should be fixed.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general municipal election to be held therein on the 6th day of November, 1945, a proposal to amend the Charter of said City and County by adding thereto a new section to be designated as section 151.3 which shall read as follows:

Basis of Standardization of Compensations of Certain Employees

Basis of standardization

Section 151.3. Notwithstanding any of the provisions of section 151 or any other provisions of this charter, whenever any groups or crafts establish a rate of pay for such groups or crafts through collective bargaining agreements with employers employing such groups or crafts, and such rate is recognized and paid throughout the industry and the establishments employing such groups or crafts in San Francisco, and the civil service commission shall certify that such rate is generally prevailing for such groups or crafts in private employment in San Francisco pursuant to collective bargaining agreements, the board of supervisors shall have the power and it shall be its duty to fix such rate of pay as the compensations for such groups and crafts engaged in the city and county service. The rate of pay so fixed by the board of supervisors shall be effective at the beginning of the next succeeding fiscal year providing the civil service commission has so certified such rate of pay to the board of supervisors on or prior to the first day of April preceding.

Should the budget estimates for the several departments be filed with the controller or transmitted to the mayor before said report of said civil service commission is received by the board of supervisors, the head of each department affected by said report may amend its budget estimate to comply with the provisions of said report of said civil service commission so as to make the same effective as of the first day of July of the following fiscal year. No report made by the civil service commission as in this section provided, subsequent to the first day of April of any fiscal year or any action of the board of supervisors based on such report, shall be effective until the beginning of the second succeeding fiscal year.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 24, 1945.

Ayes: Supervisors Brown, Colman, Gallagher, Garland, Green, MacPhee, Mancuso, Sullivan, Uhl.

Absent: Supervisors Mead, Meyer.

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.

CHARTER AMENDMENT No. 14

Requisition, Certification and Appointment

Probation: Hearing before dismissal of civil service employees

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 148 thereof to provide for hearings in the case of dismissal of probationary civil service employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the electors of said City and County at the general municipal election to be held on the 6th day of November, 1945, a proposal to amend the Charter of said City and County by amending section 148 thereof, which shall read as follows:

Requisition, Certification and Appointment

Filling positions

Section 148. Whenever a position controlled by the civil service provisions of this charter is to be filled, the appointing officer shall make a requisition to the civil service commission for a person to fill it. Thereupon, the commission shall certify to the appointing officer the name and address of the person standing highest on the list of eligibles for such position. In case the position is promotive, the commission shall certify the name of the person standing highest on such list. In making such certification, sex shall be disregarded except when a statute, a rule of the commission or the appointing officer specifies sex.

From the requisition of the appointing officer or otherwise, the commission shall determine whether the position is, in character, temporary, seasonal or permanent, and shall notify the candidate in accordance therewith to the end that the candidate may have knowledge of the probable duration of employment. The commission shall provide for such waiver of temporary or seasonal employment as it may deem just to candidates.

Any appointment to a position declared permanent by the civil service commission shall be on probation for a period of six months, provided that the probationary period for entrance positions in the uniformed rank of the police department shall be for one year. At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employees and to the civil service commission specifying the reasons for such termination. Except in the case of uniformed members of the police and fire departments the civil service commission shall inquire into the circumstances. If the appointment resulted from an entrance examination the commission may declare such person dismissed or may return the name to the list of eligibles for certification to another department. If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the civil service commission. The commission shall render a decision within thirty days after receipt of the notice of termination and (a) may declare such person dismissed; or (b) order such person reinstated in his position without prejudice, and the commission may in its discretion order that the employee be paid salary from time of the termination of his appointment; or (c) order the return of such person to the position from which he was promoted. The decision of the commission shall be final. Immediately prior to the expiration of the probationary period, the appointing officer shall report to the civil service commission as

to the competence of the probationer for the position, and if competent, shall recommend permanent appointment.

Ordered Submitted—Board of Supervisors, San Francisco, September 24, 1945.

Ayes: Supervisors Gallagher, Gartland, Green, MacPhee, Uhl, Mancuso, Sullivan.

Noes: Supervisors Brown, Colman.

Absent: Supervisors Mead, Meyer.

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.

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 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 general municipal election held on Tuesday, the sixth day of November, One Thousand Nine Hundred Forty-five, 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 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 2 day of January, One Thousand Nine Hundred Forty-six.

DAN GALLAGHER
President of the Board of Supervisors of
the City and County of San Francisco

(SEAL)

DAVID A. BARRY
Clerk of the Board of Supervisors of
the City and County of San Francisco

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 9

*Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature.*

[Filed with Secretary of State January 17, 1946.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the following Rules be adopted as the Joint Rules of the Senate and Assembly for the Fifty-sixth Extraordinary Session of the California Legislature.

## JOINT RULES OF THE SENATE AND ASSEMBLY COMMITTEES AND COMMITTEE MEETINGS

### Standing Committees

Standing committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the Rules of each house.

### Joint Committees

Committee on Joint Rules

2. The Rules Committees of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly.

### Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

## BILLS AND RESOLUTIONS

### Definition of Word Bill

"Bill"

4. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

### Concurrent and Joint Resolutions

Concurrent resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions

Joint resolutions are those which relate to matters connected with the Federal Government.

### Resolutions Treated as Bills

Resolutions, etc., as bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

## PREPARATION AND INTRODUCTION OF BILLS

### Title of Bill

Titles

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

### Division of Bill Into Sections

Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

### Restrictions as to Amendments

Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

### Changes in Existing Law to Be Marked by Author

"Strikeout" and italic type

10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

Amendments

In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

## Printing of Amendments

Printing of amendments

11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

## Printing and Distribution of Bills—Manner of Printing Bills

Printing of bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

## Distribution of Legislative Publications

Legislative publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Each Member of the Senate and Assembly shall be permitted to submit a list of 10 libraries, chambers of commerce or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements.

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of fifty-five dollars ($55), nor shall more than two copies of bills or other legislative publications be distributed free to any person, office or organization except to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him

shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

## OTHER LEGISLATIVE PRINTING

### Printing of the Daily Journal

Journals

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

### What Shall Be Printed in the Journal

Contents

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

### Printing of the Daily File

Daily Files

16. A daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

### Printing of History

Histories

17. Each house shall cause to be printed once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legis-

lative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

### Authority for Printing Orders

Printing orders

18. The Superintendent of State Printing shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the Rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

## RECORD OF BILLS

### Secretary and Chief Clerk to Keep Records

Record of bills

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

### Secretary and Chief Clerk Shall Indorse Bills

Indorsement

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall indorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

## ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

### After a Bill Has Been Passed by the Senate or Assembly

Bills passed by other house

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

### Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered. Messages

## PASSAGE AND ENROLLING OF BILLS

### Passage of Bills Preceding Final Adjournment

23. No Senate bill shall be passed by the Senate, and no Assembly bill shall be passed by the Assembly within the time specified in the resolution prior to the adjournment sine die of the two houses of the Legislature at a regular session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill). Passage before final adjournment

### Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerks and the proper committee of the house where it originated to determine that it is in the form approved by the houses The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal. Enrollment

## AMENDMENTS AND CONFERENCES

### Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not Amendments

necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

Concurrence in amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

*Same* Urgency clause

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

Conference committee

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairmen thus selected shall arrange the time and place of all meetings and

prepare or direct the preparation of reports. The Committee on Conference shall report to both the Senate and Assembly

### Report of Committee on Conference

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill. Same Report

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

### When Conference Committee Report Is in Order

30 The presentation of the report of a Committee on Conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate. Same

## MISCELLANEOUS PROVISIONS

### Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual. Mason's Manual

### Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 94 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privileges of accredited press representatives. Press rules

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the standing committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who repre-

sent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

### Dispensing With Joint Rules

Dispensing with rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Conference Committee.

### Opinions of Legislative Counsel

Legislative Counsel, opinions

34. Whenever the Legislative Counsel issues, to a person other than the author, an opinion as to the constitutionality, operation or effect of a pending bill, constitutional amendment, resolution or other legislative measure, he is hereby authorized and instructed to deliver a copy of the opinion to the author of such measure contemporaneously with the issuance and delivery of the original opinion.

## Expense of Members

Expenses

35. As provided in Section 23b of Article IV of the Constitution, each member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance of ten dollars ($10) per day.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and a copy of the certificates shall be printed in Journals of the respective houses. Upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

## Investigating Committees

Investigating committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Powers

Each such committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpenas, orders and other process that may be issued by the committee, when directed to

do so by the chairman or by a majority of the membership of the committee.

Assistance

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or to accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Expenses

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of five and one-half cents ($0.05½) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twelve dollars ($12) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the

State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Legislative Budget Committee

Budget Committee

37. In addition to any other committee provided for by these Rules, there shall be a Joint Committee to be known and called the Legislative Budget Committee.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro tempore of the Senate and one member each from the Committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, selected by the respective committees. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they

shall be entitled to an allowance of twelve dollars ($12) per day and travel expenses which shall be deemed to be five and one-half cents ($0.05½) per mile. The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Auditor for use and custody, available to the members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Auditor shall assist any member of the Legislature or any committee thereof in any matter, and to that end shall make available to such members or committees any records, documents, or other data under his control; but except as hereinabove provided, neither the Legislative Auditor nor any employee of the committee shall reveal to any person not a member of, or employed by the committee, or a member or employee of a legislative committee in conjunction with which the Legislative Budget Committee is operating, the contents or nature of any matter, except under the express direction of the Legislative Budget Committee.

Vacancies in Budget Committee

Vacancies 37.5. Any vacancies occurring between sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

Adjournment

Adjournment 38. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

## CHAPTER 10

*Senate Concurrent Resolution No. 5—Relative to distribution of legislative printing.*

[Filed with Secretary of State January 17, 1946.]

Price of set of bills and resolutions, $20

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the mailing and distribution of bills and legislative publications of the Extraordinary Session of the Legislature commencing upon the seventh day of January, 1946 shall be governed by provisions of Rule 13 of the Joint Rules of the Legislature, except that the price for the delivery of a complete set of bills and resolutions covering this extraordinary session shall be the sum of twenty dollars ($20).

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## CHAPTER 11

*Senate Concurrent Resolution No. 7—Relative to adjournment in memory of James I. Wagy.*

[Filed with Secretary of State January 17, 1946.]

Death of James I Wagy

The members of the California Legislature join this day in sorrowful knowledge of the passing in Maricopa on January 12, 1946, of the Honorable James I. Wagy, former State Senator from Kern County and long a beloved figure in this Capitol.

His was a distinguished legislative career, wherein he was to become recognized by his colleagues, and to remain in their memories, as a man of honor, ability and loyalty.

Elected to the State Senate in 1926, he served as such during the terms of four successive Governors. When the state of his health occasioned his retirement from the Senate in 1942, he was the third oldest member thereof in point of service.

While his work as a legislator encompassed many fields and occupies a prominent place within the pages of our statutory law, he is perhaps best remembered for leading the Central Valley Project battle in 1933.

It is fitting that there be perpetuated in the official records of the State lasting evidence of the esteem in which he was held and the sorrow which his passing has occasioned; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That when the respective houses of the Legislature this day adjourn they shall do so in deference and respect to the memory of the Honorable James I. Wagy; and be it further

*Resolved,* That the Secretary of the Senate be, and he is directed to transmit engrossed copies of this resolution to the members of the bereaved family of the Honorable James I. Wagy.

## CHAPTER 12

*Senate Concurrent Resolution No. 10—Relative to approving certain amendments to the charter of the City of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1945.*

[Filed with Secretary of State January 17, 1946.]

City of Sacramento Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments hereinafter set forth to the charter of the City of Sacramento, a municipal corporation, as set out in the certificate of the mayor and city clerk of the City of Sacramento, as follows, to wit:

### CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.
CITY OF SACRAMENTO }

Certificate

We, the undersigned, GEORGE L. KLUMPP, Mayor of the City of Sacramento, State of California, and H. G. DENTON, City Clerk of said city, hereby certify and declare as follows:

THAT the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and at all times herein mentioned, was a city containing a population of more than 50,000 inhabitants and has been ever since the year 1921 and now is 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 majority of the Qualified Electors of said city at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January, 1921 (Statutes of 1921, page 1919);

THAT, in accordance with the provisions of said Section Eight of Article Eleven of the Constitution of the State of California, the City Council of said City of Sacramento, being the Legislative Body thereof, on its own motion, by Resolution Number 294, adopted on the 24th day of September, 1945, duly proposed to the Qualified Electors of the City of Sacramento certain amendments to the Charter of said city to be submitted to said Qualified Electors at a Consolidated Regular and Special Municipal Election to be held in said city on the 6th day of November, 1945, which said amendments were and are, and each of them was and is in the words and figures as follows:

## PROPOSAL NO. 1

To amend Sections 15, 34 and 251 of the Charter of the City of Sacramento to read as follows:

### Financial Provisions

Financial provisions Levy and collect taxes, etc.

Sec. 15. To levy and collect taxes and to provide for the expenditure of the money so raised according to law; to make and execute, on behalf of the City, all contracts, involving the expenditure of One Thousand Dollars ($1000.00) or more, except as may be otherwise provided in this Charter; to fix the fees and charges for all official services not otherwise provided for in this Charter; provided that all moneys collected for such services shall be paid into the City Treasury; to provide for the leasing of any lands or any interest therein of any nature, including, without limitation either surface or subsurface rights, or both, now or hereafter owned by the City, or held in trust by the City, for a term not exceeding twenty-five years, but all leases shall be granted to the highest responsible bidder, after publication of notice thereof for at least five days, stating the terms and conditions of such proposed lease, the City Council having the right to reject any and all such bids; to provide for the purchase of property levied upon or sold under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of the judgment, interest, and costs; to order the repayment by the Treasurer of any taxes, percentages and costs, or other moneys erroneously or illegally collected by the City; to provide for the sale, after advertising for five days, of personal property unfit or unnecessary for the use of the City.

### Powers and Duties

City Manager Powers, duties, etc

Sec. 34. The City Manager shall be responsible to the Council for the efficient administration of all the affairs of the City. He shall have the power, and it shall be his duty:

(a) To see that all laws and ordinances are enforced.

(b) Except as otherwise provided in this charter, to appoint all heads or directors of departments and all subordinate officers and employees of the city, with power to discipline and remove any officer or employee so appointed subject to the Civil Service provisions of this charter.

(c) To exercise supervision and control over all departments and divisions created herein, or that may hereafter be created by the Council.

(d) Except when the Council is considering his removal, to attend all regular meetings of the Council and its committees, with the right to take part in the discussions, but without power to vote. He shall receive notice of all special meetings.

(e) To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient.

(f) To see that all terms and conditions imposed in favor of the city or its inhabitants, in any public utility franchise,

are faithfully kept and performed; and, upon knowledge of any violation thereof, to call the same to the attention of the City Attorney whose duty it shall be to take such steps as are necessary to protect and enforce said terms and conditions.

(g) To make and execute, on behalf of the City, all contracts involving the expenditure of less than One Thousand Dollars ($1000.00), except as may be otherwise provided in this charter, or by ordinance in pursuance thereof.

(h) To prepare and submit to the Council the annual budget.

(i) To keep the Council at all times fully advised as to the financial condition and needs of the City.

(j) To perform such other duties as may be prescribed by this charter or may be required of him by ordinance or resolution of the Council.

## Letting of Certain Contracts

Letting of contracts: Public works, etc.

Sec. 251. The erection, improvement and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and materials for the same, or for any other use by the City, or the purchase of any supplies to be used by the City, when the expenditure required for the same equals or exceeds the sum of One Thousand Dollars ($1000.00) shall be done by contract in writing and shall be let to the lowest responsible bidder after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished, except in cases of emergency as hereinafter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the Council may reject any and all bids if deemed excessive, and in that event, or in the event that no bids are made, may readvertise for bids, or provide for the work to be done by the City, or for the supplies to be purchased in the open market, but in no case shall supplies be bought at a price as high as the lowest bid received from a responsible bidder. No prison-made supplies shall be purchased by the City unless supplies of a similar character are not obtainable elsewhere. Notwithstanding any of the provisions of this Charter, it shall be competent for the City Council, by ordinance, to authorize the purchase from the United States Government, or any agency, department or officer thereof, of any property by the City without first advertising for bids. Further, notwithstanding the provisions of this section it shall be competent for the City Council, by ordinance, to direct any work to be done by the City without first advertising for bids, if such course be recommended by the City Manager.

## PROPOSAL NO. 2

To amend Sections 19, 24, 32, 71 and 185 of the Charter of the City of Sacramento to read as follows:

### Composition and Terms of Council

Composition of City Council. Terms, etc

Sec. 19. The Council shall consist of nine members, who shall be elected on a general ticket from the city at large, and who shall serve for a term of four years beginning the first day of January next after their election and until their successors are elected and qualified. Vacancies in the Council shall be filled by the Council for the unexpired term. Absence from five consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the seat of any member so absent.

### Meetings

Same: Meetings

Sec. 24. The Council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each week in the evening, or at any time during the day when notice of the intention of the City Council to hold a regular meeting at any other time than in the evening is published once in the official newspaper at least three and not more than ten days prior to the date of the meeting and said notice shall state the time and place of such meeting. The Mayor, or in his absence, the acting Mayor of the Council or any two members thereof, may call special meetings of the Council upon at least twelve hours written notice to each member of the Council, served personally on each member or left at his usual place of residence. Any such notice shall state the subjects to be considered at the meeting and no other subjects shall be there considered. All meetings of the Council or committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

### The Mayor

Mayor Duties, etc.

Sec. 32. The Council shall elect one of its members as chairman, who shall be entitled Mayor. The Mayor shall preside at the meetings of the Council, and perform such other duties consistent with his office, as may be imposed by the Council He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for military purposes. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the State, may so require; but this shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a Mayor, under the general laws of the State. In time of public

danger or emergency, he may, with the consent of the Council take command of the police and maintain order and enforce the laws. During his absence or disability, his duties shall be performed by another member appointed by the Council, who shall be the acting Mayor. The powers and duties of Mayor shall be such as are conferred upon him by this charter, together with such others as may be conferred by the Council in the pursuance of the provisions of this charter, and no others.

Salaries

Salaries Council, etc

Sec. 71. Each member of the City Council shall receive the sum of Twenty Dollars ($20.00) for each council meeting attended; provided that no member shall receive compensation for more than five meetings in any one month. The City Council shall fix the salaries of all officers and employees of the City other than their own. The salaries of the City Manager, the heads of departments, and all members of the Police and Fire Departments shall be fixed by ordinance. The remuneration and method of payment of all other employees may be prescribed by resolution. In determining the salaries of persons in the employ of the City, the City Council shall take into consideration the time of service of said persons and shall grant increases in salaries to such persons at the end of five, ten and fifteen years of continuous service. All salaries shall be paid semi-monthly and shall be in full compensation for all duties and services performed by such officers or employees for the City.

Elections Dates, etc

Sec. 185. Municipal elections shall be held on the first Tuesday after the first Monday in November commencing in 1947 and every four years thereafter. All such elections shall be known as regular municipal elections. All other municipal elections that may be held shall be known as special municipal elections.

PROPOSAL NO. 3

To amend Sections 74, 76 and 86 of the Charter of the City of Sacramento to read as follows:

Annual Budget

Annual city budget Contents, etc.

Sec. 74. Not later than the first Monday in May in each year the City Manager shall prepare and submit to the Council a budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the City government, according to a classification as nearly uniform as possible. The budget shall present the following information: (a) An itemized statement of the appropriations recommended by the City Manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expen-

ditures for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended; (b) An itemized statement of the taxes required and of the estimated revenue of the City from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year and of the increases and decreases estimated or proposed; (c) A statement of the financial conditions of the City; and (d) Such other information as may be required by the Council. Copies of such budget shall be printed and be available for distribution.

### Appropriation Ordinance

Annual appropriation ordinance

Sec. 76. Not later than the second Monday in June each year, the Council shall pass an annual appropriation ordinance, which shall be based on the budget submitted by the City Manager. The total amount of appropriations shall not exceed the estimated revenues of the City.

### Tax Levy

Tax levy to meet budget, etc

Sec. 86. On or before the second Monday in June in each year, the Council shall, by ordinance, levy such tax as may be necessary to raise the amounts estimated to be required in the annual budget (less the amount of revenue expected from other sources) and all sums required by law to be raised on account of the City debt.

## PROPOSAL NO. 4

To amend Sections 45, 106 and 183 of the Charter of the City of Sacramento to read as follows:

### Preferences

Veterans' preference

Sec. 45. In all tests and examinations held by the Civil Service Board pursuant to the provisions of this Charter, any person who at the time of taking such test or examination has served in the army, navy, marine corps or revenue marine service of the United States in time of war and received an honorable discharge therefrom, or who, after such service of the United States in time of war, has continued in such service, or who has been released from active duty because of disability resulting from such service in time of peace, or under other honorable conditions, as such persons are defined by Article XIII, Section 1¼ of the Constitution and by the General Laws of the State of California in effect at that time and who has attained a percentage qualifying him for any position under Civil Service regulations, shall be allowed an increase of ten points above the credit he has attained in such examination. Preference under this section does not apply to promotions, nor to promotion examinations.

## Hours of Duty

Fire Department: Hours of duty

Sec. 106. The officers and members of the Fire Department shall be divided into two bodies or platoons and shall not be required to work for more than twenty-four hours consecutively, except in case of great conflagration or disaster.

## Vacations

Annual vacation of employees

Sec. 183. (a) Each officer and employee shall be entitled to a vacation of not to exceed fifteen days' duration, excluding time during which he is not regularly assigned to work, with pay during each year of continuous service. Such vacation shall be at such time as the executive head of the department in which such officer or employee may be serving shall direct. The Civil Service Board shall by rule define and interpret the terms of this section and such definition and interpretation shall be conclusive. The Civil Service Board shall by rule provide for the regulation and accumulation of vacations and may provide for vacations for employees who have been employed for a period of at least six months and less than one year. For the purpose of computing vacation time, each employee shall be considered to work not more than five days each week.

(b) Upon a separation from service, without fault on his part, a person shall be entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which the person is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by ordinance or resolution. Such sums shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount to which the employee would have been paid had he taken the time off but not separated from the service. As to persons separated from the service through fault of their own, they shall be entitled to a lump sum payment for such compensating time off for overtime work, similarly computed, and in addition such portion, if any, of unused vacation as the Civil Service Board may determine.

(c) Any city employee in the Reserve Corps, Naval Reserve, Marine Corps, or National Guard of the United States Army and Navy, when called for his annual fifteen day period of intensive training, shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such employee but said employee shall have in addition thereto, the usual vacation period on pay alloted to city employees.

## PROPOSAL NO. 5

To amend Sections 20, 187, 188, 189 and 200 of the Charter of the City of Sacramento to read as follows:

## Qualifications of Councilmen

Councilmen Qualifications

Sec. 20. Members of the Council shall be electors of the municipality and residents of the city for a period of not less than five consecutive years immediately preceding the date of the election. They shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office; and any such contract in which any member is or may become interested may be declared void by the Council. Any member of the Council who shall have been convicted of a crime involving moral turpitude while in office shall thereby forfeit his office.

## Nominations

Nominating petitions

Sec. 187. A candidate may be placed in nomination by a petition, containing the signatures and addresses of not less than 100 nor more than 200 qualified electors of the City of Sacramento. Each candidate shall be so nominated separately, from the city at large, and no elector shall sign the petitions of more candidates than there are positions to be filled by such election.

## Declaration of Candidacy

Declaration of candidacy

Sec. 188. Prior to the circulation of the nomination petition of any candidate and not more than seventy days before the regular municipal election, the candidate shall take the following oath of affirmation and the same shall remain as a matter of record in the office of the City Clerk:

STATE OF CALIFORNIA }
} ss.
COUNTY OF SACRAMENTO }

I, _____, residing at premises No. _____ Street, Sacramento, California, being first duly sworn, hereby declare myself a candidate for the office of City Councilman for the City of Sacramento to be voted for at the Regular Municipal Election to be held in said city on the _____day of _____, 19____, having been an elector and resident of the City of Sacramento for a period of five consecutive years immediately preceding the date of the election.

_____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____

City Clerk.

### Nomination Petitions

Form of nominating petitions

Sec. 189. Individual nomination certificates shall not be required, but nomination petitions shall be presented in substantially the following form:

We, the undersigned, do solemnly affirm that we are qualified electors of the City of Sacramento, residing each at the place mentioned opposite his name, that we hereby severally nominate _____, who resides at premises No. _____ Street in said city, as a candidate for the office of City Councilman to be voted on at the regular municipal election to be held on the _____ day of November, 19____, and that we have not signed the nomination petitions of more candidates than there are positions to be filled by this election.

| Name | Residence Address | Date |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

### Application of the General Law

Application of general law

Sec. 200. Except as may be provided by this Charter or by ordinance of the City of Sacramento, the general law of the State of California in effect on the date of an election shall apply to elections held under the provisions of this Charter.

## PROPOSAL NO. 6

To repeal Sections 141 to 148, inclusive of the Charter of the City of Sacramento and to amend Sections 22, 29 and 128 to read as follows:

### Appointments by Council

Appointments by Council

Sec. 22. The Council shall select the City Manager, City Attorney, City Treasurer, City Clerk and such other officers and employees of its own body as may be deemed necessary. All officers and employees chosen by the Council shall serve during its pleasure.

### Investigation by the Council

Investigations by Council

Sec. 29. The Council or any committee thereof duly authorized by the Council so to do, may investigate the financial transactions of any office or department of the City government, and the official acts and conduct of any City employee. In conducting such investigation, the Council or any committee thereof may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may use subpoenas or attachments which shall be signed by the presiding officer of the Council or the chairman of such committee, as the case may be, which may be served and executed by any officer

authorized by law to serve subpoenas and other processes. If the witness shall refuse to appear or to testify to any facts within his knowledge, or to produce any papers or books in his possession or in his control, relating to the matter under inquiry before the Council or any committee, such refusal shall be, unless such testimony is privileged as provided in Article I Section 13 of the Constitution of the State of California, a misdemeanor and punishable as provided by the Penal Code of the State of California.

### Duties

Sec. 128. The City Attorney shall be the legal adviser of and attorney and counsel for the City and for all officers, boards and departments thereof in all matters relating to their official duties. He shall conduct and carry on all suits, actions, and proceedings in behalf of or against the City, and shall prepare all contracts, bonds, and other legal instruments in which the City is interested or concerned and shall endorse on each his approval of the form and correctness thereof or evidence such approval as to form in separate writings to be filed and preserved with the records of the Council. He shall designate a member of his department to prosecute on behalf of the people all misdemeanors occurring within the City Limits. City Attorney Duties

## PROPOSAL NO. 7

To amend Section 165 of the Charter of the City of Sacramento to read as follows:

### General Qualifications

Sec. 165. Every officer or employee of the City must be a citizen of the United States and a resident of the City of Sacramento not less than three (3) consecutive years immediately preceding his appointment. All City employees must reside within the city limits. In case of flood, fire, or other public calamity, the City Manager may employ on city work persons other than citizens or residents. The provision of this section regarding residence shall not apply in the case of the City Manager or of professionally trained experts. Qualifications of officers and employees

The effect of this section shall be suspended in time of any war in which the United States is engaged.

THAT, each said proposed amendment was, on the 26th day of September, 1945, published and advertised in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California in the "Sacramento Union", a daily newspaper of general circulation published in the said City of Sacramento and the official newspaper of said City of Sacramento.

THAT, copies of said proposed amendments 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 of Sacramento; that, until the date fixed for the election hereinafter described, an advertisement was published in said "Sacramento Union" that such copies could be had upon application therefor at the office of the City Clerk of said City of Sacramento.

THAT, such copies could be had upon application therefor at the office of the said City Clerk until the date fixed for the election hereinafter described.

THAT, in accordance with the provisions of the Charter of said City of Sacramento and a resolution of the legislative body thereof, there was duly held in the said City of Sacramento, on the 6th day of November, 1945, a Consolidated Regular and Special Municipal Election and that the said proposed charter amendments, and each of them, were duly and regularly submitted to the Qualified Electors of said City for their ratification at said election and that at the said election the majority of the Qualified Electors voting thereon voted in favor of the ratification of and did ratify Proposal No. 1, Proposal No. 3, Proposal No. 4, Proposal No. 5 and Proposal No. 7, respectively, of the said proposed amendments to the Charter of said City hereinabove set out.

THAT, the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said City that a majority of the Qualified Electors of said City voting thereon had voted for and ratified Proposal No. 1, Proposal No. 3, Proposal No. 4, Proposal No. 5 and Proposal No. 7, respectively, of said proposed amendments.

THAT, we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Sacramento to be affixed hereto this 7th day of January, 1946.

GEORGE L. KLUMPP
Mayor of the City of Sacramento
H. G. DENTON
Clerk of the City of Sacramento

(SEAL)

Subscribed and sworn to before me this 7th day of January, 1946.

John Casali
Notary Public in and for the County
of Sacramento, State of California.
(SEAL)

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now 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

Approval

*Resolved by the Senate of the State of California, the Assembly 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 of Sacramento, as proposed to and adopted and ratified by the electors of said city 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 a part of the charter of the City of Sacramento.

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## CHAPTER 13

*Assembly Concurrent Resolution No. 9—Relative to Edward K. Strobridge.*

[Filed with Secretary of State January 17, 1946.]

Death of Edward K Strobridge

WHEREAS, The life of Edward K. Strobridge, which began in Truckee, California, on June 8, 1869, paralleled that great period of California history born almost simultaneously with him in the driving of the famous golden spike signalizing the completion of the first transcontinental railroad; and

WHEREAS, During all that era Edward K. Strobridge was engaged in public service significant in the development of the State, having been a member of the Assembly from the then Forty-sixth District, and served two terms as State Senator from the Thirteenth District of California; and

WHEREAS, He was equally active in civic affairs, rendering great service beneficial to his home community of Hayward, and for 27 years serving as sealer of weights and measures for Alameda County until his death at the age of 78 years on January 5, 1945; and

WHEREAS, Edward K. Strobridge is survived by his widow, Mrs. Edna D. Strobridge, his sons, Edward K. Strobridge of Hayward, A. Eugene Strobridge of Banning, and James H. Strobridge of San Francisco, his daughter, Mrs. Marian S. Jones of Hayward, his sister, Mrs. Emma May Saunders of San Francisco, and by six grandchildren and one great grandchild; and

WHEREAS, The members of this Legislature desire to pay tribute to Edward K. Strobridge for his long service to the people of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That when the Senate and Assembly of this Legislature this day adjourn, they do so out of respect to the memory of Edward K. Strobridge; and be it further

*Resolved*, That the Chief Clerk of the Assembly is requested to send suitably engrossed copies of this resolution to the family of the late Edward K. Strobridge.

## CHAPTER 14

*Assembly Joint Resolution No. 2—Relative to requesting the Federal Government to declare as surplus property all building materials held but not needed by the armed forces in California, and to effect the immediate release of such materials for housing construction, providing for preference to veterans in the purchase thereof.*

[Filed with Secretary of State January 18, 1946.]

Building materials Federal surplus property

WHEREAS, The critical housing shortage in California is a matter of grave concern to the people thereof; and

WHEREAS, Construction work has been greatly impeded by the nonavailability of essential building materials; and

WHEREAS, Large stocks of needed supplies are now lying idle in Army and Navy ordnance depots throughout California, the release of which would facilitate housing construction; and

WHEREAS, The present procedure for declaring such materials to be surplus property is extremely slow and cumbersome, ultimate acquisition being subject to considerable and needless delay; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That Congress and the Federal agencies charged with the disposal of surplus property are respectfully requested to declare as surplus property all building materials held but not needed by the armed forces in California, and to take such steps as may be necessary to effect the immediate release of such materials for housing construction, providing preference to veterans in the purchase thereof; and be it further

Preference to veterans

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of War, the Secretary of Navy, and the Surplus Property Board.

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## CHAPTER 15

*Senate Joint Resolution No. 2—Relative to memorializing the President and Congress of the United States to declare as surplus all unnecessary building materials held by the armed forces and to provide preference rights to veterans in sales of such materials.*

[Filed with Secretary of State January 22, 1946.]

Building materials Surplus property

WHEREAS, The conclusion of actual hostilities finds the armed services of the United States in possession of large quantities of building materials in this State which are no longer needed in the prosecution of the war; and

WHEREAS, There exists in this State an immediate and urgent need to provide adequate housing facilities for our citizens and especially for returning veterans and their families; and

WHEREAS, It is only fitting and proper that a grateful Nation afford every possible opportunity to its veterans to reestablish themselves in civil life and in comfortable, sanitary, and healthful surroundings; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California hereby memorializes and respectfully urges the President and Congress of the United States immediately to declare as surplus all building materials now held by the armed forces in this State and which are no longer required for military purposes, and to provide proper measures whereby veterans be given a priority in the purchase of such materials; and be it further Preference to veterans

*Resolved,* That a copy of this joint resolution be transmitted to the President of the United States, and to the President pro tempore of the Senate, to the Speaker of the House of Representatives, and to each of the Senators and Representatives of this State in the Congress.

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## CHAPTER 16

*Senate Concurrent Resolution No. 9—Relative to hunting in State parks.*

[Filed with Secretary of State January 22, 1946]

WHEREAS, Many of the State parks are located in areas where game birds and game animals are abundant; and

WHEREAS, The State Park Commission has by rule prohibited hunting in all State parks regardless of the suitability of the area for hunting; and Hunting in State parks

WHEREAS, A proper survey would disclose that in many areas within the State Park System hunting could be carried on without detriment to the parks; and Survey, etc

WHEREAS, The game resources of the State should be utilized to the highest capacity consistent with sound conservation principles; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Park Commission is requested to make a survey of the areas covered by the State Park System to determine what areas within the system are suitable for hunting, and that the Fish and Game Commission is requested to render to the State Park Commission such information and data as the latter commission may require; and be it further

*Resolved,* That the State Park Commission be and it is requested to modify its rule against hunting in State parks and adopt rules permitting hunting in all areas shown by its survey to be suitable for such purpose; and be it further Modify rules

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the members of the State Park Commission, the Fish and Game Commission, the Director of Natural Resources, and the Chief of the Division of Fish and Game and the Chief of the Division of Beaches and of Parks in the Department of Natural Resources.

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## CHAPTER 17

*Senate Concurrent Resolution No. 8—Relative to the creation of a Joint Special Committee on Federal Tideland Legislation.*

[Filed with Secretary of State January 23, 1946.]

Title to tide and submerged lands

WHEREAS, During the last several years certain Federal officials have conducted an attack upon the title of the State of California and its grantees in and to the tide, submerged and reclaimed lands lying within its borders; and

WHEREAS, One of the subjects at this special session of the Legislature is to consider and act upon legislation to make an additional appropriation for the support of the Department of Justice to be expended in the protection of the title of the State of California in tide and submerged lands; and

WHEREAS, There is pending before the Congress of the United States certain resolutions which will set such contentions at rest by quitclaiming any pretended Federal claim to such lands to the respective States and their grantees, one such resolution having been adopted already by the House of Representatives; and

WHEREAS, The need for such appropriation to the Department of Justice and the amount thereof will be materially affected by the action of Congress respecting the foregoing resolutions; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:*

Joint Special Committee

1. There hereby is created the Joint Special Committee on Federal Tideland Legislation for the purpose of attending the hearing on said resolutions before the Committee on the Judiciary of the United States Senate, at Washington, D. C., there to make representations looking toward the approval of one such resolution by that body.

2. The committee shall consist of three Members of the Senate, appointed by the Committee on Rules, and three Members of the Assembly, appointed by the Speaker thereof. The committee shall elect from its membership a chairman and vice chairman.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate and of the Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To leave the State of California and to hold meetings outside of the State to accomplish the objects and purposes of this resolution.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of six thousand dollars ($6,000) or so much thereof as may be necessary hereby is made available from the Contingent Fund of the Senate and the Contingent Fund of the Assembly for the expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be paid equally from said funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer. Appropriation. Expenses of committee

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## CHAPTER 18

*Assembly Joint Resolution No. 5—Relative to the modification of the application of price controls to retailers in the sale of lumber.*

[Filed with Secretary of State January 28, 1946.]

WHEREAS, The end of the war has increased the use of lumber in California, particularly by the farmer and small businessman, and a great many of the purchases of lumber are made at small lumberyards in small towns and in rural areas; and Lumber Price regulations, etc

WHEREAS, The operator of a lumberyard is governed by Regulation 26, issued by the Office of Price Administration, in the purchase of Douglas fir and other west coast lumber from a mill or stock yard, but Regulation 26 does not apply to the sale of lumber from a distribution yard, more commonly known as a retailer's lumberyard, and the retailer is thereby permitted to charge to the consumer a higher price than is allowed by Regulation 26; and

WHEREAS, Regulation 26 defines a purchase, which is subject to the provisions of said regulation, as the purchase of lumber shipped from a mill and it reaches the purchaser without ever becoming an integral part of the stock of a distribution yard; and

WHEREAS, The present definition works an undue hardship upon the operator of a small retail lumberyard, because frequently he receives orders for lumber which his stock is insufficient to fill and he must order the required amount from a mill, and that lumber is delivered to the consumer without it becoming a part of the retailer's stock of lumber, and consequently the retailer can only charge the consumer the maximum price set forth in Regulation 26, because the sale is in effect made to the consumer, but the mill of course would require the retailer to pay the maximum price provided by the regulation, and as a result the retailer has no margin of profit; and

WHEREAS, The Federal and State Governments have indicated their willingness to assist the small business enterprises but this intention can not be reconciled with a policy of refusing to permit any margin of profit to a group of retailers in an important industry; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Office of Price Administration is requested to redefine the "purchase of lumber from a mill," so that a small retailer of lumber will not be discriminated against, and that he be assisted in making a reasonable profit; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to send copies of this resolution to the President and Congress of the United States, the Director of the Office of Price Administration, and each of the Senators and Congressmen from California in the Congress of the United States.

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## CHAPTER 19

*Assembly Joint Resolution No. 7—Relative to memorializing Congress to provide a wage readjustment for postal service employees.*

[Filed with Secretary of State January 28, 1946]

Postal employees. Wage adjustments

WHEREAS, By action of Congress, effective July 1, 1945, employees of the United States postal service were granted per-

manent wage readjustments for the first time in 20 years; and

WHEREAS, With their return now to a 40-hour week and no overtime, the net or take-home pay of such employees is actually less than it was before the 1945 increases were made, rendering inadequate the benefits thus conferred; and

WHEREAS, The great army of postal employees represents a highly loyal and efficient group of public servants, recognized for their continuous devotion to duty and their outstanding performance in wartime; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of California hereby endorses, and respectfully memorializes Congress to provide, a wage readjustment for postal service employees commensurate with their heavy duties and adequate for their present needs; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Postmaster General of the United States.

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## CHAPTER 20

*Assembly Concurrent Resolution No. 13—Relative to the March of Dimes and urging participation therein.*

[Filed with Secretary of State January 28, 1946.]

March of Dimes Birthday of late President

WHEREAS, The thirtieth day of this month will be the birthday of our beloved former leader, Franklin Delano Roosevelt; and

WHEREAS, It will be also an anniversary date in the battle against infantile paralysis, a vicious foe of humanity; and

WHEREAS, It is to be remembered that Franklin Delano Roosevelt won his own battle against this foe and did sponsor the annual March of Dimes to save others from such dread disease; and

WHEREAS, Unprecedented success in this year's drive, the first March of Dimes since his passing, will betoken, in a way he would like, our continued devotion; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the people of California are urged by their Legislature to participate wholeheartedly, to the best of their ability and more than ever before, in this year's March of Dimes; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the National Paralysis Foundation, Headquarters of the March of Dimes.

## CHAPTER 21

*Senate Concurrent Resolution No. 15—Approving certain amendments to the charter of the City of Marysville, State of California, ratified by the electors of said city at a general municipal election held therein on the twenty-first day of January, 1946.*

[Filed with Secretary of State January 28, 1946.]

City of Marysville Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Marysville, a municipal corporation, in the County of Yuba, State of California, as hereinafter set forth in the certificate of the Mayor of the City of Marysville and the city clerk of said city, as follows, to wit:

### CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF MARYSVILLE OF CERTAIN CHARTER AMENDMENTS

State of California,
County of Yuba, } ss
City of Marysville.

Certificate

We, the undersigned GEORGE P. HALKYARD, Mayor of the City of Marysville, State of California, and CHESTER O. GATES, City Clerk of said City, hereby certify and declare as follows:

That the City of Marysville, a municipal corporation of the County of Yuba, State of California, now is and at all times herein mentioned was a city containing a population of less than fifty thousand inhabitants and has been ever since the year 1919 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 the majority of the qualified electors of said City at a special election held for that purpose and approved by the Legislature of the State of California on the 28th day of February 1919 (Stats. of 1919, page 1467).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Mayor and Common Council of the said City of Marysville, being the legislative body thereof, on its own motion, by resolution adopted on the 19th day of November, 1945, duly proposed to the qualified electors of the City of Marysville certain amendments to the Charter of said City to be submitted to said qualified electors at the general municipal election to be held in said City on the 21st day of January, 1946, which said amendments were and are and each of them was and is in the words and figures as follows:

## PROPOSAL No. 1

To amend Sections 1, 3, 4, 5, 6, 8, 9 and 12 of Article II of the Charter of the City of Marysville to read as follows:

Legislative power Common Council

Section 1. The legislative power of the City of Marysville shall be vested in a body to be designated as the Common Council.

Section 3. The Common Council shall elect one of its members as Mayor of the City to serve for a term of one year.

Section 4. The Common Council shall elect all subordinate officers of the City prescribed by the Ordinances thereof.

Section 5. Except as otherwise in this Charter specifically provided, the Common Council shall have all the powers which are now or may at any time hereafter be vested in the Common Council of Cities by the Constitution and Chapter III of Title III of Part IV of the Political Code of the State of California.

Section 6. The enacting clause of all City Ordinances shall be as follows: "The Common Council of the City of Marysville do ordain as follows:".

Section 8. All valid ordinances of the City of Marysville in force at the date of the taking effect of this Charter shall continue to be in force and effect as Ordinances of the City of Marysville under this Charter until the same are repealed or modified by the Common Council.

Debt limitation, etc.

Section 9. The Common Council of said City shall not contract any debt or liability by borrowing money, loaning the credit of the City, or otherwise, which said indebtedness shall at any time either singly or in the aggregate exceed the sum of TEN THOUSAND DOLLARS ($10,000.00) except for levee purposes, without the assent of two-thirds of the qualified electors of said City voting at an election held for that purpose.

Section 12. Except as otherwise provided by this Charter or by the Constitution of the State the Common Council may by Ordinance prescribe the manner in which any power of the City shall be exercised.

## PROPOSAL No. 2

To amend Section 15 of Article II of the Charter of the City of Marysville to read as follows:

Departments of City Government

Section 15. The Common Council shall establish by Ordinance the various Departments of the City Government.

The Common Council, by majority vote, shall appoint a Head or Chief of the Fire Department and prescribe his duties.

The Common Council, by majority vote, shall appoint a Head or Chief of the Police Department and prescribe his duties.

The Common Council, by majority vote, shall appoint a Head or Superintendent of the Departments of (1) Streets and Roads, (2) Sanitation and Drainage, (3) Public Buildings and Parks, and prescribe his duties.

The Common Council shall elect the heads of all other departments from its own members, who shall serve without remunera-

tion, such appointments to be, as far as practicable, equally apportioned among the members of the Council and prescribe their duties, provided, however, that the Common Council may, in its discretion, appoint a head of any other department other than from its own members and prescribe his duties.

The Common Council shall require that the heads of these various Departments shall make and file with the City Clerk an annual inventory of the property of the City under their charge, showing costs and quantities of the same.

PROPOSAL No. 3

Interest in city contracts

To change the number of Section 10 of Article II of the Charter of the City of Marysville to Section 11 and to change the number of Section 19 of Article II of said Charter to Section 17, and to add a new section to Article II of said Charter, to be known as Section 10, to read as follows:

Section 10. Neither the mayor nor any other member of the Common Council, nor any official or employee of the City, shall be interested in any contract to which the City is a party.

PROPOSAL No. 4

To change the number of Section 18 of Article II of the Charter of the City of Marysville to Section 16 and to amend said section to read as follows:

Public utilities

Section 16. The City acting through the Common Council may establish and operate public works for supplying its inhabitants with light, power, heat, transportation, telephone service, or other means of communication; such works may be acquired by original construction or by purchase of existing works, including their franchise or both, in such manner as is provided by the Constitution of the State of California, and the laws of said State now or to be hereafter enacted in relation thereto.

PROPOSAL No. 5

To repeal Sections 11, 16 and 17 of Article II of the Charter of the City of Marysville and to add a new article to said Charter to be known as ARTICLE II-A, to read as follows:

ARTICLE II-A

ACCOUNTING AND FINANCE

Fiscal year

Section 1. The fiscal year of the City shall begin on the first day of July.

Budget, etc

Section 2. The Common Council shall by ordinances provide for the fiscal and accounting procedures of the City, especially making provision for (1) budgetary procedures, (2) the accounting system, (3) accounting procedures, (4) financial reports to be rendered, and (5) a yearly post-audit by

independent public accountants preferably Certified Public Accountants. Such ordinances shall be in accord with the principles and practices of municipal accounting as recommended by state and national authorities on such accounting.

Section 3. The yearly budget shall include an appropriation of FIVE THOUSAND DOLLARS ($5,000.00) to be known as Appropriation Unapportioned Reserve, which shall be used for unexpected expenditures during the fiscal year for which the budget does not otherwise provide.

General reserve

Section 4. Within a period of three years after the adoption of this section, the Common Council shall set aside out of the unapportioned surplus of the General Fund a reserve of THIRTY THOUSAND DOLLARS ($30,000.00) to be known as a General Reserve. This cash may be invested in readily convertible securities. This General Reserve may be expended only by four-fifths vote of the Common Council. Any monies so expended must be replaced out of the next succeeding tax levy or levies in an amount not to exceed $10,000.00 in any one year until the fund is fully restored.

## PROPOSAL No. 6

To repeal paragraphs 2, 3, 4, 5, 6 and 7 of Article III of the Charter of the City of Marysville and to add a new paragraph thereto to be known as paragraph 2, to read as follows:

Salaries

2. Salaries of all subordinate officers shall be fixed by the Common Council by Ordinance.

## PROPOSAL No. 7

To amend Section 4 of Article IV of the Charter of the City of Marysville to read as follows:

Appraisals

Section 4. Within ten years after this amendment to the Charter takes effect, and at intervals of ten years or less hereafter, the Common Council shall, at its regular meeting at least five months prior to the date for assessing property, enter into a contract for a scientific appraisal by a recognized expert of all the real property in the City. The appraiser shall deliver his report to the Assessor not less than one month prior to the date for assessing property in the City after said Report has been approved by the Common Council of the City. This appraisal shall be used by the assessor as the basis for the assessment for the year and he shall revise his valuation in each intervening year.

## PROPOSAL No. 8

To amend Section 1 of Article V of the Charter of the City of Marysville to read as follows:

Board of Education

Section 1. The control of the School Department shall be vested in a City Board of Education, which shall consist of three members who shall hold their offices for a period of four years from and after the first Monday in February next suc-

ceeding their election and until their successors are elected and qualified. They shall elect one of their members as President. They shall serve without compensation. Should a vacancy occur, the Common Council shall have the power to fill such vacancy for the unexpired term.

## PROPOSAL No. 9

To amend Section 1 of Article VI of the Charter of the City of Marysville to read as follows:

Judicial power

Section 1. The judicial power of the City shall be vested in a Police Court, the Judge of which Court shall be the Police Judge to be appointed by the Common Council of the City as in this Charter provided.

and to add a new section to Article VI of said Charter, to be known as Section 1½, to read as follows:

Section 1½. The Common Council of the City shall appoint a clerk of the Police Court to serve at the will and pleasure of the Common Council.

## PROPOSAL No. 10

To repeal Section 1 of Article VII of the Charter of the City of Marysville.

## PROPOSAL No. 11

To amend Section 1 of ARTICLE I of the Charter of the City of Marysville to read as follows:

Boundaries

Section 1. The City of Marysville shall continue to be a municipal corporation by the name of City of Marysville. The boundaries thereof are hereby declared to be as follows:

Commencing at a point on the south bank of Yuba River, opposite D Street in said City; thence down the south bank of said river to the center of Feather River; thence up the center of Feather River to a point opposite Sixteenth Street in said City; thence easterly along the north line of said Sixteenth Street to E Street in said City; thence northerly along the west line of E Street to the northeast corner of suburban Lot 5, Range F; thence easterly to the outer side of the levee as now located by said City; thence along the outer side of said levee until it intersects the Browns Valley Road or grade; thence along the extreme southeasterly side of said Browns Valley Road or grade to a point where said Browns Valley grade or road intersects the East line of Swezy Street; thence due south to the south bank of Yuba River; thence along the south bank of Yuba River to the place of beginning.

That each said proposed amendments was on the 27th day of November, 1945, published and advertised in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California in the Appeal-Democrat, a daily

newspaper of general circulation printed and published in the said City of Marysville.

That in accordance with provisions of the Charter of the said City of Marysville and a resolution of the legislative body thereof, there was duly held in the said City of Marysville, on the 21st day of January, 1946, a general municipal election and that the said proposed Charter amendments and each of them were duly and regularly submitted to the qualified electors of said City for their ratification at said election and that at the said election the majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each of said proposed amendments to the Charter of said City hereinabove set forth and that more than two-thirds of the qualified electors of said City voting thereon voted in favor of the ratification of and did ratify Proposal No. 11 to amend the Charter of said City as hereinabove set forth.

That the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said City that a majority of the qualified electors of said City voting thereon had voted for and ratified each of said proposed amendments and that more than two-thirds of the qualified electors of said City voting thereon had voted for and ratified Proposal No. 11 hereinabove set forth.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the City of Marysville to be affixed hereto this 23rd day of January, 1946.

GEORGE P. HALKYARD
Mayor of the City of Marysville
CHESTER O. GATES
Clerk of the City of Marysville

(SEAL)

Subscribed and sworn to before me this 23rd day of January, 1946.

EDITH FRANCISCOVICH
Notary Public in and for the County of Yuba, State of California

My Commission Expires December 23, 1946
(SEAL)

and

WHEREAS, The said proposed charter amendments as ratified and hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of amendment

or 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 Senate of the State of California, the Assembly thereof concurring*, a majority of all the members elected to each house voting therefor and concurring therein, that the aforementioned amendments to the charter of the City of Marysville, as proposed to, and adopted and ratified by, the electors of said city, 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 of Marysville.

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## CHAPTER 22

*Assembly Joint Resolution No. 4—Relative to memorializing Congress to allocate housing appropriations upon the basis of need and of present population.*

[Filed with Secretary of State January 29, 1946.]

Allocation of housing appropriations, etc.

WHEREAS, Wide diversity of conditions exists throughout the Nation with reference to housing needs, the problem being particularly acute in some areas and less critical in others; and

WHEREAS, While shortage of materials and wartime building restrictions have taken nation-wide toll on the housing situation, the effects have been felt with greatest severity in industrial centers, to which large numbers of persons have migrated under impetus of war and many of whom have indicated their intention to remain; and

WHEREAS, Federal legislation in aid of the Nation's housing shortage, and the appropriations made thereunder, will meet more equitably the varying needs and contribute more effectively to their general alleviation if the foregoing factors are considered; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That Congress is respectfully memorialized, in enacting legislation with reference to housing, to allocate the appropriations made thereunder, primarily upon the basis of the needs of each area and, secondly, upon the basis of population, using, for the latter, present figures rather than those of the 1940 Federal census; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 23

*Senate Concurrent Resolution No. 11—Relative to commending the University of California upon its two-year instructional course in practical agriculture given at Davis, and urging the continuance of such course and the enlargement of its scope.*

[Filed with Secretary of State January 31, 1946.]

University at Davis Two-year course in practical agriculture

WHEREAS, Since 1908 the University of California has included in its curricula a two-year instructional course in practical agriculture, in addition to the regular four-year course for scientific degrees; and

WHEREAS, By virtue of this two-year instructional course more than 5,000 young men and women have received practical training in agricultural pursuits and household arts, returning to their farms and homes and contributing substantially to the betterment of agriculture and rural life in California; and

WHEREAS, Such course does not interfere nor conflict in any way with the regular four-year course for scientific degrees and affords practical instruction to many unable to take the four-year course or whose needs are not such as to warrant other than basic training; and

WHEREAS, The continued success of this course has been due in large part to the quality of teaching, though instructors therein receive lower compensation and less opportunity to advance than do members of the four-year instructional staff; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the University of California is hereby commended upon its two-year instructional course in practical agriculture given at Davis; and be it further

*Resolved*, That the university is urged not only to continue this course but also to enlarge its scope by offering a greater variety of subjects in agriculture and home economics, and to include also in the curricula a two-year practical course in veterinary medicine; and be it further

*Resolved*, That the university is urged also to give special attention to the qualifications of instructors for this two-year instructional course, bearing in mind that the ability to teach is of primary importance in this basic course and that, in addition to experience and technical training, the instructors should possess a broad understanding of and a sympathy with the practical needs of those enrolled in such course; and be it further

*Resolved*, That the university is requested to consider the advisability of increasing the compensation of such instructors, of granting them opportunities for promotion similar to those accorded members of the four-year instructional staff, and of arranging for the giving of this course along the lines of the Agricultural Extension Service; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit copies of this resolution to The Board of Regents of the University of California and to each member thereof.

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## CHAPTER 24

*Senate Concurrent Resolution No. 13—Relative to memorializing the State Park Commission in regard to the acquisition of State parks.*

[Filed with Secretary of State February 1, 1946.]

State parks "Mountain areas of the interior" clarified

WHEREAS, There was enacted by the Legislature of this State, at its Fifty-sixth Regular Session, Assembly Bill No. 1810, which became Chapter 1422 of the Session of 1945; and

WHEREAS, Said act provides for the selection of parks "in mountain areas of the interior"; and

WHEREAS, The words "mountain areas of the interior" are vague and indefinite; and

WHEREAS, Such vagueness has resulted in uncertainty and doubt on the part of the State Park Commission and of the Attorney General as well as individuals and civic organizations, county officials and others willing to provide matching money or property; and

WHEREAS, Certain areas of splendid forests readily accessible to great centers of population, if acquired as parks, are at this very time being steadily eaten into by sawmills, thus necessitating prompt action for their preservation which can not be deferred until the next regular session of this Legislature; and

WHEREAS, Said vagueness and uncertainty in said language of said Chapter 1422 militates against the acquisition of said forest areas without some clarification upon the part of the Legislature which enacted said law; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That it is the sense of the Legislature that said Chapter 1422 does not preclude the acquisition of parks merely because they may be situated in counties which border upon the ocean, provided that such parks be not directly connected with, or do not border upon, ocean beaches, tide water bays or inlets; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the State Park Commission.

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## CHAPTER 25

*Assembly Concurrent Resolution No. 8—Relative to commending the members of the California State Guard, and requesting The Adjutant General to procure a suitable pin for*

*presentation to each released member as evidence of his honorable discharge.*

[Filed with Secretary of State February 4, 1946.]

Pin for ex-members of State Guard

WHEREAS, The members of the California State Guard have performed ably and well a vital wartime function by affording protection to essential installations, facilities and commodities within the State; and

WHEREAS, The people of the State of California are appreciative of the manner in which the California State Guard has performed its trust, maintained internal security and contributed to the winning of the war; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That The Adjutant General is hereby requested to provide and procure a suitable pin displaying the California Bear or other appropriate emblem, for presentation to each member of the California State Guard upon release from service as evidence of his honorable discharge and in token of the State's appreciation; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Victor R. Hansen, Adjutant General of the State of California.

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## CHAPTER 26

*Assembly Concurrent Resolution No. 19—Relative to commending the members of the safety meeting of representative citizens at Upland and Ontario, California, and the vicinity thereof.*

[Filed with Secretary of State February 4, 1946.]

Safety meeting Commendation of Upland and Ontario citizens

WHEREAS, The number of traffic accidents has been steadily increasing and the number of persons killed in traffic accidents on California highways in 1945 was 3,667, an increase of 36 per cent over the number of fatalities occurring in such accidents in 1944; and

WHEREAS, At a meeting at Upland, California, members of the medical staff of the San Antonio Community Hospital, law enforcement officers, township and community officials, and representatives of the press met and adopted a resolution which has been received by the Assembly and which was printed in the Assembly Journal for January 21, 1946, at pages 2 and 3 thereof; and

WHEREAS, The participants at said meeting, and particularly the medical staff of the hospital and the law enforcement officers, have repeatedly observed the tragic consequences of the improper use of the highways; and

WHEREAS, Other groups of citizens throughout the State are interested in and should be encouraged to study the problem

and endeavor to assist in working out the solution thereof; and

WHEREAS, The coming together of these interested citizens, their work towards correcting a growing evil, and their efforts to protect the persons and lives of the men, women, and children of their community and of the State, evidence a high quality of public spirit and a willingness to devote time and effort to matters of vital public interest; and

WHEREAS, This evidence of a fine public spirit translated into action should not pass without comment; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature commends all persons joining in or connected with the safety meetings hereinabove referred to and expresses its gratification that such groups have spiritedly attacked a problem of great and growing concern to this State; and be it further

*Resolved,* That the Chief Clerk is directed to send copies of this resolution to A. A. Aita, Superintendent, San Antonio Community Hospital, Eugene L. Mueller, Chief of Police, Upland, California, and Frank A. Freeman, Captain, California Highway Patrol, who signed the above mentioned resolution, and that the Chief Clerk is further directed to send copies of this resolution, together with copies of the Assembly Journal for January 21, 1946, to the Governor of California, the Director of the Department of Motor Vehicles, the Chief of the California Highway Patrol, and to the Attorney General of California.

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## CHAPTER 27

*Assembly Concurrent Resolution No. 22—Requesting the State Board of Harbor Commissioners for San Francisco Harbor to investigate and report to the Legislature upon a proposed world trade center.*

[Filed with Secretary of State February 4, 1946.]

World Trade Center Investigation, etc

WHEREAS, It has been proposed that a group of buildings to be known as a world trade center shall be established in San Francisco for the purpose of fostering and developing world trade with the object of increasing business activities and opportunities for employment in the entire State of California; and

WHEREAS, If such a project is feasible, the construction of the public works to be required would greatly contribute to the stabilization of employment and afford opportunities for employment to returning veterans; and

WHEREAS, Such a project would be a proper addition or supplement to the State and local public works programs; and

WHEREAS, Because of its interest in world trade and commerce the State Board of Harbor Commissioners for San Francisco Harbor is an appropriate agency to undertake such an investigation and report thereon to the Legislature; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Board of Harbor Commissioners for San Francisco Harbor is requested to make an investigation into the feasibility and desirability of constructing a world trade center on land under its jurisdiction or to be acquired for the purpose and report thereon to the Legislature as soon as may be and prior to the fifteenth day of January, 1947. If the board is unable to present a final report at that time, it shall present a preliminary report.

The preliminary report shall show:

(a) The approximate acquisition and construction costs.

(b) What State, Federal or local funds may be available for financing such a project.

(c) Whether such a project, if constructed, would be self-supporting.

(d) What benefits would accrue to the State and its people from the completion of such a project; and be it further

*Resolved,* That the State Board of Harbor Commissioners for San Francisco Harbor is requested to cooperate with any nonprofit corporation that may have been or will be formed for the sponsoring of such a world trade center, and other interested public and private agencies, to the end that the fullest information may be made available to the Legislature; and be it further

*Resolved,* That all State agencies, counties, cities, and districts are hereby requested to cooperate with the board and to furnish the board such information as it may have available which will facilitate the investigation of the board; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the State Board of Harbor Commissioners for San Francisco Harbor.

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## CHAPTER 28

*Assembly Joint Resolution No. 12—Relative to protein feed concentrates.*

[Filed with Secretary of State February 4, 1946.]

Protein feed supplies. Sources, distribution, etc.

WHEREAS, Efficient utilization of animals in the production of meat, milk, eggs, and other animal products can only be accomplished by feeding adequate amounts of protein; and

WHEREAS, California and the other Western States, cut off from considerable portions of their prewar supplies of protein feeds, are and will be unable to produce the volume of such foods so urgently needed in this area until materially larger supplies of such protein feeds are made available for our livestock and poultry; and

WHEREAS, California has increased in population in the last six years more than any other State in the Nation, which population must be fed; and

WHEREAS, Food requirements for the armed services in the entire Pacific area are and will continue to be heavier than in prewar years, the great bulk of which must come from California and the other Western States; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to initiate an immediate investigation of all possible sources of domestic and foreign protein feed concentrates, methods, and amounts of domestic allocations by Federal agencies, and problems of maldistribution; and be it further

*Resolved,* That it is requested that immediate steps be taken to again open our normal and historical sources of these products by eliminating current restrictions upon import into this region from the Pacific and South American areas; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 29

*Assembly Joint Resolution No. 13—Relative to the use of the Aircraft Carrier Saratoga as a National shrine or its assignment for some other useful purpose in the San Francisco Bay area.*

[Filed with Secretary of State February 5, 1946.]

"Saratoga" as a National shrine, etc

WHEREAS, The Navy Department has announced that the historic Aircraft Carrier Saratoga is to be inactivated and utilized with other designated naval vessels in atomic bombing experiments by the United States Government; and

WHEREAS, The Saratoga, throughout the recent war, operated in the Pacific with San Francisco as her continental home port; and

WHEREAS, This gallant warship has a remarkable war record, including participation in the battles of Guadalcanal, the Solomons, Bougainville, Tarawa, the Marshalls, Rabaul, Iwo Jima, and many others, as well as using its planes for successful air raids on Tokio and enemy installations in various parts of the Pacific; and

WHEREAS, The Saratoga was credited officially with the destruction or disabling of several enemy cruisers, destroyers and other warcraft that helped insure safe landings for our armed forces on enemy held territory; and

WHEREAS, The San Francisco Call Bulletin and the people of San Francisco have launched a drive to save this great aircraft carrier from destruction, even for scientific research, and to convert it into a National shrine or make it available for naval training purposes or other useful objectives in San Francisco Bay; and

WHEREAS, The designation of the vessel for such purposes would be a memorial to the men who served on the Saratoga and sacrificed their lives in action on her, as well as an honor to those members of the armed forces who served aboard her during the recent war; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States and the Secretary of the Navy are respectfully requested to withdraw the Aircraft Carrier Saratoga from the list of warships scheduled for destruction in the contemplated atomic bombing experiments, pending arrangements that are being made by the people of San Francisco to perpetuate the vessel as a National shrine, or its assignment for some other useful purpose in the San Francisco Bay area; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution by airmail to the President of the United States, the Secretary of the Navy, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 30

*Assembly Joint Resolution No. 10—Relative to a proposed conference for the prevention of juvenile delinquency.*

[Filed with Secretary of State February 5, 1946.]

Juvenile delinquency Conference on prevention, etc

WHEREAS, Announcement has appeared in the public press that the Attorney General of the United States intends soon to call a conference to be composed of representatives from law enforcement, social welfare, religious, and educational agencies of the Federal, State and local governments as well as private social welfare agencies throughout the United States, which conference will create a working committee to be known as the Attorney General's Panel on the Juvenile Problem; and

WHEREAS, It is proposed that the panel will, with the United States Department of Justice, make an intensive survey and review of the entire field of juvenile crime; and

WHEREAS, According to public announcement, the President of the United States has given his approval of the proposed conference and study; and

WHEREAS, The continued rise in serious crimes among juveniles of both sexes is a cause of the utmost anxiety to the entire Nation, and urgently requires the most immediate and extensive

effort possible to discover and put into effect means to cure the evil; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President of the United States, and the United States Attorney General to proceed to call the proposed conference on juvenile delinquency at the earliest possible moment; and be it further

*Resolved,* That this Legislature hereby pledges its support of the proposed study, and urges all welfare, educational, and enforcement agencies of the State and local governments of California to cooperate with the Department of Justice and the Attorney General's Panel on the Juvenile Problem in conducting its proposed study to the end that the greatest possible knowledge and understanding of the problem may be had immediately, in order that effective measures may be found without delay which will divert these thousands of young people from acts of crime and direct their interests and energies into lawful and useful pursuits; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit suitable copies of this resolution to the President of the United States, and to the United States Attorney General.

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## CHAPTER 31

*Assembly Concurrent Resolution No. 21—Relative to motor vehicle parking facilities in Los Angeles.*

[Filed with Secretary of State February 5, 1946]

Bunker Hill as parking area in Los Angeles

WHEREAS, The Los Angeles metropolitan area by reason of its rapid and consistent growth is becoming more and more congested and it is becoming increasingly difficult to use motor vehicles for business purposes in that area; and

WHEREAS, Much of this congested condition arises because of the unavailability of parking facilities and the consequent necessity that motorists keep driving while waiting or searching for parking space; and

WHEREAS, There is in the heart of downtown Los Angeles an area known as Bunker Hill in which excavations could be made for several parking levels which would accommodate a vast number of motor vehicles and relieve much of the traffic congestion; and

WHEREAS, Such a parking area would be conveniently accessible from at least three streets, Fifth, Hill, and Flower, and from the freeway to be constructed by the State over Bunker Hill; and

WHEREAS, The State has a primary interest in providing adequate traffic facilities for all its people, for visitors, and for the flow of goods in commerce; and

WHEREAS, No inconsistent use is being made of the subsurface of Bunker Hill and the rights to use the subsurface as aforesaid should be readily available; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the City of Los Angeles is requested to take such steps as may be necessary to construct or authorize the construction of parking facilities under and in Bunker Hill in the City of Los Angeles, and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Mayor and Council of the City of Los Angeles.

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## CHAPTER 32

*Senate Concurrent Resolution No. 14—Relative to the acquisition of certain lands on or near the Colorado River for a State park.*

[Filed with Secretary of State February 6, 1946]

State park on Lake Havasu, Colorado River

WHEREAS, At the last regular session of the California Legislature a policy of providing State parks in the valley, desert and mountain areas of the interior of the State was established for the guidance of the State Park Commission in acquiring additional lands for State park purposes; and

WHEREAS, Since the construction of Parker Dam upon the Colorado River there has been created a large fresh-water lake known as and called Lake Havasu extending from the Parker Dam to Topock; and

WHEREAS, This lake offers untold opportunities for boating, fishing and other recreational uses; and

WHEREAS, The lands along and on the California side of such lake are undeveloped and are either government lands or lands within the Chemehuevi Indian Reservation; and

WHEREAS, An inspection has been made of such lands and it has been determined that such lands offer suitable sites for a State park, which would provide recreational facilities for large sections of the State where such facilities are not now available and particularly for the desert areas of the interior counties, as authorized by Chapter 1422 of the Statutes of 1945; and

WHEREAS, There are two suitable sites for such a park within the Chemehuevi Indian Reservation on Lake Havasu one thereof being in T. 4 N., R. 25 E., and the other T. 5 N., R. 25 E., and both of which are ideally located for such purposes; and

WHEREAS, It is necessary to negotiate with the Chemehuevi Indian Tribe as well as the Federal Indian Service for permission to acquire one of such sites for park purpose; now, therefore, be it

Surveys and investigation

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Natural Resources through the State Park Commission be and it is hereby requested to make such surveys and investigation as may

be necessary to determine which of such lands are most suitable and desirable for recreational purposes for inclusion in the system of State parks; and the State Park Commission, and the State Lands Commission are hereby requested to immediately negotiate with the Chemehuevi Indian Tribe and with the Department of Indian Affairs and the Department of Interior for the acquisition of such lands as the State Park Commission shall determine to be most suitable for such park and that such State Park Commission be and it is hereby requested to acquire the lands so selected for State park purposes; and be it further

Acquisition of lands

*Resolved,* That the State Lands Commission of the State of California be and it is hereby requested to cooperate with the State Park Commission in the acquisition of such lands and in negotiating an exchange of other unoccupied State lands for those required for such park; and be it further

*Resolved,* That the Honorable Harry R. Sheppard, Member of Congress from the Twenty-first District of California and the Honorable John Phillips, Member of Congress from the Twenty-second District of California be and they are requested to cooperate with the State Park Commission in acquiring the use of such lands for State park purposes; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the State Park Commission, to the State Lands Commission, to the Secretary of the Interior of the United States, to the Honorable Harry R. Sheppard, Member of Congress and to the Honorable John Phillips, Member of Congress.

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## CHAPTER 33

*Assembly Joint Resolution No. 3—Relative to memorializing Congress to enact S. 1592, to establish a National housing policy and to provide for its execution.*

[Filed with Secretary of State February 7, 1946.]

National housing *policy* Needed legislation, etc.

WHEREAS, There is now pending in the Senate of the United States S. 1592, known as the Wagner-Ellender-Taft Housing Bill, to establish a National housing policy and to provide for its execution; and

WHEREAS, It appears that this legislation, if enacted, will provide aid to local planning; will improve existing aid to privately financed housing; will enable private enterprise to serve families of lower income; will make possible direct private investment in housing for families of moderate income; will make possible direct private investment in the development or redevelopment of slum and other areas in local communities; will further aid local communities in slum clearance and low rent housing; will provide for the effective disposition of federally owned war housing, with preference to families of servicemen and veterans; and will set forth and make effective a sound National policy with respect to residential housing, to

the benefit of the general health, welfare and security, and for the encouragement of private enterprise in this important field; and

WHEREAS, The objectives thus sought to be accomplished are highly to be desired; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That Congress is respectfully memorialized to enact S. 1592 (Seventy-ninth Congress, First Session) and to do so with the utmost expedition in the interests of the general health and welfare of the people and of the communities in which they reside; and be it further

*Resolved,* That the Chief Clerk is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 34

*Assembly Concurrent Resolution No. 29—Relative to adjournment in respect to the memory of Harry B. Riley.*

[Filed with Secretary of State February 7, 1946.]

Death of Harry B Riley

The members of this Legislature are moved this morning by most profound regret and sorrow upon learning of the death of Harry B. Riley.

Many of us remember him warmly as a friend and colleague during his three terms of office in the Assembly of the State of California representing the Seventy-first Assembly District.

In the death of Harry B. Riley the people of the State of California have lost an able State officer and political leader, a man whose entire life has been devoted to public service. Born in Santa Ana, California, he was educated in the public schools there and the University of Southern California Law School. He entered public service in his own home community as City Clerk of Long Beach, in which city he conducted a lithographing and printing business.

In 1930 he was elected to the Assembly of the State of California, afterwards reelected, serving a total of three terms. In January of 1937 he was appointed State Controller to fill an unexpired term, and thereafter was elected and reelected, serving as State Controller until his death.

Harry B. Riley is survived by his widow, Mrs. Ruth Riley, his son, Burke Riley, recently returned from service with the United States Naval Forces; two grandsons, Michael and Timothy Riley; his stepson, Robert Dickey, just returned from overseas service with the Army of the United States; his mother, Mrs. Effie Riley, and his brother, Paul Riley, all of Sacramento, California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of this Legislature express profound regret and sorrow in the loss of their former colleague and friend, and in this inestimable loss which his death brings to the State of California; and be it further

*Resolved,* That the Members of this Legislature by this resolution convey their personal heartfelt sympathy to the family of Harry B. Riley; and be it further

*Resolved,* That when this Legislature adjourns this fourth day of February, 1946, it do so in tribute to Harry B. Riley, State Controller of California, in recognition of the great service he has given to this Legislature, and to California, his beloved native State; and be it further

*Resolved,* That the Chief Clerk of the Assembly is requested to transmit suitably engrossed copies of this resolution to the family of Harry B. Riley.

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## CHAPTER 35

*Assembly Joint Resolution No. 11—Relative to the establishment of foreign trade zones in California.*

[Filed with Secretary of State February 7, 1946.]

Foreign trade zones: San Francisco and Los Angeles

WHEREAS, The Federal laws provide for the establishment and operation of foreign trade zones in or adjacent to ports of entry, for customs purposes; and

WHEREAS, The laws are administered by a board consisting of the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of War; and

WHEREAS, The board has authorized the establishment of such a foreign free trade zone in the City of New York; and

WHEREAS, The establishment of foreign trade zones at the ports of San Francisco and Los Angeles would be of inestimable value not only to the people of California, but to the entire western area, and would result in stimulation of commerce between the United States and the countries of the Far East; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of War to authorize the establishment of foreign trade zones in or at the ports of San Francisco and Los Angeles; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of War, and to the Senators and Representatives from California in the Congress of the United States.

## CHAPTER 36

*Assembly Concurrent Resolution No. 18—Relative to the condition of State funds and estimation of surplus at the end of this biennium, requesting the State Controller and the Director of Finance for information in respect thereto*

[Filed with Secretary of State February 7, 1946.]

Condition of State Treasury: Information, etc.

WHEREAS, The Legislature has been convened and is meeting in extraordinary session to consider and act upon legislation to appropriate money for public works and other specified purposes; there are now pending before the Legislature numerous proposals for the appropriation of large sums of money for various of these purposes, aggregating a sum which may be in excess of available moneys in the State treasury; and it is indispensable to adequate consideration of these several proposals that the Legislature and its members have at hand the most accurate and detailed information available as to the present and future condition of the certain funds in the State treasury as well as the needs and relative needs of the various proposed objects of appropriation; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Director of Finance and the State Controller each is hereby urged and requested at once to inform the Assembly and the Senate of the present condition of the General Fund and the reserves therein in the State treasury and of the estimated surplus, if any, that there will be in each such fund and reserve at the end of the present biennium, leaving out of account and not including any appropriations made or that yet may be made at or during this extraordinary session of the Legislature; and be it further

*Resolved,* That the Chief Clerk of the Assembly forthwith deliver copies of this resolution to the State Director of Finance and the State Controller.

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## CHAPTER 37

*Assembly Joint Resolution No. 14—Relative to certain bills concerning California Indians, pending in the Congress of the United States.*

[Filed with Secretary of State February 11, 1946.]

Indians of California Effect of pending bills

WHEREAS, Certain bills have been introduced in the House of Representatives of the Congress of the United States by the Honorable Ellis E. Patterson, Representative from California, and are now pending therein, being designated Nos. H. R. 3604, H. R. 3605 and H. R. 3606; and

WHEREAS, Said bills contain provisions affecting the rights of certain tribes and bands of Indians within the State of California with respect to Indian lands and claims against the United States; and

WHEREAS, It is reported that said bills, if enacted into law without amendment, may not be entirely adequate to protect the rights of the Indians of California and to provide complete compensation for their claims for lands taken by the United States; and

WHEREAS, The Legislature of California, by Joint Resolution No. 41 (1945 Statutes of California, Chapter 132), filed June 16, 1945, brought to the attention of the Congress the manifest injustice to the Indians of California which has resulted from the enactment of the California Indians' Jurisdictional Act of 1928 (45 Statute 602) as amended April 29, 1930 (46 Statute 259), and the attention of the Congress is respectfully directed to said resolutions; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to withhold any action on bills numbered H. R. 3604, H. R. 3605 and H. R. 3606 relative to the Indians of California, until the Congress and an interim committee of said Legislature have investigated fully all of the facts pertaining thereto including the effect such bills would have if enacted, upon the rights of California Indians.

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States, and to the respective chairman of the Indian Affairs Committees of the Senate and the House of Representatives.

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## CHAPTER 38

*Senate Joint Resolution No. 7—Relative to veterans hospital facilities in California.*

[Filed with Secretary of State February 11, 1946.]

Hospital facilities for veterans increase, etc.

WHEREAS, There is in the State of California a tragic and appalling lack of veterans hospital facilities and beds, which unless immediately provided and made available will cause untold suffering and hardships among veterans needing and entitled to immediate hospitalization and medical care; and

WHEREAS, We have promised and assured those to whom we owe our lives, our liberties and our national existence, thousands of whom have come back from bloody battlefields cruelly maimed or desperately sick in body and mind, that we would give them every care and opportunity that a grateful nation should bestow upon its heroic defenders; and who throughout the world, in foxholes, on the sea and in the air have offered their lives for our country; and

WHEREAS, The Veterans Administration has not provided the beds or facilities to care for the sick and disabled veterans in California, or even to care for all the emergency cases; that there are now only available 4,491 beds which is only 350 more than on December 7, 1941; and

WHEREAS, California furnished 1,000,000 servicemen to the armed forces during this war and that there are now approximately 500,000 discharged veterans from other States permanently residing here; that a categorical check indicates that there will soon be 1,000,000 veterans here who entered the service from other States, making a total of 2,000,000 veterans who will soon have to be taken care of in California. This total is six times greater than after World War I, and today we actually only have 350 more beds in permanent facilities than before the outbreak of World War II; and

WHEREAS, Veterans are now being sent from California to hospitals in Arizona, New Mexico, Oregon and Washington, separating them from their families and causing them unnecessary hardships, and a recent inquiry established that there are 889 veterans who are mental cases now being given care in our own State hospitals and that veterans are being received in them at the rate of 85 per month. In these State hospitals, they receive only custodial care and are without rehabilitative treatment so necessary and helpful for young men. That there are in county and private hospitals untold numbers who should now be in veterans hospitals; and

WHEREAS, The Veterans Administration has authorized throughout the Nation 14,921 new beds and has only allotted to California one hospital of 250 beds at Fresno, and are now planning to allot only 670 additional beds, and as a temporary measure have contracted for 1,000 beds in Army and Navy hospitals; and

WHEREAS, The veterans facilities in California are utterly inadequate to meet the needs of the sick and disabled and only the most critical cases are presently being hospitalized, causing heartbreaking discouragement, discontent and disappointment to thousands of worthy veterans who might be speedily rehabilitated if given timely and adequate care and attention; and

WHEREAS, There has not been a spade turned to provide new facilities in California and construction will necessarily be attended with delay; and

WHEREAS, Sixty-seven or more Army or Navy hospitals were constructed in California, many of which are well equipped and suitable for temporary use, and available on contract to the Veterans Administration; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President of the United States and the Veterans Administration to immediately enter into contracts with the Army and Navy to take over an adequate number of these hospitals to furnish at least 7,000 more beds in California, and take the necessary steps to provide adequate

personnel and staff to put them into operation at the earliest date possible; and be it further

*Resolved*, That the Veterans Administration and the Federal Board of Hospitalization allot to California an additional 8,000 beds in permanent facilities and that immediate action be taken to start construction and that they be put in operation in all haste; and be it further

*Resolved*, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, Major General Omar N. Bradley, Director of Veterans Administration and the Federal Board of Hospitalization, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 39

*Assembly Joint Resolution No. 19—Relating to contemplated change in Office of Price Administration regulations covering Douglas Fir lumber.*

[Filed with Secretary of State February 13, 1946.]

Douglas Fir lumber
Increase of price, etc

WHEREAS, It has been reported that the Office of Price Administration has now in process an amendment to its regulation RMPR-26 providing for the allowance to sawmills in the Pacific Northwest of an extra charge of $2.50 per thousand feet as a premium on shipments of Douglas Fir lumber to the Eastern Coast of the United States; and

WHEREAS, This amendment will be in effect a rise in the price of such lumber sold in the Eastern portion of the country, thus making the sale of lumber more profitable in that section, while retaining present prices and rates in the West; and

WHEREAS, The result would be a diversion to the more profitable Eastern markets, of vast quantities of such lumber which would normally be shipped to California and the Western States; and

WHEREAS, The diversion of such lumber to the East would have a disastrous effect on the California building and construction industry and would greatly aggravate an already desperate shortage of housing and buildings of all kinds, and would have a definite adverse effect on the economic well being of the State during the critical conversion period; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully urges and memorializes the President and the Office of Price Administration to refrain from effecting any amendment to Regulation RMPR-26 which would allow such extra charges to sawmills unless such charges are made to apply to all such lumber shipped to any destination; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President

of the United States, to Chester Bowles, Administrator of the Office of Price Administration, and to each member of the Congress from California. The Chief Clerk is also directed to transmit by wire the contents of this resolution to Peter A. Stone, Price Executive, Lumber Branch, Office of Price Administration, Washington, D. C.

## CHAPTER 40

*Assembly Joint Resolution No. 8—Relative to amendment and extension of the Federal Social Security Act in respect to public assistance.*

[Filed with Secretary of State February 14, 1946.]

Federal Social Security—Widening scope, etc.

WHEREAS, The Congress of the United States has, in the Social Security Act, provided for grants-in-aid to the States for public assistance to needy persons on a categorical basis, including therein grants for old-age assistance, aid to the blind and to dependent children, and grants for other limited and specific purposes, but the categories do not cover the entire field of persons in need of public assistance, and no Federal provision for assistance is made in respect to residual categories; and

WHEREAS, Major improvements in the provision and administration of public assistance within the past 10 years in respect to standards and amounts of aid have been made only in those fields in which the States have received Federal assistance, and which have been administered under the guidance and supervision of the Federal Social Security Board; and

WHEREAS, It is only in those fields in which state-wide uniformity has been achieved in respect to budgetary standards, application of rules of eligibility, rights of appeal, and like matters; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress and President of the United States are hereby memorialized and urged to enact such legislation as may be necessary to provide Federal assistance for, and to bring within the scope of the Federal Social Security Board, the entire field of public assistance to the needy, including assistance and maintenance for general hospitals, general relief, and aid to the deaf, physically handicapped and other categories of needy persons not presently receiving aid, on an equal matching basis with States and other political subdivisions, and to liberalize the provisions for assistance to categories of persons to whom aid now is provided so that the Federal assistance will amount to at least one-half of the aid provided, in all instances where the Federal assistance is now provided in a lesser amount; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the presiding officer of each of the houses of Congress, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 41

*Assembly Joint Resolution No. 15—Relative to migratory birds and the open season for the taking thereof.*

[Filed with Secretary of State February 14, 1946.]

Wild fowl shooting season Continuation

WHEREAS, California climate is similar to that of the Southern States; and

WHEREAS, The flight of migratory wild fowl is practically the same as prevails in the Southern States; and

WHEREAS, The Secretary of the Interior changed the shooting season for such migratory wild fowl in this State to correspond with the southern zone; and

WHEREAS, The sportsmen of this State have been greatly benefited by such change; and

WHEREAS, The California Legislature sincerely appreciates such beneficial action by the Secretary of the Interior; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Secretary of the Interior to continue California in the zones as provided for the 1945-1946 shooting season; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Secretary of the Interior and to each Senator and Representative in the Congress of the United States from California.

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## CHAPTER 42

*Assembly Concurrent Resolution No. 31—Relative to respectful tribute to Victor J. Canepa.*

[Filed with Secretary of State February 14, 1946.]

Death of Victor J. Canepa

WHEREAS, The Members of this Legislature learn with deep regret of the passing of Victor J. Canepa, on February 3, 1946; and

WHEREAS, Victor J. Canepa, son of the late Bartolomeo and Teresa Canepa, was a native of San Francisco and a member of San Francisco Parlor No. 49, Native Sons of the Golden West; and

WHEREAS, It was his distinction to have served four years as a member of the Assembly and 15 years in the Senate of the State of California as representative from San Francisco's famous North Beach District; and

WHEREAS, He was ever devoted to his duty and to his beloved city by the Golden Gate, having sponsored, among others, such legislative measures as those providing for the present State Building in San Francisco's Civic Center, and that making

possible the survey for the Oakland-San Francisco Bay Bridge; and

WHEREAS, Victor J. Canepa also served his native city as a Member of its Board of Supervisors, to which he was elected in 1930; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of this Legislature hereby express deep regret concerning the loss of their former colleague and friend, and by this resolution convey expressions of sympathy to the bereaved children of Victor J. Canepa, Mrs. Hazel Kimball and Victor J. Canepa, Jr., and to his brother, Emile Canepa; and be it further

*Resolved,* That when this Legislature adjourns this sixth day of February, 1946 it do so out of respect to the memory of Victor J. Canepa; and be it further

*Resolved,* That the Chief Clerk of this Assembly transmit suitably engrossed copies of this resolution to the family of Victor J. Canepa.

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## CHAPTER 43

*Assembly Joint Resolution No. 20—Relating to the surplus potato crops in California.*

[Filed with Secretary of State February 16, 1946.]

Surplus potatoes Acquisition and disposition

WHEREAS, There exists a widespread food shortage in many portions of the world and we are informed by our National administration that it will be necessary for the people of the United States to limit severely their consumption of food products; and

WHEREAS, Because of cancellation of contracts for food by our military and naval establishments California has a tremendous surplus of potatoes, and in one instance alone, in the Tule Lake area there are 2,000 carloads of these potatoes; and

WHEREAS, Next to wheat, potatoes may be said to be a staff of life and are a substantial, healthful, and customary part of the diet of many people; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the United Nations Relief and Rehabilitation Administration, and the Department of Agriculture be and they are hereby memorialized to acquire the surplus potatoes now existing in California and dispose of them both in this country and abroad; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Honorable Herbert Lehman, Director of United Nations Relief and Rehabilitation Administration, and the Honorable Clinton Anderson, Director of Agriculture, and to the Members of the Congress of the United States from California.

## CHAPTER 44

*Assembly Concurrent Resolution No. 24—Relative to memorializing the State Park Commission in regard to the operation and maintenance of the recently acquired State park known as Camp Taylor.*

[Filed with Secretary of State February 16, 1946.]

Camp Taylor State Park Funds for maintenance, etc

WHEREAS, The new Camp Taylor State Park has just been acquired; and

WHEREAS, There are no funds in the present biennial budget for its personnel, maintenance, or operation; and

WHEREAS, This is the only State park in Marin County; and

WHEREAS, Its usefulness as a unit of the State Park System depends upon its operation and maintenance; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That it is the sense of the Legislature that the State Park Commission should immediately request the Department of Finance to make a deficiency allotment from the State Park Fund to properly take care of the personnel, operation, and maintenance of the new Camp Taylor State Park for the remainder of this biennium; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Park Commission and to the Chief of the Division of Beaches and Parks.

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## CHAPTER 45

*Assembly Joint Resolution No. 25—Relative to memorializing the President of the United States to appoint a westerner Secretary of the Interior.*

[Filed with Secretary of State February 18, 1946.]

Westerner as Secretary of the Interior

WHEREAS, A vacancy now exists in the cabinet position of Secretary of the Interior; and

WHEREAS, The administration of the Department of the Interior is of vital importance to the people of the Western States by reason of the vast number of square miles of territory in the Western States which are under the jurisdiction of the Department of the Interior; and

WHEREAS, The affairs of the department may be more effectively administered by a person possessing a knowledge of and familiar with the Western United States; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the President of the United States be and he is hereby memorialized to appoint as Secretary of the Interior a person residing in one of the Western States who is familiar with the western area and its problems; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President of the United States, the Senators and Representatives in the Congress from the State of California, and to the several commissions on State cooperation of the Council of State Governments.

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## CHAPTER 46

*Senate Concurrent Resolution No. 16—Relative to the need for additional funds to cover cost of licensing, inspecting, regulating, and supervising public and private hospitals, requesting the Director of Finance to make money available for this purpose.*

[Filed with Secretary of State February 18, 1946]

Private and public hospital inspection. Additional funds, etc.

WHEREAS, The Legislature enacted Chapter 1418, Statutes of 1945, to provide for the better protection of the public health by providing for State licensing, inspection, regulations, and supervision of public and private hospitals within this State; and

WHEREAS, When the measure was before the Fifty-sixth regular session of the Legislature the Department of Public Health stated that eighty-eight thousand dollars ($88,000) would be necessary to administer the act during the Ninety-seventh and Ninety-eighth Fiscal Years; and

WHEREAS, The Legislature reduced the amount requested to forty-four thousand dollars ($44,000); and

WHEREAS, The Department of Public Health now reports that if the provisions of the act are to be carried out, an additional sum of forty-four thousand dollars ($44,000) will be required; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Director of Finance is hereby urged and requested to make available from the Emergency Fund an additional amount of forty-four thousand dollars ($44,000) in order to enable the Department of Public Health to carry out the provisions of Chapter 1418, Statutes of 1945, during the remainder of the current biennium ending June 30, 1947; and be it further

*Resolved,* That the Chief Clerk of the Senate forthwith deliver a copy of this resolution to the State Director of Finance.

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## CHAPTER 47

*Senate Joint Resolution No. 4—Relative to Federal legislation granting terminal furloughs and leaves to enlisted personnel of the armed forces of the United States.*

[Filed with Secretary of State February 18, 1946]

Payment for earned terminal leave to enlisted personnel

WHEREAS, Enlisted personnel of the military and naval service of the United States receive by regulation certain furloughs and leaves annually; and

WHEREAS, Due to the demands of combat service, the pressure or work in some noncombat areas, and the very great shortage of ships and rail transportation facilities, many enlisted personnel have of necessity been denied furlough and leave time accrued to them in the course of service and which has been lost to them under the rule that annual furloughs and leaves for enlisted personnel are not cumulative from year to year; and

WHEREAS, Annual leaves to commissioned personnel are cumulative from year to year; and

WHEREAS, Terminal leaves have been granted to commissioned personnel as an adjustment for earned leave denied them by the exigencies of wartime service; and

WHEREAS, This has resulted in a situation inequitable to the enlisted personnel of the armed services; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of California urges the elected Representatives of the people of California in the National Congress to support Federal legislation granting terminal furloughs and leaves to enlisted personnel on the same basis that terminal leave for commissioned personnel is granted, with the further provision, applicable to all enlisted personnel discharged since December 7, 1941, that a cash payment be made to discharged enlisted personnel for furlough or leave time earned but denied to them by the demands of duty and forfeited at time of discharge; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 48

*Senate Joint Resolution No. 6—Relative to a bill pending in the Congress providing for the relief of owners of gold mines affected by Federal regulation.*

[Filed with Secretary of State February 18, 1946.]

Gold mines damaged by disuse Relief to owners, etc.

WHEREAS, There is now pending in the Congress of the United States a bill introduced by Honorable Clair Engle, Representative from California, being designated as Bill No. H. R. 4393; and

WHEREAS, Said bill provides for relief to the owners of gold mines which were closed or had their production curtailed during World War II as the result of the issuance of War Production Board Limitation Order No. L-208, and provides that said owners may file claims for damage to their mines caused by cessation or curtailment of operation; and

WHEREAS, The gold mining industry in the United States was largely shut down and rendered inoperative by reason of said Order No. L-208, and very little mining of gold was carried on in the mines of the Country during the period of said war; and

WHEREAS, Owing to the disuse of many of said mines and the period of time during which they have remained closed, a great many have become partially filled with water, and numerous cave-ins have resulted, and they have generally deteriorated to such extent that operation is impossible until extensive repair and rehabilitation work is performed; and

WHEREAS, The general rehabilitation of many gold mines will be so costly as to be prohibitive for the owners thereof, and financial relief is necessary for this purpose; and

WHEREAS, For several generations the mining of gold has been one of our foremost industries in California and other Western States, contributing to the income and welfare of the people, and being the most important source of income for many communities. The product of these mines serves a very useful purpose in our industrial system and is necessary in a wide variety of businesses and crafts. The permanent disuse of such mines would adversely affect the economic well-being of the State and the Country as a whole; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide relief for owners of gold mines which were damaged by the disuse resulting from the issuance of Regulation No. L-208, by the enactment into law of said Bill No. H. R. 4393; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States, to the President pro tempore of the Senate and the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 49

*Senate Joint Resolution No. 5—Relative to memorializing the Secretary of Labor, the National Labor Relations Board, and the United States Conciliation Service, relative to the settlement of a jurisdictional labor dispute between the CIO Food, Tobacco, Agricultural, and Allied Workers' Union of America, and the American Federation of Labor Cannery Workers' Union, affiliated with the International Teamsters' Union.*

[Filed with Secretary of State February 18, 1946.]

WHEREAS, There exists a jurisdictional labor dispute between the CIO Food, Tobacco, Agricultural, and Allied Workers' Union of America and the American Federation of Labor Can- Jurisdictional strike. Food processing industry

nery Workers' Union, affiliated with the International Teamsters' Union, which dispute has caused strikes and work stoppages in the food processing industry throughout California and which dispute threatens to cause further strikes and disputes in the food processing industry; and

WHEREAS, No issue of wages, hours, or working conditions is involved in the dispute; and

WHEREAS, The members of these two contending unions supply the labor necessary for the processing and packing of California fruit and vegetable crops; and

WHEREAS, The State of California produces an annual fruit and vegetable pack of more than one billion cans of fruits and vegetables; and

WHEREAS, Continued high production is vital and essential to meet world food shortages; and

WHEREAS, Unless this jurisdictional labor dispute is settled in the immediate future, it may endanger the food supply of the entire Nation, and may result in irreparable loss to consumers, workers, growers and processors alike not only in California or in the Nation, but throughout the entire world; now, therefore, be it

*Resolved, by the Senate and the Assembly of the State of California, jointly,* That the Secretary of Labor, the National Labor Relations Board and the United States Conciliation Service be and they are hereby respectfully memorialized and requested to take all necessary steps immediately to settle the jurisdictional labor dispute now existing between the CIO Food, Tobacco, Agricultural, and Allied Workers' Union of America, and the American Federation of Labor Cannery Workers' Union, affiliated with the International Teamsters' Union, to the end that the danger of irreparable loss to the growers, packers, workers, and consumers of this Nation, and the world, may be averted; and be it further

*Resolved,* That the Secretary of the Senate shall transmit copies of this resolution to the President pro tem of the United States Senate, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, to Paul M. Herzog, Chairman of the National Labor Relations Board, and to Edgar L. Warren, Director of the United States Conciliation Service.

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## CHAPTER 50

*Senate Concurrent Resolution No. 12—Relative to requesting The Regents of the University of California and the State Board of Education to study the need for expansion of higher education facilities at Sacramento Junior College, and to report thereon to the Legislature.*

[Filed with Secretary of State February 18, 1946.]

Facilities at Sacramento Junior College—Investigation of needs, etc

WHEREAS, Sacramento Junior College is an institution of higher education available to students who seek a university education in the Sacramento Valley; and

WHEREAS, The present facilities of this institution afford excellent facilities for the education, both as to equipment and curricula of our younger generation insofar as the present laws and educational restrictions relating to curricula are concerned, and present educational restrictions do not permit Sacramento Junior College to satisfactorily meet the growing educational needs of the Sacramento Valley, wherein the population has increased in recent years at a rapid rate; and

WHEREAS, The Sacramento Junior College is presently affording to its students courses in vocational training, which permit students to acquire practical knowledge in various subjects and prepare them to enter these vocations upon graduation from Sacramento Junior College; and

WHEREAS, Because of the extensive population of the Sacramento Valley, the people of said area may be entitled to have established within its area another full and complete facility for higher education for its growing population; and

WHEREAS, It is the desire of the Legislature to be fully informed as to the facts of this situation in order to determine what legislative action, if any, is desirable and necessary; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That The Board of Regents of the University of California and the State Board of Education are requested and directed to investigate and study the adequacy of existing facilities at Sacramento Junior College to serve as a public institution for higher learning in the Sacramento Valley, with a view to determining the need for expansion of such institution's educational opportunities and its conversion to a four-year college or a branch of the State University; and be it further

*Resolved*, That such study include the vocational courses now available to students in Sacramento Junior College with a view toward their expansion and the inclusion of such courses in the expansion of the educational facilities of Sacramento Junior College; and be it further

*Resolved*, That The Board of Regents and the State Board of Education are directed to cooperate with each other in pursuance of such investigation and study; that each be given full access to the findings of the other; and that each report to the Fifty-seventh Session of the Legislature the results of its investigation and study, making recommendations as to what alterations and changes to it seem warranted; and be it further Report to Legislature

*Resolved*, That the Secretary of the Senate is directed to transmit copies of this resolution to The Board of Regents of the University of California and the State Board of Education.

## CHAPTER 51

*Senate Concurrent Resolution No. 18—Relative to adjournment sine die of the Fifty-sixth (First Extraordinary) Session of the Legislature of the State of California.*

[Filed with Secretary of State February 18, 1946 ]

Adjournment sine die Date of

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the First Extraordinary Session of the Fifty-sixth Legislature of the State of California which convened at 11 o'clock a.m. on the seventh day of January, 1946, pursuant to a Proclamation issued by the Governor of the State of California under date of January 2, 1946, shall adjourn sine die at 3 o'clock p.m. Tuesday, February 19, 1946; and be it further

*Resolved,* That after Saturday, February 16, 1946, neither house shall pass any bill originating in such house unless permission to vote on such bill is granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

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## CHAPTER 52

*Assembly Joint Resolution No. 16—Relative to memorializing the Congress of the United States to provide for a survey of the fisheries of the Pacific Ocean.*

[Filed with Secretary of State February 19, 1946 ]

Fish resources of the Pacific Survey, etc

WHEREAS, Observations during the war in the Pacific have disclosed that great schools of tuna and other valuable food fish abound in the waters comprising a broad belt on both sides of the equator; and

WHEREAS, A comprehensive survey of the fish resources of the Pacific should be undertaken in order to determine the nature and extent thereof, the possibilities of conducting large scale commercial fishing operations from islands under the control of the United States by nationals of the United States, and the possibilities of conducting such operations from islands under the control of other nations; and

WHEREAS, There is pending in the Congress of the United States a bill designated H. R. 3230 which provides for a survey of the fishing industry of the Territory of Hawaii and of the adjacent waters, primarily for the benefit of the residents of Hawaii; and

WHEREAS, The development of the food fish resources of the Pacific will add tremendously to the food supply of the Nation and the by-products thereof will augment the supply of proteins available to agriculture; and

WHEREAS, Modern methods of taking and handling fish permit the operation of fishing fleets in the far reaches of the Pacific and once it has been determined that the fish are there in quantities sufficient to warrant commercial fishing operations private enterprise will assure that the resources will be utilized; 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, hereby respectfully memorializes the Congress of the United States to take such steps as may be necessary to cause to be made a comprehensive survey of the fish resources of the Pacific Ocean as provided in H. R. 3230, the extent to which and the methods by which commercial fishing may be encouraged and developed to the maximum level consistent with proper conservation, and the means of controlling such fisheries by treaty or otherwise; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Chief of the Fish and Wildlife Service of the Department of the Interior, and to each Senator and Representative in the Congress of the United States from California.

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## CHAPTER 53

*Assembly Joint Resolution No. 17—Relative to the development of tuna fishing in the Pacific Ocean.*

[Filed with Secretary of State February 19, 1946.]

Tuna fishing in Pacific Development of bases, etc.

WHEREAS, Observations during the war in the Pacific have disclosed that great schools of tuna exist throughout the tropical waters of that ocean and constitute a virtually untapped natural resource of immense value; and

WHEREAS, A committee of California residents comprising eminent marine biologists and practical businessmen engaged in large scale commercial fishing operations has studied the matter and has reported that the development of a large tuna fishing industry in the Pacific would be feasible if bases of operation could be established on islands in that ocean; and

WHEREAS, The United States now controls only a portion of the islands upon which the proposed tuna fishing fleets would have to be based; and

WHEREAS, In order to conduct the fishing operations successfully it will be necessary to arrange for bases on islands under the sovereignty of Great Britain, France, the Netherlands, Australia, and the Philippine Commonwealth; and

WHEREAS, Such bases will be necessary in order to provide for replenishment of water and supplies, for securing of bait, for facilities for repair and for the anchoring of large mother ships and of individual tuna clippers; and

WHEREAS, The United States now controls a great number of islands formerly under Japanese mandate, and in order to cover the entire area bases would be required at the Marquesas, Tuomotus, the Society Islands, the Tubais, the Tongas, the Fijis, New Caledonia and dependencies, the New Hebrides, the Solomons, New Guinea, the Gilberts, the Elliot islands and the Philippines; and

WHEREAS, In view of the present relations between the victorious powers the time is propitious for the United States to secure from the foreign nations involved the rights required to use the Pacific islands under their sovereignty in order to establish a tuna fishing industry to be conducted by nationals of the United States; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California hereby respectfully memorializes and requests that the President and Secretary of State of the United States negotiate such treaties or other arrangements whereby the bases referred to in this resolution may be acquired, and that the Senate of the United States ratify such treaties if and when made; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, the Secretary of State of the United States, the President pro tempore of the Senate and to each Senator and Representative in the Congress of the United States from California.

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## CHAPTER 54

*Assembly Joint Resolution No. 18—Relative to memorializing Congress to provide for an increase in the National minimum wage structure.*

[Filed with Secretary of State February 19, 1946.]

National minimum wage structure Increase, etc

WHEREAS, Legislation is pending before the United States Congress to increase the minimum wage, prescribed under the Fair Labor Standards Act of 1938; and

WHEREAS, Since 1938 the purchasing power of the dollar has declined sharply along with an increase in prices and cost of living, all of which has resulted in an actual decrease in the amount of real wages represented by the minimum wage of the Fair Labor Standard Act; and

WHEREAS, The need of protecting the National purchasing power and maintaining a minimum standard of living necessary for the health, efficiency and well being of wage earners may be at least partially achieved by increasing the present minimum wage; and

WHEREAS, In view of the demonstrated capacity of our country to produce far beyond prewar levels and the need of attaining an economy of full production and abundance, the

raising of the minimum standard is a reasonable beginning to this ultimate goal; now therefore be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Congress of the United States is respectfully memorialized to enact legislation at the earliest possible date to provide for an increase in the National minimum wage structure; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 55

*Assembly Joint Resolution No. 22—Memorializing Congress to make farm machinery, implements and housing available.*

[Filed with Secretary of State February 19, 1946.]

Farm machinery, housing, etc Shortage

WHEREAS, It appears that this Nation is facing a serious shortage in its food supply by reason of the obligation it has accepted to feed a large portion of the population of this world; and

WHEREAS, Many veterans have returned to the farm and have acquired or leased land for farming but have been unable to procure machinery, implements and housing for farm purposes; and

WHEREAS, It is reported that the United States is the owner of a vast amount of surplus machinery, equipment and housing facilities suitable for use in farming operations; and

WHEREAS, Many farmers other than veterans are now seriously hindered in their farm operations by shortages of machinery, implements and housing facilities; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress and administrators of the United States Government are requested to take such action as may be necessary to make such surplus machinery, equipment and housing facilities immediately available to farmers generally for the purpose of producing the world's food supply; and be it further

*Resolved,* That in such distribution preference shall be given to veterans; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, President pro tempore of the Senate, the Honorable Clinton Anderson, Secretary of Agriculture, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 56

*Assembly Joint Resolution No. 23—Relative to housing for veterans.*

[Filed with Secretary of State February 19, 1946.]

Housing for veterans Legislation, etc.

WHEREAS, It has been reported in the public press that President Harry S. Truman and National Housing Administrator Wilson W. Wyatt have recognized the urgent need for providing immediately 2,700,000 new homes and have proposed to Congress a program to meet this need; and

WHEREAS, The California Department of the American Veterans of World War II has by a communication printed in the Assembly Journal for February 6, 1946, at pages 9, 10, and 11, estimated that it will be necessary to construct 250,000 new permanent low cost homes within two years for veterans and their families residing in California; and

WHEREAS, The plan proposed by the California Department of the American Veterans of World War II is consistent in principle with the Federal proposals; and

WHEREAS, This Legislature recognizes the dire need of the people of this State for decent permanent low cost housing; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California endorses the proposals of the California Department of the American Veterans of World War II and the recent Federal proposals in principle, and hereby memorializes the Congress of the United States to enact such legislation and the National Housing Administrator to take such steps as may be necessary to provide not less than 250,000 low cost permanent homes for veterans in California during the next two years; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President of the United States, the National Housing Administrator, each Senator member in the Congress of the United States from California, and Edward S. Shattuck, State Commander, California Department of the American Veterans of World War II.

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## CHAPTER 57

*Assembly Concurrent Resolution No. 23—Relative to commending General Douglas MacArthur.*

[Filed with Secretary of State February 19, 1946.]

General Douglas MacArthur; Commendation

Meeting now in extraordinary session to consider the problems of reconversion at war's end, it is fitting that we pause in special tribute to General Douglas MacArthur, Commander-in-Chief of the American and Allied Military Forces in the Pacific, under whose brilliant leadership our Nation's valiant fighting men pressed on so decisively to final victory over Japan,

Here on the Pacific Coast, adjacent to the theater of war wherein he was our Nation's great protagonist, we are specially cognizant of his military genius and of his place in history as one of the world's great generals.

We are thankful to him for many things: For his broad knowledge of the Pacific area, gained from long service in the Philippines; for his early understanding of the ambitions of Japan and his continued efforts to strengthen our island defenses; for his notable organization of the Army of the Philippine Commonwealth; for his return from retirement after an already illustrious military career; for his valiant defense of isolated Bataan; for his undaunted spirit in time of adversity and his solemn vow, "I shall return"; for his masterful conduct of the Pacific phase of the war and the precision with which his plans, once formulated, were executed; and for his brilliant offensive strategy whereby the difficult Road to Tokyo, hallowed by the blood of many heroes, was foreshortened by the genius of the man who led them.

Nor should this tribute cease with unconditional surrender and omit his model military occupation of Japan, where liberalization of government and democratization of thought are being pursued with wisdom and dispatch; where already some two and a half million Japanese soldiers have been demobilized without incident; where war criminals have been brought to early trial; where secret societies have been dissolved; where freedom of speech and other civil liberties have been assured; and where a peace, neither too lenient nor too severe, is being administered to the end that never again will Japan become a threat to the world. Now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That this Legislature, on behalf of the people of California, pays grateful tribute to General Douglas MacArthur as Commander-in-Chief of the American and Allied Military Forces in the Pacific during World War II; and be it further

*Resolved,* That there is extended to General MacArthur a cordial invitation, upon his return to the United States, to appear before and be the guest of both houses of this Legislature in joint meeting assembled, should it happen that this body is then in session; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to General Douglas MacArthur.

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## CHAPTER 58

*Assembly Concurrent Resolution No. 30—Relative to the procurement and disposal of surplus agricultural machinery.*

[Filed with Secretary of State February 19, 1946.]

Agricultural machinery. Purchase and disposal, etc.

WHEREAS, Section 30 of the California Food and Fiber Production Act authorizes the California Farm Production

Council and the California Farm Production Director to provide for the facilities required by or in connection with the use of agricultural labor, and Section 33 of the act authorizes them to assist in providing any facility or means necessary to the production of farm products, including the procurement through Federal and other agencies of sufficient materials for the manufacture and repair of necessary farm machinery and equipment for use in California; and

WHEREAS, The council has unexpended moneys available for such purpose and such machinery is becoming more and more available; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the California Farm Production Council and the California Farm Production Director be and they are hereby requested to act as agents for returning veterans and other persons in the purchase of surplus farm machinery and supplies for agricultural purposes to the end that such machinery and supplies may be put to immediate use for the benefit of the State; and be it further

*Resolved*, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the members of the California Farm Production Council and the California Farm Production Director.

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## CHAPTER 59

*Senate Concurrent Resolution No. 17—Relative to the Joint Fact-Finding Committee on Highways, Streets and Bridges.*

[Filed with Secretary of State February 19, 1946.]

Highways, streets and bridges
Continuation of study, etc., by committee

WHEREAS, The Joint Fact-Finding Committee on Highways, Streets and Bridges is presently engaged in making a study and analysis of facts and matters relating or pertaining to subjects that come within the scope of the purposes for which this Legislature has been convened in extraordinary session, which study and analysis will be of assistance to the Legislature in considering and acting upon proposed legislation relating thereto; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, as follows:

1. The Joint Fact-Finding Committee on Highways, Streets and Bridges is directed and authorized to continue to study and analyze all facts and matters set forth in the resolution which created the committee.

2. The committee is authorized to meet in the State Capitol, or at any other place within this State or within the United States, and to expend the funds made available to it by this resolution for charges, expenses, or claims incurred or expended for traveling, living or other expenses within or outside the limits of the State of California.

3. In addition to any money heretofore made available, the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the Joint Fact-Finding Committee on Highways, Streets and Bridges (created by Senate Concurrent Resolution No. 27, Resolution Chapter 133, Statutes of 1945) 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.

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## CHAPTER 60

*Assembly Concurrent Resolution No. 3—Relative to creating a Joint Committee on Preschool and Primary Training of Children.*

[Filed with Secretary of State February 19, 1946.]

Preschool and primary training of children. Joint interim committee

WHEREAS, The Legislature has been convened in extraordinary session commencing on the seventh day of January, 1946, to consider and act upon legislation relating to child care centers (among other subjects); and

WHEREAS, Child care centers constitute but one form of preschool and early training of children, which can be fully understood and best provided for in relation to other forms of such training, including nursery schools, kindergartens, and primary schools; and the long-range need for child care centers as a permanent function of the educational system of the State is but a part of the broader problem of the long-range need for preschool and primary training in all possible forms and aspects; and

WHEREAS, The needs of the State in respect to a long range program of preschool and primary training as a permanent function of the educational system of the State can best be ascertained by study and investigation of the entire subject by a joint interim legislative committee; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, as follows:

Study needs, etc

1. The Joint Committee on Preschool and Primary Training is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the need for child care centers, nursery schools, kindergartens, or other forms of preschool and early school training as a permanent function of the educational system of California, the relative advantages and disadvantages of the different forms of such training, and the relative costs thereof, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating

to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

Membership of committee

2. The committee shall consist of five members of the Assembly appointed by the Speaker thereof, and five members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

Powers, etc

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the tenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the joint rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The committee is hereby authorized to advise and consult with experts having technical and professional training in the fields of education, school finance and other allied subjects, as well as representative citizens interested in the field of preschool and primary training of children.

Appropriation

7. The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

## CHAPTER 61

*Assembly Concurrent Resolution No. 20—Relative to the creation of a Joint Committee on the Housing Emergency.*

[Filed with Secretary of State February 19, 1946]

Housing emergency joint committee to investigate, etc

WHEREAS, The most critical need confronting the people of this State is the immediate provision of housing, especially for returning war veterans and their families; and

WHEREAS, The conversion of temporary war housing facilities will provide only a limited number of additional housing units and such units are relatively undesirable and their continued use should be discouraged to the greatest extent consistent with the essential requirements of our people for housing; and

WHEREAS, There is no assurance that a maximum effort is being made by those Federal authorities exercising controls over housing to take every possible step to expedite the construction of additional housing and to encourage the maximum potential utilization of existing housing facilities both in rental accommodations and in private homes; and

WHEREAS, There is no assurance that a maximum effort is being made by the construction industry to divert materials and manpower into the construction of housing as against other forms of construction, nor by the owners of rental properties or private homes to insure the maximum utilization of such accommodations; and

WHEREAS, It is imperative that this Legislature have available to it all of the facts necessary to an accurate appraisal of the magnitude of the problem; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* as follows:

1. There is hereby created a Joint Committee on the Housing Emergency to consist of two Members of the Assembly appointed by the Speaker and two Members of the Senate appointed by the Committee on Rules. The committee shall select a chairman from its own membership.

Committee to go to Washington, D. C.

2. The committee is authorized and directed to go immediately to Washington, D. C., there to consult with the proper Federal officials in order to secure for the special problem of California that degree of special consideration which the magnitude of our problem, occasioned by our great increase in population, clearly requires, and to make every effort to secure immediate action by such changes in regulations or in administrative procedures as will stimulate additional housing construction and the maximum utilization of existing housing facilities.

Authority of committee

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the tenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee is authorized to do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution and to report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

Appropriation

6. 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 Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

*Resolved*, That the Chief Clerk is directed to transmit copies of this resolution to the President of the United States, the Administrator of the National Housing Agency, the Director of the Office of Economic Stabilization, the Director of the Office of Reconversion, the Administrator of the Office of Price Administration, the Director of the Reconstruction Finance Corporation, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 62

*Assembly Concurrent Resolution No. 26—Relative to the creation of a Joint Interim Committee on Aviation.*

[Filed with Secretary of State February 19, 1946.]

Aviation—Joint committee created

WHEREAS, The Legislature is called upon at this special session, among other matters, to consider and act upon legislation for the promotion, encouragement, and regulation of aviation in California; and

WHEREAS, It is apparent that aviation will be an important factor in the postwar development and activities in this State and it is essential that sound and adequate legislation be enacted upon this subject and matters incidental thereto; and

WHEREAS, Such legislation can only be enacted if the Legislature is fully informed upon every phase of the subject; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* as follows:

1. The Joint Interim Committee on Aviation is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the regulation and taxation of air carriers and the financing of airports in California, and matters incidental thereto, including all facts relating to the aviation industry from the standpoint of operation, and including the needs of the people of the State for the location, establishment, construction and improvement of airports and other landing facilities, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendation for appropriate legislation.

Membership

2. The committee shall consist of seven Members of the Assembly, appointed by the Speaker thereof, and seven Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

Authority

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate and of the Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform

its duties, and accomplish the objects and purposes of this resolution.

(e) To meet at the State Capitol or at any other place in this State or within the United States.

Appropriation

6. The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Assembly and the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 63

*Assembly Concurrent Resolution No. 32—Relative to State revenues and expenditures and the relation of each to the other.*

[Filed with Secretary of State February 19, 1946.]

Biennial budget Survey, etc., of receipts and expenditures

WHEREAS, The budgetary provisions of the Constitution require the biennial preparation and presentation to the Legislature of a "complete plan and itemized statement of all proposed expenditures of the State" and "of all estimated revenues, for each fiscal year of the biennial period," and a budget bill "covering the proposed expenditures," coupled with recommendations as to "the sources from which the additional revenue shall be provided" if "the proposed expenditures" exceed "the estimated revenues therefor" (Article IV, Section 34); and

Although these requirements have been in the Constitution ever since 1922, the Legislature has not as yet prescribed a procedure for the preparation of this plan, the making of these estimates, the drafting of the Budget Bill (especially as concerns the completeness of its coverage and the particularity of its itemization), the periodic analysis and appraisal of the current and prospective relationship of receipts and expenditures, the maintenance of adequate reserves, nor the adjustment and readjustment of tax rates to avoid deficits and surpluses; and, further

In view of the very considerable increase in the scope of State governmental activities and in the volume of State financial obligations, during the last quarter-century, together with the complexity of the present State tax structure and the variability in the amount of revenue which it produces or may produce, the time has come when without delay the Legislature, through committees of its members, must devise ways and means for constant survey and control of State expenditures and receipts, maintenance of appropriate reserves, adjustment and readjustment of tax rates, and avoidance of deficits and of surpluses; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That each legislative investigating committee, whether a single house or a joint committee, now charged

with the duty of studying and reporting upon any phase of State taxation or of budgetary control, is instructed to include the subject of this resolution in its study and report, and all of such committees are authorized to collaborate and cooperate, each with the other, in this undertaking

## CHAPTER 64

*Assembly Concurrent Resolution No. 33—Relative to investigating the operation of motor vehicles and buses.*

[Filed with Secretary of State February 19, 1946.]

"Wildcat" motor vehicle transportation investigation, etc., by Railroad Commission

WHEREAS, The shortage of transportation facilities has resulted in a number of persons engaging in the furnishing of transportation by bus or automobile; and

WHEREAS, Many returning veterans and other persons, in their efforts to return to their homes, have been cheated out of their money and their time by individuals who have agreed to furnish them transportation and then either failed entirely to furnish any transportation or had furnished only a part of that agreed upon; and

WHEREAS, It is reported that many of these "wild-cat" operators frequent bus stations and depots and not only solicit business but in some instances actually intimidate persons into paying them for transportation services which are not thereafter rendered; and

WHEREAS, The activities of such operators should be thoroughly investigated and appropriate steps should be taken to end this form of racketeering; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Railroad Commission of this State is hereby requested to conduct a full investigation of the transportation of persons by private bus or automobile and to take such steps as are in its power to remedy the situation referred to in this resolution; and be it further

*Resolved*, That if additional funds are needed by the Railroad Commission for such an investigation, the Governor and the Director of Finance are hereby requested to cause additional funds to be allocated to the Railroad Commission in order to enable it to carry out such investigation; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Governor, each member of the Railroad Commission, and to the Director of Finance.

## CHAPTER 65

*Senate Joint Resolution No. 10—Relative to the permanent establishment of Camp Beale.*

[Filed with Secretary of State February 19, 1946.]

Camp Beale Permanent military reservation

WHEREAS, Camp Beale has been established by the United States Army at a very substantial expense to the taxpayers; and

WHEREAS, Said cantonment is located on two main line transcontinental railroads; namely, the Southern Pacific and Western Pacific Companies; and

WHEREAS, The adjacent area presently owned by the Government is one of the largest military reservations in the continental United States, providing adaptable terrain for various types of military training; and

WHEREAS, There also exists ample recreation facilities, both indoor and outdoor, in the vicinity of the camp; and

WHEREAS, Splendid relations between the military personnel of Camp Beale and the officials and citizens of the Cities of Sacramento, Marysville, Roseville and other cities near Camp Beale have existed from its inception; and

WHEREAS, The site of this reservation is strategically located on the Pacific Coast and will be for the best interests of the country; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President of the United States and the War Department to provide for the establishment of Camp Beale as a permanent military reservation; and be it further

*Resolved,* That the Secretary of the Senate be directed to transmit copies of this resolution to the President of the United States, to the Secretary of War, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 66

*Senate Joint Resolution No. 9—Relative to establishment of National parks.*

[Filed with Secretary of State February 19, 1946.]

National parks containing redwood forests Discontinuance of Federal establishment

WHEREAS, There are several National parks within the State of California embracing large areas of forest land, and providing recreational facilities for many thousands of tourists; and

WHEREAS, Certain of these National parks could be further developed to accommodate more people, and many forested areas could be made accessible which are now inaccessible to motorists; and

WHEREAS, The establishment of new National parks in this State is not necessary in those areas containing redwood forests; and

WHEREAS, The State has established and is maintaining State parks in various parts of California, including the "Redwood Highway" area, which includes a large portion of Humboldt, Mendocino and Del Norte Counties; and

WHEREAS, The creation of new National parks in counties which depend to a large measure on the lumber and sawmill industry would remove areas of valuable land from the county tax rolls and reduce the revenues of such counties, and tend to impair their financial structure; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States that no more National parks be established in the forested areas of California, especially those areas containing large redwood forests; and be it further

*Resolved,* That the Secretary of the Senate be directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 67

*Senate Joint Resolution No. 8—Relative to encouraging the resumption of gold mining.*

[Filed with Secretary of State February 19, 1946]

Subsidy on newly mined gold

WHEREAS, The price of gold being fixed at thirty-five dollars ($35) per ounce, the gold miner has been foreclosed from any relief through an advance in the price of his product; and

WHEREAS, The cost of operation of marginal gold miners has so greatly increased since the imposition of WPB Order L-208, that gold mines operating profitably under prewar costs would show a loss if reopened and operated under present costs; therefore, be it

*Resolved, by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide relief for owners of gold mines by providing a subsidy on newly mined gold in the United States, thereby permitting and encouraging the resumption of gold mining; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States, to the President pro tempore of the Senate and the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 68

*Senate Joint Resolution No. 3—Relative to proposed reparations to American residents of the Philippines detained during the war in Japanese prison camps, and memorializing Congress in regard thereto.*

[Filed with Secretary of State February 19, 1946]

Reparations for American residents of Philippines

WHEREAS, Numerous American residents of the Philippines were detained for years in Japanese prison camps and upon

their return to the United States have been given only emergency relief from Federal funds disbursed by local welfare agencies; and

WHEREAS, A great many of these American residents who were prisoners of the Japanese in the Philippines have been returned to the United States through California ports and a great many of them have remained in the State of California for the purpose of regaining their health; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That Congress is respectfully memorialized to provide for the payment of reparations to American civilians detained in Japanese prison camps during the war, the latter reparations to compensate fully for all injuries sustained by reason of such detention in Japanese prison camps, whether as a result of loss of time, of health, of contacts, of technical or professional skill, or otherwise; and, be it further

*Resolved,* That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

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## CHAPTER 69

*Senate Concurrent Resolution No. 19—Relative to providing funds for the Joint Committee on Water Problems.*

[Filed with Secretary of State February 19, 1946]

Additional funds for committee on water problems

WHEREAS, The importance of the matters to be investigated by the Joint Committee on Water Problems requires that additional funds be made available to said committee; now therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring:*

1. In addition to any money heretofore made available, the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Committee on Water Problems (created by Senate Concurrent Resolution No. 62, Resolution Chapter 142, Statutes of 1945) 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.

# STATUTES OF CALIFORNIA

## SECOND EXTRAORDINARY SESSION

## 1946

*Began on Monday, July 22, 1946, and Adjourned Thursday, July 25, 1946*

# PROCLAMATIONS BY THE GOVERNOR

## CONVENING THE LEGISLATURE IN SECOND EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA

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 in extraordinary session at Sacramento, California, on Monday, the twenty-second day of July, 1946, at 10:30 o'clock a. m. of said day for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to declare an emergency in respect to the renting of residential housing accommodations, including hotels and rooming houses; to provide for the regulation, control, and stabilization of rents in such housing accommodations; to regulate the procedure for removal or eviction of tenants of such housing accommodations; to provide for the administration and enforcement of such regulation, control, and stabilization, and to make funds available for such purposes.

2. 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 eighteenth day of July, 1946.

(Signed) EARL WARREN, *Governor of California*

(SEAL)

ATTEST: FRANK M. JORDAN, *Secretary of State*

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA

WHEREAS, The Legislature of the State of California convened on July 22, 1946, in extraordinary session pursuant to my Proclamation dated July 18, 1946, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated July 18, 1946, 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:

3. To consider and act upon legislation to amend an act entitled "An act to provide for the acquisition of temporary and emergency housing facilities for veterans and families of servicemen by joint action of the State and local agencies, providing for the operation of such facilities, making an appropriation, and declaring the urgency thereof, to take effect immediately," approved February 15, 1946, to make the act applicable to any college or university operated by the State or by any state agency, and to make an additional appropriation in augmentation of the appropriation made by that act.

4. To consider and act upon legislation relating to the salaries of members of the board of supervisors of counties of the third class.

5. To consider and act upon legislation to validate the organization, boundaries, governing officers or boards, acts, proceedings and bonds of public bodies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-second day of July, 1946.

(Signed) EARL WARREN, *Governor of California*

(SEAL)

ATTEST: FRANK M. JORDAN, *Secretary of State*

# STATUTES OF CALIFORNIA

## PASSED AT THE 1946 SECOND EXTRAORDINARY SESSION OF THE LEGISLATURE

## CHAPTER 1

*An act to amend Sections 2 and 8 of, and to add Section 3.5 to, an act entitled "An act to provide for the acquisition of temporary and emergency housing facilities for veterans and families of servicemen by joint action of the State and local agencies, providing for the operation of such facilities, making an appropriation, and declaring the urgency thereof, to take effect immediately," approved February 15, 1946, relating to housing for veterans and providing for State aid to local agencies including colleges and universities, for establishing temporary and emergency veterans' housing, making an appropriation, and declaring the urgency thereof, to take effect immediately.*

Stats. 1947, p. 45, amended

[Approved by Governor July 26, 1946. Filed with Secretary of State July 26, 1946.]

In effect immediately

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

SECTION 1. Section 2 of the act cited in the title hereof is amended to read:

See also Stats. 1947, p. 45

Sec. 2. As used in this act:

Definitions

(a) "Local agency" means any county, city and county, city, local housing authority, district of the State, or any college or university operated by the State or by any State agency. 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. In instances where the local agency does not have a governing body such acts shall be performed in writing signed by the person charged with the administration of the local agency.

"Local agency"

(b) "Housing" means any temporary housing (intact or in panels suitable for reuse) made available by the National Housing Administrator for the purpose of providing temporary housing for veterans and their families and for families of servicemen.

"Housing"

(c) Insofar as permitted by Federal law and regulations, and unless prohibited thereby, "veterans" includes any person who has served in the military or naval forces or the Merchant Marine of the United States and who has been discharged or released therefrom under conditions other than dishonorable.

"Veterans"

(d) Insofar as permitted by Federal law and regulations, and unless prohibited thereby, "families of servicemen"

"Families of servicemen"

includes the family of any person who is serving in the military or naval forces or the Merchant Marine of the United States and the unmarried widow of a deceased veteran.

"Families" (e) "Families" is limited to the spouse and legal dependents who are members of the household.

"Director" (f) "Director" means the Director of the State Department of Finance.

SEC. 2. Section 3.5 is added to the act cited in the title hereof, to read:

Housing for veterans attending college

Sec. 3.5. Allocations under this act to universities or colleges other than universities or colleges administered by a district shall be used only for the acquiring and establishing of housing in the vicinity of such colleges or universities in order to furnish living accommodations for veterans who are attending such colleges or universities and receiving educational assistance therefor from either the United States or the State.

See also Stats. 1947, p. 45, and Stats. 1947, Ch. 127

SEC. 3. Section 8 of the act cited in the title hereof is amended to read:

State's share of cost

Sec. 8. The director shall prescribe the time and manner of payment of the State's share of the cost of construction of a project for which a local agency has received an allotment under this act, which the local agency shall, on its request, be paid.

Any money expended by or on behalf of a local agency after December 1, 1945, for the purpose of acquiring housing as provided by this act shall be considered as part of the money required to be provided by the local agency hereunder.

Any funds appropriated under this act may be allocated as herein provided to defray expenditures incurred by local agencies after February 15, 1946, in acquiring and establishing housing as defined in this act.

Payment of State's share

The Board of Control shall by rule prescribe the information to be shown on claim for payment of the State's share of the cost of construction of projects under this act and the nature of the evidence of payment to be required in support of such claim. When the director approves such claim and finds the payment to be due, he shall transmit a claim for the amount due, together with all supporting information 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 payment he finds to be due.

Title in local agency

Except in the case of allocations to universities and colleges operated by the State or by any State agency, title to any project constructed with funds made available by this act shall not vest in the State but shall vest in the local agency constructing the project to the extent permitted by Federal law or regulation.

Reversion of funds

Any money appropriated by this act for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before the ninetieth day following the convening of the Regular Session of the Fifty-seventh Legislature, shall revert to the General Fund in the State Treasury; provided, however, that encumbrances made

against said money during its period of availability may be paid at any time until April 6, 1948. Any money appropriated by this act for support of the director and for support of the director and the department shall be available for expenditure until April 6, 1948; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until April 6, 1949.

Sections 13320-13324, inclusive, 13920 and 16003 of the Government Code, and Sections 3714-3714.26, inclusive, of the Political Code do not apply to the expenditure of allocations to local agencies made under this act. The provisions of Part 7 of Division 2 of the Labor Code are applicable to public works or projects constructed from funds allocated under this act.

Appropriation

SEC. 4. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two million five hundred thousand dollars ($2,500,000) or so much thereof as may be necessary for expenditure without regard to fiscal years in augmentation of the appropriation made by the act cited in the title hereof. There shall first be allocated from this appropriation for the use of the Department of Finance such amount as the Director of Finance shall determine is necessary for administration of the provisions of said act, the total of which allocation shall in no event exceed 1 per cent of the appropriation herein made.

Urgency

SEC. 5. 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:

There exists an extreme shortage in housing in the State. More than 5,000,000 veterans have been discharged from the military service many of whom reside in California and many more will be discharged in the near future. Many of such veterans and other persons are unable to find housing for themselves or their families and by reason thereof are being compelled to live in unsafe, insanitary and congested dwellings. Many of such veterans desire to attend colleges or universities, but can not obtain suitable accommodations The immediate adoption of this act will enable the State and local agencies to procure surplus government properties and provide suitable housing facilities for such persons and will enable many veterans and their families to readjust themselves to civil life and permit the veterans to resume their place in the community and conduct their employment without worry as to the health, sanitary condition and welfare of their families. It is therefore necessary that this act take effect immediately.

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## CHAPTER 2

*An act to add Section 4.5 to an act entitled "An act to provide for the acquisition of temporary and emergency housing* Stats. 1947, p. 45, amended

*facilities for veterans and families of servicemen by joint action of the State and local agencies, providing for the operation of such facilities, making an appropriation, and declaring the urgency thereof, to take effect immediately," approved February 15, 1946, relating to temporary and emergency housing for veterans, and the use of public park and recreation property by local agencies as sites for such temporary and emergency housing for veterans, and validating such use of public park and recreation property by local agencies, declaring the urgency thereof, to take effect immediately.*

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

In effect immediately

[Approved by Governor July 26, 1946. Filed with Secretary of State July 26, 1946.]

SECTION 1. Section 4.5 is added to the act cited in the title hereof, to read:

Public parks, etc., for temporary emergency housing

Sec. 4.5. Any local agency owning public park or recreation property may use such property for the purpose of erecting temporary and emergency housing facilities for veterans and families of servicemen, and the developing, operating and maintaining such temporary and emergency housing facilities, or may lease such property to another public agency for such purposes. The park board, commission, or authority of the local agency having direct control and management of such public park or recreation property shall first consent to such use before it may be so utilized or leased for such purposes.

Validation, etc.

SEC. 2. All acts or proceedings heretofore taken by any local agency, as defined in the act cited in the title hereof, in the utilization of any public park or recreation property, or the leasing or giving permission to any other such local agency to utilize such property for the purpose of erecting temporary and emergency housing facilities for veterans and families of servicemen, and the developing, operating, and maintaining such temporary and emergency housing facilities, are hereby confirmed, validated and declared legally effective.

Construction

SEC. 3. None of the provisions of this act shall be construed to impair or in any way limit the powers of any local agency, as defined in the act cited in the title hereof, over public park or recreation property under any statute or charter now in effect, but solely as granting such additional power, if such power does not already exist, to utilize such property as provided in Section 1 hereof. None of the provisions of this act shall be construed as indicating that such power has not already been granted by the provisions of the act cited in the title hereof or by other statute or charter provision applying to public park or recreation property.

Urgency

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:

Due to the extreme shortage in housing in this State it is imperative that temporary and emergency housing facilities for veterans be erected with the greatest of dispatch and as quickly as possible to alleviate the hardship and suffering now common in this State. Public park and recreation property of local agencies furnish one of the best and most accessible sites for such temporary and emergency housing facilities and many local agencies have either commenced to utilize such property or contemplate doing so within the immediate future. To eliminate all question concerning the power of such local agencies to so utilize such public park and recreation property it is necessary that their power to do so may be affirmatively stated by legislative enactment and it is therefore necessary that this act take effect immediately.

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## CHAPTER 3

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

[Approved by Governor July 30, 1946. Filed with Secretary of State July 30, 1946.] In effect immediately

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

SECTION 1. In addition to any money otherwise appropriated, the sum of twenty-five thousand dollars ($25,000), 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 during the Ninety-eighth Fiscal Year for legislative printing, binding, etc., for the Second Extraordinary Session of the Fifty-sixth Legislature. Appropriation Printing, binding, etc

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. Current expenses

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## CHAPTER 4

*An act to amend Section 4232 of the Political Code, relating to compensation for public service in counties of the third class.*

[Approved by Governor July 30, 1946. Filed with Secretary of State July 30, 1946.] In effect October 23, 1946

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

SECTION 1. Section 4232 of the Political Code is amended to read:

4232. In counties of the third class the county and township officers shall receive as full compensation for the services Alameda County, salaries and fees of officers.

required of them by law or by virtue of their office, the following salaries:

Clerk

1. The county clerk, five thousand dollars ($5,000) per annum; provided, that in counties of this class there shall be and there hereby are allowed to the county clerk one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; one deputy to act as judgment clerk, whose salary is hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum; one deputy to act as assistant judgment clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; one deputy to act as assistant clerk of the board of supervisors, whose salary is hereby fixed at the sum of three thousand dollars ($3,000) per annum; one deputy to act as chief registration clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; one deputy to act as chief entry clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; nine deputies to act as court clerks, whose salaries are hereby fixed at the sum of two thousand two hundred twenty dollars ($2,220) per annum each; one deputy to act as chief clerk of general business, whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; one deputy to act as chief naturalization clerk, whose salary is hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum; fourteen deputies, whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; one deputy, whose salary is hereby fixed at the sum of one thousand nine hundred eighty dollars ($1,980) per annum; two deputies, whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars ($1,620) per annum each; three deputies, whose salaries are hereby fixed at the sum of one thousand five hundred dollars ($1,500) per annum each. All of the foregoing deputies herein provided for, shall be appointed by the county clerk of said county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk.

It is further provided, that in counties of this class there shall be and there hereby are allowed to the county clerk such additional deputies as he may appoint and whose compensation shall not exceed in the aggregate the sum of fifteen thousand dollars ($15,000) for each two-year period beginning with the first day of January in each even numbered year; also such additional deputies, in each year in which a presidential primary election is held, as he may appoint and whose compensation shall not exceed in the aggregate the sum of two thousand five hundred dollars ($2,500); also such additional deputies, in the event of a special election being held within the county, as he may appoint and whose compensation shall not exceed in the aggregate the sum of two thousand five hundred dollars

($2,500). All of the foregoing deputies in this paragraph provided for shall be appointed by the county clerk of said county and their salaries shall be paid monthly at the same time and in the same manner and out of the same fund as is the salary of the county clerk.

It is further provided, that in counties of this class there shall be and there hereby are allowed to the county clerk, for service in each even numbered year and for not to exceed 30 days prior to the closing of registration for any special election held in an odd numbered year and conducted by the board of supervisors, such additional deputies as may be necessary for registering electors of the county, and said deputies shall be paid eight cents ($0.08) for the registration of each elector legally registered by him or her in the same manner as other county claims are paid.

It is further provided, that in counties of this class there shall be allowed to the county clerk costs of transportation incurred in connection with elections, claims for such costs to be paid in the same manner as other county claims are paid

2. The sheriff, four thousand dollars ($4,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the sheriff, one undersheriff, whose salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; three deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum each; one chief jailer whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; three deputies, who shall act as detectives whose salaries are hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum each; twenty-five deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; two engineers for the jail whose salaries are hereby fixed at the sum of two thousand two hundred eighty dollars ($2,280) per annum each; one matron for the jail whose salary is hereby fixed at the sum of one thousand eight hundred dollars ($1,800) per annum; one assistant matron for a period of not to exceed two weeks in any one year and to serve only during the vacation of the matron, whose salary is hereby fixed at the sum of seventy-five dollars ($75) for such two weeks; provided, further, that all the foregoing deputies and assistants of such sheriff herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals and the same shall be a charge against the county and allowed as such by the board of supervisors and paid as other county charges are paid. Sheriff

3. The recorder, five thousand dollars ($5,000) per annum; provided, that in counties of this class there shall be and there Recorder

hereby is allowed to the recorder the following deputies and copyists who shall be appointed by the recorder of such county and who shall be paid salaries and compensations as follows: One chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; twenty-four deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; provided, further, that the salaries of the deputies herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; provided, further, that in counties of this class, the recorder shall be entitled to the actual cost incurred by him for the recording of all papers, documents and records in his office not to exceed seven and three-fourths cents ($0.0775) per folio for long hand recording and not to exceed six cents ($0.06) per folio for typewritten recording for each paper or document so recorded; and provided, further, that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

Auditor

4. The auditor, five thousand dollars ($5,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the auditor, one chief deputy, whose salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; one deputy to act as accountant whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; one deputy to act as redemption clerk whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum; one deputy to act as a warrant clerk whose salary is hereby fixed at a sum of two thousand one hundred sixty dollars ($2,160) per annum; four deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; one deputy to act as stenographer whose salary is hereby fixed at the sum of one thousand six hundred twenty dollars ($1,620) per annum; and such additional assistants during the period in each year from July 1st to December 31st as the auditor may appoint and whose compensation shall not in the aggregate exceed the sum of two thousand five hundred dollars ($2,500) per annum; and provided, further, that the auditor shall file with the county clerk, a sworn statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; provided, further, that the deputies and assistants herein provided shall be appointed by the auditor of said county and their salaries paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the auditor.

Treasurer

5. The treasurer, six thousand dollars ($6,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the treasurer, one chief deputy, whose

salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; one deputy whose salary is hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum; four deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; all of which sums shall be paid by said county in equal monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the treasurer; provided, that all of said deputies herein provided for shall be appointed by the treasurer of said county; and provided, further, that all commissions and fees required or permitted by any law of this State or of the United States, to be collected by the treasurer either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid in to the salary fund of the county monthly; the increase in the salary of the treasurer as herein provided, shall become effective at the earliest date or dates permitted by the Constitution.

Tax collector

6. The tax collector, five thousand dollars ($5,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the tax collector, one chief deputy, whose salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; one deputy who shall act as chief clerk whose salary is hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum; one deputy who shall act as cashier whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; one deputy who shall act as assistant cashier whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; eleven deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; provided, further, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year at a salary of one hundred fifty dollars ($150) per month each; six extra deputies for a period not to exceed five months in any one year at a salary of one hundred fifty dollars ($150) per month each; six extra deputies for a period not to exceed four months in any one year at a salary of one hundred fifty dollars ($150) per month each; provided, further, that in counties of this class the tax collector shall appoint six persons to be known as indexers and whose duties it shall be under the supervision and direction of the tax collector to compile, make out and complete an index of the assessment roll of the county, and of the sanitary assessment rolls for each sanitary district in counties of this class yearly, as soon as the said rolls are completed by the assessor of the county, and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final

settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred fifty dollars ($150) per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; provided, further, that the chief deputy and all other deputies and assistants herein provided for shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies and assistants herein provided for, shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector.

7. The license collector shall receive 15 per cent of all licenses collected by him.

Assessor

8. The assessor, seven thousand dollars ($7,000) per annum and necessary traveling expenses in the performance of the duties of his office; provided, that in counties of this class there shall be and there is hereby allowed to the assessor the following assistants and deputies who shall be appointed by the assessor and paid salaries as follows: One assistant assessor whose salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; one chief deputy whose salary is hereby fixed at the sum of three thousand dollars ($3,000) per annum; two deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum each; 28 deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; two deputies for a period not to exceed six months in any one year whose salaries are hereby fixed at the rate of one hundred sixty-six and two-thirds dollars ($166⅔) per month each; 18 deputies for a period not to exceed five months in any one year whose salaries are hereby fixed at the sum of one hundred fifty dollars ($150) per month each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of four thousand dollars ($4,000) per annum; provided, that the assessor shall file with the county auditor a verified statement showing in detail the amount paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; provided, further, that the number of deputies, not to exceed four, which are assigned by the assessor to do field work outside of incorporated cities or towns within counties of this class shall be allowed their actual and necessary traveling expenses while engaged in assessing personal property in the said unincorporated territory. The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor; provided, further, that should the assessor be directed by any law or by any order of the board of supervisors or by any municipality within the counties of the third class to prepare maps, plats or block books for the use of the county or assessment rolls for the use of

any municipality, then said assessor shall make said maps, plats or block books or assessment rolls for the use of any municipality, but shall only receive the actual cost by him incurred in making or preparing said maps, plats, block books or assessment rolls; and provided, further, that he shall file with the county auditor a sworn statement showing the persons to whom and the amounts paid to each for such maps, plats, block books or assessment rolls, and shall account forthwith and pay to the county any difference between such costs and the amount allowed him for such work; and provided, further, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies or assistants; and it is further provided, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by Section 1901 of the Political Code.

District attorney

9. The district attorney, six thousand dollars ($6,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the district attorney the following assistants, deputies and employees who shall be appointed by the district attorney, and who shall be paid salaries as follows: Two assistant district attorneys whose salaries are hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum each; one chief deputy district attorney whose salary is hereby fixed at the sum of three thousand three hundred dollars ($3,300) per annum; one deputy whose salary is hereby fixed at the sum of three thousand three hundred dollars ($3,300) per annum; four deputies whose salaries are hereby fixed at the sum of three thousand dollars ($3,000) per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum each; one deputy to act as bond and warrant clerk in addition to his other duties whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum each, whose duty it shall be in addition to performing services as deputies district attorney to attend the sessions of the police courts in cities of the second class and conduct on behalf of the people all prosecutions for public offenses of which said police court shall have jurisdiction; one clerk whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum; one clerk and private exchange operator whose salary is hereby fixed at the sum of one thousand two hundred dollars ($1,200) per annum; one stenographer whose salary is hereby fixed at the sum of two thousand one hundred dollars ($2,100) per annum; four stenographers whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars ($1,620) per annum each;

one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases whose salary is hereby fixed at the sum of three thousand dollars ($3,000) per annum; two detectives who shall assist the district attorney in the detection of crime and prosecution of criminal cases whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; one process server whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum; and, provided, further, that nothing herein contained shall be construed as preventing the board of supervisors of counties of this class from employing special counsel in civil cases when the judgment of said board determines the interests of said counties to require it. The salaries of said assistant district attorneys, deputies, and all other persons in this subdivision provided for, shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner

10. The coroner, four thousand dollars ($4,000) per annum; and his necessary traveling expenses as follows: Ten cents ($0.10) per mile for distance actually traveled outside the Cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and San Leandro; said traveling expenses not to exceed twenty dollars ($20) in any one calendar month; provided, further, that in counties of this class, there shall be and there hereby is allowed to the coroner, one autopsy physician and surgeon, whose salary is hereby fixed at the sum of two thousand one hundred dollars ($2,100) per annum, who shall perform all autopsies and inspections in all cases required by the coroner except that where the distance from the county seat exceeds 20 miles the coroner may subpena a physician or surgeon to perform such autopsy or inspect the body; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum each; and one stenographer whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum, and who shall be paid in addition thereto, for transcribing all the testimony and proceedings taken by him at any inquest the sum of ten cents ($0.10) per 100 words for one copy and five cents ($0.05) per 100 words for two copies made at one time and in every case where the death of any person shall have been caused by the criminal act of another such stenographer shall make a copy of the transcript of the testimony and proceedings taken at said inquest for the use of the district attorney of said county; in all inquests so reported the fees for transcribing as provided herein shall be paid out of the county treasury upon the order of the coroner. When such testimony is taken down by such stenographer as herein set forth his transcription thereof duly certified to by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The autopsy physician and surgeon, deputies, and stenographer herein provided for shall be appointed by the coroner and their salaries shall be paid by said

county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the coroner is paid.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools

12. The superintendent of schools, five thousand dollars ($5,000) per annum; provided, that during the term of office of the present incumbent the salary of the superintendent of schools shall be four thousand dollars ($4,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one assistant superintendent of schools whose salary is hereby fixed at the sum of three thousand dollars ($3,000) per annum; one chief deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum; three deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each; provided, further, that in each year the superintendent of schools in counties of this class shall be and he is hereby allowed such additional deputies and assistants as he may require and whose compensation in the aggregate shall not exceed five hundred dollars ($500) in any one year; said assistants and deputies shall all be appointed by the said superintendent of schools of said county and their salaries shall be paid in equal monthly installments out of the same fund and in the same manner as the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performance of such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools.

Surveyor

13. The surveyor, five thousand dollars ($5,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars ($3,600) per annum; one stenographer whose salary is hereby fixed at the sum of one thousand six hundred twenty dollars ($1,620) per annum. The salary of such surveyor shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law, or by order of the board of supervisors of such county, shall be performed by the surveyor at actual cost; provided, however, that on all such work other than block book work hereinafter provided for, transit men and office men when actually engaged on such county work shall receive a per diem of not to exceed fifteen dollars ($15), and chainmen when actually engaged in such county work shall receive a per diem of not to exceed six dollars ($6); and provided, further, that for the making, platting, tracing or otherwise preparing maps, plats or block books for the use of the county or any municipality within such county

there shall be and there hereby is allowed to the surveyor the following draughtsmen who shall be paid salaries as follows: Two draughtsmen whose salaries are hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum each; two assistant draughtsmen whose salaries are hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum each; and provided, further, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the kind and nature of work performed, the dates, amounts paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatever kind or nature for services performed by said surveyor for said county. The deputy and all persons herein provided for shall be appointed by the surveyor and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as are the salaries of county officers of counties of this class.

Justice of the peace

14. Justices of the peace shall each receive the following monthly salaries, to be paid each month in the manner and out of the same fund as county officers are paid which salaries shall be in full for all services rendered by such justices of the peace; in townships having a population of more than 100,000, five thousand two hundred dollars ($5,200) per annum; in townships having a population of 75,000 and less than 100,000, four thousand dollars ($4,000) per annum; in townships having a population of 20,000 and less than 75,000, three thousand dollars ($3,000) per annum; in townships having a population of 15,000 and less than 20,000, two thousand seven hundred dollars ($2,700) per annum; in townships having a population of less than 15,000, two thousand one hundred dollars ($2,100) per annum; and provided, further, that each justice of the peace must keep a book, open for the inspection of the public during office hours, in which must be entered at once in detail the amount of all fees and fines collected by him as such justice of the peace and on the first Monday of each and every month he must pay such fees and fines so collected into the county treasury or city treasury as provided by law; and provided, further, that the board of supervisors of counties of the third class shall furnish each justice of the peace with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; and provided, further, that in townships having a population of more than 100,000, there shall be one justice's clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum, two deputy justice's clerks whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars ($2,160) per annum each, and one deputy justice's clerk whose salary is hereby fixed at the sum of one thousand eight hundred dollars

($1,800) per annum, said clerk and deputy clerks shall be appointed by the justice of the peace of said township, or justices, if more than one, and shall perform such duties as are required of them by law or the justice or justices of said township, the salaries of said clerk and deputy clerks shall be payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justices of the peace is paid; and provided, further, that in townships having a population of more than 75,000 and less than 100,000 there shall be one justice's clerk, who shall be appointed by the justice of the peace of said township, or justices, if more than one, and who shall perform such duties as are required of him by law or the justice or justices of said township, the salary of said clerk is hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the Federal census taken in the year Anno Domini 1920. Any increase of salary of any justice of the peace as herein provided shall become effective at the earliest date or dates permitted by the Constitution.

Constables

15. Constables shall each receive the following monthly salaries to be paid each month in the same manner and out of the same fund as other county officers are paid which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than 100,000, one hundred sixty-six and two-thirds dollars ($166⅔); in townships having a population of 75,000 and less than 100,000, one hundred fifty dollars ($150); in townships having a population of 20,000 and less than 75,000, one hundred fifty dollars ($150); in townships having a population of 15,000 and less than 20,000, two hundred dollars ($200); in townships having a population of less than 15,000, one hundred seventy-five dollars ($175). In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; provided, that in counties of this class constables shall be, and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the Federal census taken in the year Anno Domini 1920; provided, further, that in townships having a population of more than 100,000, the board of supervisors of counties of the third class shall furnish each

constable with a suitable office and supplies for said office. Any increase in the salary of any constable as herein provided shall not become effective during the term of office of any present incumbent.

Supervisors

16. Each supervisor, seven thousand eight hundred dollars ($7,800) per annum; provided, that in counties of this class supervisors charged as road commissioners with the inspection of 500 or more miles of roads within their respective district, shall be and they are hereby allowed their actual traveling expenses not to exceed the sum of seventy-five dollars ($75) in any one calendar month; and provided, further, that, in counties of this class supervisors charged as road commissioners with the inspection of 250 and not exceeding 500 miles of roads within their respective districts shall be, and they are hereby allowed their actual traveling expenses not to exceed fifty dollars ($50) in any one calendar month; and provided, further, that in lieu of the above-mentioned amounts for traveling expenses, said supervisors charged as road commissioners may be furnished with automobiles by counties of the third class; provided, further, that nothing herein contained shall be construed to prevent the use of county automobiles while engaged in the performance of their official duties, by supervisors of counties of this class not so charged as road commissioners.

County librarian

17. The county librarian, three thousand dollars ($3 000) per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; provided, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

Sealer of weights and measures

18. The sealer of weights and measures, four thousand dollars ($4,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the sealer of weights and measures one chief deputy whose salary is hereby fixed at the sum of two thousand seven hundred dollars ($2,700) per annum; and such other deputies as may be appointed in accordance with law whose salaries are hereby fixed at the sum of two thousand four hundred dollars ($2,400) per annum each; provided, further, that the salaries of said sealer of weights and measures, said chief deputy, and all other deputies shall be paid by said county at the same time and in the same manner and out of the same fund as the salaries of other county officers; said chief deputy and deputies to be appointed as provided by law. The compensation provided for by Section 4232 of the Political Code shall be paid to incumbent officers.

## CHAPTER 5

*An act to validate the formation, organization and existence of sanitary districts, declaring the urgency thereof to take effect immediately.*

[Approved by Governor July 30, 1946. Filed with Secretary of State July 30, 1946.] In effect immediately

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

SECTION 1. In all cases where the board of supervisors of any county in this State has heretofore made an order that a sanitary district has been established under the provisions of Part 1, Division 6, of the Health and Safety Code after an election at which the majority of the voters voting on the question have voted in favor of the formation of such district, all acts and proceedings taken for the purpose of forming and establishing such district are hereby legalized, validated, and declared to be sufficient and such district is hereby declared to be duly formed and organized under its name and with the boundaries shown or indicated in said order of the board of supervisors and shall have all of the rights and privileges and be subject to all of the duties and obligations of a sanitary district established pursuant to said Part 1, Division 6, of the Health and Safety Code, notwithstanding any defect, irregularity, omission, or ministerial error, or any failure to comply with any statutory requirement, which the Legislature could have omitted from the law under which such district was, or was purported to be, formed, particularly including any failure to comply with any or all of the provisions of the District Investigation Act of 1933. Nothing in this act shall be construed to render any district effective for the purposes of assessment or taxation unless the statement, together with the map or plat, required by Section 3720 of the Political Code is filed in the manner and within the time required by said section. Validation, etc., of sanitary districts

Stats 1933, p 2141

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

Certain sanitary districts have been organized pursuant to the provisions of the Sanitary District Act of 1923 (Part 1, Division 6, Health and Safety Code) and a question has arisen whether or not such districts are legally organized and existing if the provisions of the District Investigation Act have not also been complied with. The existence of this question will cause confusion and there will be much loss of time before such districts will be able to construct works and take other action to protect the public health in such districts. In all such districts the people have voted in favor of the formation thereof, thus indicating

that there are serious health problems to be met within such districts. In order that such problems may be met promptly and to prevent a serious menace to the public health it is necessary that this act shall take immediate effect.

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## CHAPTER 6

'Second Validating Act of 1946'

*An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.*

In effect immediately

[Approved by Governor July 30, 1946 Filed with Secretary of State July 30, 1946.]

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

Definitions

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

"Public body"

(a) The term "public body" means counties, cities and counties, cities, public districts, including school districts of any kind or class, junior college districts, irrigation districts, reclamation districts, drainage districts, levee districts, public utility districts, municipal utility districts, municipal improvement districts, sanitary districts, sanitation districts, metropolitan water districts, county water districts, county water works districts, water districts, water storage districts, municipal water districts, water conservation districts, mosquito abatement districts, bridge and highway districts, joint highway districts, highway districts, highway lighting districts, permanent road divisions, road districts, cemetery districts, port districts, harbor districts, flood control districts, storm water districts, library districts, and regional park districts, public cemetery districts, local hospital districts, and the California Toll Bridge Authority.

"Bonds"

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

Validation Public bodies

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

Same Boundaries

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded are hereby confirmed, validated, and declared legally established.

Same Officers

SEC. 4. Insofar as any matter to which this act relates is or may be affected, the members of the governing board or the officers of every public body heretofore elected or appointed and acting as such, are hereby declared the legally appointed or elected, qualified and acting officers or members of such governing board.

Same Issuance and sale of bonds

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

All such bonds heretofore issued, or heretofore authorized to be issued when hereafter issued in substantially the form contemplated in such authorization, shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body.

Same Territory annexed

SEC. 6. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion of such territory.

Limitations, etc

SEC. 7. (a) This act shall be limited to the correction of defects, irregularities, omissions, and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken.

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

(c) Nothing contained herein shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by said section.

(d) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined.

Short title

SEC. 8. This act may be cited as the Second Validating Act of 1946.

Urgency

SEC. 9. 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 take effect immediately.

The following is a statement of the facts constituting such necessity:

The peace, health, safety and welfare of the citizens of the State depend directly upon the orderly, proper and unhampered function of public bodies during the time this act otherwise would require before becoming effective. It is imperative and essential that during said time:

(1) Such citizens shall be afforded the protection of the police, fire, safety, sanitary and other regulations and protections provided by public bodies.

(2) Many public and private works and construction within the boundaries of such public bodies, and dependent on their validity, be commenced and continue without restriction or delay, which will help to alleviate the present widespread unemployment and economic distress, encourage circulation of money and add materially to property values.

(3) Such public bodies shall have full power to borrow money and receive grants of money from both private and public agencies, including the Federal Government, for essential public works projects and construction upon their credit and standing.

(4) Such public bodies perform effectively certain acts and initial proceedings for the purpose of providing and assuring revenues and finances for such works projects and construction as well as for all general purposes during the coming fiscal year, which will thereby allow them to meet, establish and obtain credit and to meet their obligations in full—all of which require the immediate validation of such public bodies in the manner herein set forth.

# CONCURRENT AND JOINT RESOLUTIONS

## SECOND EXTRAORDINARY SESSION

## 1946

# CONCURRENT AND JOINT RESOLUTIONS

## ADOPTED AT THE 1946 SECOND EXTRAORDINARY SESSION OF THE LEGISLATURE

### CHAPTER 1

*Assembly Concurrent Resolution No. 1—Relative to Howard Hughes.*

[Filed with Secretary of State July 24, 1946.]

Howard Hughes-Commendation

WHEREAS, Howard Hughes was critically injured, July 7, 1946, when he was test flying solo a powerful new photo-reconnaissance plane destined for the Army; and

WHEREAS, Howard Hughes, aviation engineer and pilot of rare ability, has made outstanding contributions to aviation and the science of aeronautics during and since the war; and

WHEREAS, The stamina and courage of Howard Hughes are illustrated by his revelation to the Army, while still in a precarious condition, of the causes of the accident; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature of the State of California hereby expresses to Howard Hughes the commendation of the people of California for his accomplishments and their hope that he may soon be completely recovered; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a suitable copy of this resolution to Howard Hughes.

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### CHAPTER 2

*Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the thirtieth day of April, 1946.*

[Filed with Secretary of State July 24, 1946.]

City of Berkeley-Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendment hereinafter set forth to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as

set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss

Certificate

We, the undersigned, FITCH ROBERTSON, Mayor of the City of Berkeley, State of California, and RUTH C. KEMP, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, 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 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and 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 said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, page 1208).

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 Berkeley, being the legislative body of said City, by its Resolution No. 28,381-N.S. duly and regularly submitted to the qualified electors of said City, a certain proposal designated as "Charter Amendment" to amend the Charter of said City and to be voted upon by said qualified electors at a special municipal election held in said City on the 30th day of April, 1946.

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 16th day of March, 1946, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed 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 in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 18th day of March, 1946, and on each day thereafter to and including the 29th day of April, 1946, all as required by Section 8 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 of said City to and including the 30th day of April, 1946, the date fixed for said election.

That said special municipal election was duly and regularly held in said City of Berkeley, after due notice given and published on the 30th day of April, 1946, 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 Charter amendment, in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the 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 the said proposed amendment to the Charter of the City of Berkeley was ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 28,483-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter 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 Berkeley so ratified by the electors of said City is in the words and figures as follows, to wit:

CHARTER AMENDMENT

To amend Section 57 of Article X of the Charter of the City of Berkeley to read as follows:

"Section 57. SCHOOL TAX. The Council, if requested by the Board of Education, shall in addition to the tax for municipal purposes, levy a tax for the adequate support of the public schools, such levy not to exceed thirty-five cents on each One Hundred Dollars of the assessed value of all real and personal property within the City." School tax levy

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Berkeley 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.

IN WITNESS WHEREOF, we have hereunto set our hands, and caused the Seal of the City of Berkeley to be affixed hereto, this 28th day of June, 1946.

FITCH ROBERTSON, Mayor of the City of Berkeley
RUTH C. KEMP, City Clerk of the City of Berkeley
[SEAL]

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are 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 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 Berkeley as presented to, and adopted and ratified by the electors of the said city 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 a part of the charter of said City of Berkeley.

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## CHAPTER 3

*Assembly Concurrent Resolution No. 7—Relative to welcoming the National Shrine Convention.*

[Filed with Secretary of State July 24, 1946.]

Shrine Convention at San Francisco. Welcome to California

WHEREAS, San Francisco is this week being invaded by thousands of Nobles of the Ancient Arabic Order of Nobles of the Mystic Shrine gathering for their 1946 National Convention, bringing the opulence of the bejewelled East to the shores of the Golden West; and

WHEREAS, The people of the State of California are both proud and happy to receive these honored guests; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature of the State of California hereby welcomes the various Temples and all the Nobles of the Ancient Arabic Order of Nobles of the Mystic Shrine to the State of California and extends to them best wishes for a successful convention and a week of fun and frolic in San Francisco, where the people of the City of the Golden Gate will receive the glamor and gaiety of their guests with the fabled hospitality of all California; further

*Resolved,* That a copy of this resolution be forwarded William H. Woodfield, Imperial Potentate of the Shrine of North America, and to Islam Temple of the Shrine of San Francisco.

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## CHAPTER 4

*Assembly Concurrent Resolution No 2—Approving certain amendments to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on May 7, 1946.*

[Filed with Secretary of State July 25, 1946.]

City of Glendale Charter amendments

WHEREAS, The City of Glendale, in the County of Los Angeles, State of California, contains a population of over

50,000 inhabitants and has been, ever since the year 1921, and is now, organized 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 a majority of the qualified electors of said city at a special election held for that purpose on the twenty-ninth day of March, 1921, and approved by the Legislature of the State of California on the eleventh day of May, 1921; and

WHEREAS, Proceedings have been concluded for the proposal, adoption and ratification of certain amendments to said charter, as set forth in the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF GLENDALE.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss ,
CITY OF GLENDALE }

Certificate

We, the undersigned, Albert C. Lane, Mayor of the City of Glendale, State of California, and G. E. Chapman, City Clerk and Ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the legislative body of said City, namely, The Council of said City, did, pursuant to Section 8, Article XI of the Constitution of the State of California, by resolution adopted March 21, 1946, duly propose to the qualified electors of said City of Glendale three amendments to the charter of said City, designated as charter amendments Nos. 1, 2, and 3, and ordered that said amendments be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 7th day of May, 1946, which date was fixed in said resolution as the date for holding said special municipal election;

That each of said proposed amendments was, on March 28, 1946, published in the Glendale News-Press, the official newspaper of said City and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and each of said proposed amendments was printed in convenient pamphlet form and in type of not less than 10-point, and copies thereof were mailed to each of the qualified electors of said City, and until the day fixed for the election upon said amendments it was advertised in said newspaper that copies thereof could be had upon application therefor at the office of the City Clerk of said City;

That the said Council of said City did by ordinance designated as Ordinance No. 2079, which was duly adopted on April 4, 1946, order the holding of a special municipal election

in the City of Glendale on the 7th day of May, 1946, which said date was not less than 40 days and not more than 60 days after the completion of the publication of said amendments as aforesaid, which said ordinance was approved by the Mayor of said City on April 4, 1946, and was published once a week for two weeks prior to the time for the holding of said election, to wit: On April 23 and April 30, 1946, pursuant to the provisions of the charter of the City of Glendale, in said newspaper;

That said special municipal election was held in said City of Glendale on the 7th day of May, 1946, which day was not less than 40 days and not more than 60 days after said amendments to said charter had been published once in said Glendale News-Press;

That thereafter The Council of said City of Glendale did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, by resolution adopted on May 14, 1946, duly declare the result of said special municipal election as determined from the canvass of the returns thereof;

That at said special municipal election, each of said amendments was ratified by a majority of the electors of said City voting thereon, to wit: Said charter amendments Nos. 1, 2, and 3;

That the said three charter amendments so ratified by the electors of the City of Glendale are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8, of Article XI of the Constitution of the State of California, and are in words and figures as follows, to wit:

## CHARTER AMENDMENT NO. 1

Article XI (Fiscal Administration) of the Charter of the City of Glendale is hereby amended by adding to said article a new section to be numbered Section 22.1 and to read as follows:

Sewers and sewage treatment facilities

SECTION 22.1 With a view to assisting the State of California in carrying out the purposes of the "Construction and Employment Act" of 1946 as well as providing for needed public improvements in the City of Glendale, and notwithstanding any provision of this Charter to the contrary, The Council may expend not to exceed the sum of $1,000,000.00 from the Public Service Surplus Fund for the purpose of constructing or acquiring capacity or ownership in or right to use outfall sewers and sewage treatment facilities, and not to exceed the sum of $350,000.00 from said fund for the purpose of constructing or acquiring capacity or ownership in or right to use an incinerating plant. In the event that the incinerating plant is sold, before or after completion, there shall first be repaid from any cash proceeds accruing to the City of Glendale any amount which may have been paid for construction or acquisition out of General Government funds and the balance of such cash proceeds shall be repaid into the Public Service Surplus Fund.

Incinerating plant

## CHARTER AMENDMENT NO. 2

Section 22 of Article XI (Fiscal Administration) is hereby amended to read as follows:

Public service surplus fund

SECTION 22. PUBLIC SERVICE SURPLUS FUND: A fund to be known as the Public Service Surplus Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department any amounts in excess of the requirements of the several funds as hereinbefore set forth. Except as otherwise provided in this section, disbursements from said Public Service Surplus Fund may be made by The Council by special appropriation for public service purposes only, which shall include payment of all or any portion of the tax of The Metropolitan Water District of Southern California, or its successors in interest, which The Council may elect to pay out of the funds of the City of Glendale.

At the end of each fiscal year, an amount equal to twenty-five percentum (25%) of the operating revenues of the Public Service Department for such year, excluding receipts from power or water supplied to other cities or utilities at wholesale rates, shall be transferred from said Public Service Surplus Fund to the General Reserve Fund; provided, that The Council may annually, at or before the time for adopting the general budget for the ensuing fiscal year, reduce said amount or wholly waive such transfer if, in its opinion, such reduction or waiver is necessary to insure the sound financial position of said Public Service Department and it shall so declare by resolution.

## CHARTER AMENDMENT NO. 3

Article XI (Fiscal Administration) of the Charter of the City of Glendale is hereby amended by adding to said article a new section to be numbered Section 22.2 and to read as follows:

Appropriation Parks and playgrounds

SECTION 22.2. Notwithstanding any provision of this Charter to the contrary, the sum of $350,000.00 is hereby appropriated from the Public Service Surplus Fund for the purpose of improving parks and playgrounds, and The Council may also expend not to exceed the sum of $250,000.00 from said fund for the purpose of constructing a memorial stadium.

That the foregoing proposed and ratified amendments to the charter of said City of Glendale, submitted to the electors of said City at a special municipal election held in said City on the 7th day of May, 1946, have been compared by us and each of us, with the proposed amendments set forth in the resolution adopted by The Council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof;

That this certificate shall be deemed to be a full and complete certification of the regularity of all proceedings had and done in connection with said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Glendale to be affixed this 14th day of May, 1946.

ALBERT C. LANE
Mayor of the City of Glendale

[SEAL] G. E. CHAPMAN
City Clerk of the City of Glendale

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF GLENDALE }

I, G. E. CHAPMAN, City Clerk of the City of Glendale, do hereby certify that on the 14th day of May, 1946, as appears from the official record of the proceedings of The Council of the City of Glendale for that date, the Mayor of the City of Glendale and the City Clerk of the City of Glendale were authorized and directed by the said Council to execute and attest the foregoing Certificate of Ratification of Charter Amendments by Electors of The City of Glendale, for and on behalf of said City, and the City Attorney of said City was authorized to take such steps as might be necessary to secure the approval by the Legislature of the State of California of said charter amendments set forth in said certificate.

G. E. CHAPMAN
[SEAL] City Clerk of the City of Glendale

and

WHEREAS, The said proposed charter amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of amendment or 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*, And a majority of all the members elected to each house voting therefor and concurring therein, that the aforementioned amendments to the charter of the City of Glendale, as proposed to and adopted and ratified by the electors of said city, 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 of Glendale.

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## CHAPTER 5

*Assembly Concurrent Resolution No. 4—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 20, 1946.*

[Filed with Secretary of State July 25, 1946 ]

City of San Jose Charter amendments

WHEREAS, Proceedings have been had and taken for the purpose of adoption and ratification of three 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, ALBERT J. RUFFO, 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 Resolution No. 7135, duly adopted on April 1, 1946, and Resolution No. 7140 duly adopted on April 1, 1946, directed that the several propositions for the amendment of the Charter of said City, designated as Charter Amendment No. 1, Charter Amendment No. 2 and Charter Amendment No. 3, be submitted to the electors of said City at the general municipal election to be held in said City on May 20, 1946, 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 three 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 20th day of May, 1946, 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 April 3, 1946, Proposed Charter Amendment No. 2 on April 3, 1946 and Proposed Charter Amendment No. 3 on April 3, 1946, in The Evening 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 Evening 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. 7129 of the legislative body thereof, duly adopted on March 25, 1946, there was held in the City of San Jose on the 20th day of May, 1946, 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 all of said proposed amendments to the Charter of said City, being Charter Amendments Nos. 1, 2 and 3 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 27th day of May, 1946, 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, Charter Amendment No. 2 and Charter Amendment No. 3, 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

### ARTICLE X
### SECTION 78-A

### ESTABLISHMENT AND NAME OF RETIREMENT PLAN

Retirement plan for officers and employees

Sub-section 1. There is hereby created, established, adopted, maintained and administered, as herein provided, a retirement plan for officers and employees, hereafter referred to as members, receiving a monthly compensation for service as members of the police or fire departments of the City of San Jose. Said plan hereby created and established shall become operative on the first day of the third month following the ratification of this amendment by the legislature of the State of California. It shall be known as the Police and Fire Department Retirement Plan as distinguished from the Police and Fire Department Retirement System as provided in Section 78 of Article X of the Charter of the City of San Jose.

### MANDATORY PROVISIONS

Mandatory provisions Police and fire departments

Sub-section 2. The Council shall provide for and create by ordinance the framework and details of a modern retirement plan for members of the police and fire departments of the City of San Jose which, in the Council's discretion, will best serve the interests and maintain the standards of the City of San Jose, and any ordinance adopted or amended under the authority and provisions of this Charter amendment shall at all times include the following mandatory provisions, to wit:

(a) A board of administration of five members, one of whom must be selected from the rank and file of the police department and one from the rank and file of the fire department, two from the members of the City Council and one from the members of the Civil Service Commission. The members selected from the police department and the fire department shall be chosen by an election held by the rank and file of the membership of the respective departments.

(b) Retirement shall, upon request, be granted any member of the police or fire departments who has completed twenty (20) years of service and is fifty-five (55) or more years of age.

(c) The board of administration may, by a four-fifths vote of its members, retire any member of the police or fire department at any time after said member is fifty-five (55) years of age or more and has completed twenty (20) years of service.

(d) The board of administration shall retire any member of the police or fire departments upon arrival of any said member at the age of sixty-five (65) years, regardless of the number of years of service credited to said member.

(e) Retirement shall, upon request, be granted any member of the police or fire departments who is disabled from any cause, has completed twenty (20) years of service, and is younger than fifty-five (55) years of age. The board of administration may, by majority vote, retire any member of the police or fire departments who is disabled from any cause, has completed twenty (20) years of service, and is younger than fifty-five (55) years of age.

(f) Any member of the police or fire departments retired by the board of administration as herein provided shall be paid a monthly retirement pay equal to fifty (50) per cent of the average monthly pay received by said member during the three (3) years immediately preceding the request for retirement.

(g) No member of the police or fire departments who has completed twenty (20) years of service shall be deprived of retirement rights for any cause whatsoever except treason or conviction of a felony.

(h) Aggregate service of a member of the police or fire department, eligible hereunder, shall be calculated from the day said member was placed upon the payroll of the police or fire department.

(i) Retirement allowances shall be payable at least monthly.

(j) Reasonable provisions shall be made for both service-connected disability retirements and non-service-connected disability retirements, with credit allowances in favor of the retirement fund for any industrial injury benefits paid by the City.

(k) Contributions to the retirement fund shall be fixed from time to time by the board of administration and the amount of contributions by the members of the police and fire departments and the City of San Jose shall, upon the effective date hereof be fixed at three (3) per cent of the monthly salary for members of the police and fire departments and eight (8) per cent of monthly salaries by the City of San Jose, and said proportionate share of contributions shall be maintained at all times regardless of any subsequent changes in the rate of contribution. The fund shall be as nearly actuarially sound as possible, except for any actuarial deficiency in the fund at the date of the inauguration of this plan. Any actuarial deficiency in the fund shall be made up over a period of years by gifts, waivers, donations, earnings and contributions by the City.

(*l*) Reasonable rules and regulations shall be adopted to permit members of the police and fire departments to count as part of aggregate service for purposes of police and fire department retirement plan time served the City of San Jose as an officer or employee in any other department or departments of the City of San Jose, or time on leave of absence while engaged in the performance of Military or Naval duty for the United States of America in time of war, and any members requesting

that time served in any other department or departments, or time on leave of absence while engaged in the performance of Military or Naval duty for the United States of America in time of war, count as part of the member's aggregate service in the police or fire department shall pay into the retirement fund such contributions as said member should have been required to pay had said person been a member of or on active duty with the police or fire department for the period of years served in another department or departments of the City of San Jose or for the period of leave of absence while engaged in the performance of Military or Naval duty for the United States of America in time of war. Any contributions paid into the retirement fund by a member of the police or fire department as provided in this paragraph shall be matched by the City in the proportion set forth in Sub-section 2 (k) of Section 78-A of this amendment. Nothing herein contained shall be construed as granting to any member so transferring from another department of the City of San Jose any seniority rights over members already serving in the police or fire departments.

(m) Any member of the police or fire department with less than twenty years aggregate service who resigns or is discharged shall receive from the retirement fund the amount of his contributions to the fund plus interest thereon as earned by said fund during the period of his aggregate service, but in no event shall any member receive interest on his contributions in excess of 2% per annum.

The widow or the estate of any member who dies at any time prior to receiving retirement pay shall receive from the retirement fund the contributions of the deceased member to said fund plus interest on said contributions the same as provided for a member who resigns or is discharged with less than twenty (20) years of aggregate service.

Any member of the police or fire department with more than twenty years aggregate service and who is not fifty-five years of age who resigns or is discharged may elect either to receive from the retirement fund the amount of his contributions to the fund plus interest thereon as earned by said fund during the period of his aggregate service, but in no event shall the member receive interest in excess of two (2%) per cent per annum on his contributions, or said member may elect to contribute monthly to said retirement fund until eligible for retirement, the sum total of the monthly contributions of both the city and the member that would have been contributed to said retirement fund by both the city and the member had the member so elected to pay both contributions continued as a member of the police or fire department until eligible for retirement.

## TRANSFER OF RETIREMENT FUND

Transfer of Retirement Fund

Sub-Section 3. (a) The City Treasurer shall, on the first day of the third month following the ratification of this amendment by the legislature of the State of California, transfer to the credit of the "Police and Fire Department Retirement Plan"

herein established all monies, cash and securities now held in the "Fire and Police Retirement Fund" as established by Section 78 of Article X of the charter of the City of San Jose. The City Treasurer shall also transfer, as an obligation against the funds of the "Police and Fire Department Retirement Plan," the name of each retired member of the fire department and the name of each retired member of the police department then living and drawing a retirement allowance from the "Fire and Police Retirement Fund" under the provisions of Section 78 of Article X of the charter of the City of San Jose. Each person so transferred from the "Fire and Police Retirement Fund" to the "Police and Fire Department Retirement Plan" shall continue to draw monthly retirement pay allowance in the same amount from the "Police and Fire Department Retirement Plan" as he would be entitled to draw under the "Fire and Police Retirement Fund." No change shall be made in the status of those receiving pensions under the "Fire and Police Retirement Fund" other than the transfer of the obligation of payment to the "Police and Fire Department Retirement Plan."

(b) No retirements of any kind shall be granted under the provisions of the retirement plan herein set forth prior to the effective date of this plan of retirement on the first day of the third month following the ratification of this amendment by the Legislature of the State of California. Any retirements granted prior to the effective date of this plan of retirement shall be granted under the provisions of the system set forth in Section 78 of Article X of the charter of the City of San Jose.

(c) The provisions of Section 78 of Article X of the charter of the City of San Jose shall be repealed in their entirety as of the first day of the third month following the ratification of this amendment by the Legislature of the State of California.

## CONSTITUTIONALITY—VALIDITY

Constitutionality

Sub-section 4. If any section, sub-section, sentence, clause or phrase of this Charter Amendment is for any reason held to be unconstitutional and invalid, this decision shall not affect the constitutionality or the validity of the remaining portions of this Charter Amendment.

## CHARTER AMENDMENT NO. 2

### ARTICLE XVI

### SECTION 102

## CIVIL SERVICE COMMISSION

Civil Service Commission

The Civil Service Commission shall be composed of five (5) electors of the City of San Jose, to be appointed by the City Council, and shall receive such compensation, if any, as may be fixed by ordinance by the City Council, but such compensation

shall in no event exceed Fifteen ($15.00) Dollars per month for each member.

The Civil Service Commission is charged with the duty of providing qualified persons for appointment to the service of the City. All appointments in the public service shall be made for the good of that service, and solely upon merit and fitness, as established by appropriate tests, without regard to partisan politics, race, color or religious belief.

The electors who, on the effective date of this amendment are members of the Civil Service Commission, shall constitute three (3) of the members of said Commission. Within thirty (30) days after this amendment becomes effective, the City Council shall appoint two (2) additional members to the Civil Service Commission. Of the five (5) members who constitute the Commission, not more than four (4) shall be of the same sex and one of the five (5) shall be an attorney at law, duly licensed to practice, and shall have practiced, in the courts of the State of California for at least five (5) years.

The electors composing the Commission shall in addition to the oath of office required by the Charter, make under oath and file in the office of the City Clerk the following declaration: "I am opposed to appointment to public service as a reward for political activity and will execute the office of Civil Service Commissioner in the spirit of this declaration."

The five electors comprising the Commission at the first meeting after the effective date of this amendment shall organize and by lot determine the duration of their respective terms as Commissioners. The term of one commissioner shall end at noon on December 1st, 1947; the term of two commissioners shall end at noon on December 1st, 1949, and the term of two commissioners shall end at noon on December 1st, 1951. The result of such drawing for length of term, together with the name of the Commissioner or Commissioners securing such term, shall be spread upon the minutes of the Commission, and a notice regarding the holder of such terms shall be filed in the office of the City Clerk. On the expiration of the term of any Commissioner, the City Council shall appoint a successor with like qualifications to serve as a Commissioner for a term of six years, provided that if a vacancy occurs it shall be filled by the City Council for the unexpired term.

The City Council, by majority vote, may remove any member of the Commission at any time for misconduct, inefficiency or wilful neglect in the performance of the duties of the office, upon stating in writing the reason for such removal and allowing such member an opportunity to be heard before the City Council in his own defense.

Until the Council shall otherwise provide by Ordinance, the City Clerk shall act as Secretary, Personnel Director and Chief Examiner for the Civil Service Commission, subject to the direction of said Commission.

SECTION 104

POWERS AND DUTIES—REPORTS

Same. Powers and duties

The Civil Service Commission shall have power, and it shall be its duty, to adopt rules, subject to confirmation by the City Council, to carry out the Civil Service provisions of this article. Such rules shall govern applications, examinations, eligibility, duration of eligible lists, certification of eligibles, appointments, promotions, transfers, resignations, leaves of absence, lay-offs or temporary reductions due to retrenchment or completion of work, provided that all classified Civil Service employees involved in any such lay-off shall be placed upon departmental re-employment lists for re-employment in the order of their entry into classified Civil Service, efficiency marks to be used as a basis for disciplinary action, lay-off, re-instatement, demotion or promotion, and the factors and weights to be used in obtaining this efficiency shall be: (1) ability (2) quantity of work (3) reliability (4) discipline and attendance; for the filling of positions, temporary, seasonal and permanent; for the standardization and classification of all positions and employments in the Classified Civil Service, into groups and subdivisions that shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades so far as is practicable through promotions. The classes adopted by the commission shall be known as the classification plan of the City of San Jose. The commission may allocate, and from time to time may re-allocate, the positions to the various classes of the classification provided the allocation or re-allocation of a position shall not adversely affect the Civil Service rights of an occupant regularly holding such position. The classification titles and class numbers as adopted by the Commission in its rules shall be used in all communications relating to personnel and in the annual budget and salary ordinances.

The commissioners' rules shall also provide for additional credits to War Veterans who received a passing grade on entrance examinations only.

The commission may also provide by its rules that is secretary and/or personnel director may certify eligibles and conduct examinations.

The Commission shall also, by its rules, prepare for the making and filing during each December of an annual report to the City Council covering the different phases of its activities.

Rules of the Commission, after confirmation and publication by the City Council in the form of an Ordinance, shall have the force and effect of law. Such rules may from time to time be changed by the Commission within the limits of this section, subject to confirmation and publication as in the first instance.

Any taxpayer of the City may maintain an action to recover for the City any sum of money paid in violation of the Civil Service provisions of the Charter, or to enjoin the Secretary and/or Personnel Director from attaching his certificate to a

pay roll on account for service rendered in violation of this article or the rules made thereunder. Such an enjoining shall apply only to the drawing of a warrant for the payment of the particular individuals named in the proceedings and not to an entire payroll.

## SECTION 105

## EXAMINATION AND APPOINTMENT

Same Examination and appointment

The secretary shall provide examinations in accordance with the regulations of the commission, and maintain lists of eligibles for each class or grade of the service for those meeting the requirements of said regulations. Vacant positions in the classified service shall be filled by the City Manager from a certified list of three persons standing highest on the eligible list for the class or grade to which the vacant position belongs, provided that a less number may be certified when there is not the required number on the eligible list and the appointing power shall fill such place by the probationary appointment of one of the persons certified by the commission therefor. When more than one vacancy is to be filled, the secretary shall certify the number of names arranged in the order of their standing on the eligible list equal to the number of vacancies to be filled and two more in addition thereto; provided, however, that a less number may be certified when there is not the required number on the eligible list. All examinations for places in the classified civil service and also for promotions therein shall be for the purpose of determining the qualifications of applicants for positions, and shall be practical and shall fairly test the fitness of the persons examined to perform the duties of the positions to which they seek to be appointed. It shall be the duty of the Civil Service Commission to provide and maintain such information and materials necessary to enable employees to familiarize themselves with positions to which they wish to advance.

## SECTION 109A

## SUSPENSION—DEMOTION—REMOVAL—DISCHARGE—APPEAL

Civil Service Suspension, demotion, etc

Sub-section 1. Other provisions of this Charter to the contrary notwithstanding, all persons holding positions in the classified Civil Service shall be subject to suspension by the appointing power for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office in which they are employed, but subject to the appeal of the aggrieved party to the Civil Service Commission, as hereinafter provided.

Any subordinate officer, any executive officer of a board or commission or any superintendent or foreman in charge of municipal work may temporarily suspend any subordinate then

under his direction for incompetency, neglect of duty or disobedience of orders, but shall within twenty-four hours thereafter report the facts in writing to the appointing power who shall serve upon the subordinate suspended and the Secretary of the Civil Service Commission within twenty-four hours thereafter copies of the charges. The suspended subordinate shall have ten (10) days in which to answer said charges in writing. Should he deny the material facts in said charges, the matter shall be deemed at issue. The Civil Service Commission shall thereupon fix a time and place for hearing and shall notify in writing the suspended subordinate and his attorney of such time and place of hearing. The hearing shall be public and shall be held in the City Council Chambers. All such hearing shall be presided over by a member of the Civil Service Commission who is duly licensed to practice law in the Courts of the State of California, and he shall rule on all questions of the sufficiency of the charges, procedure, and the admission and exclusion of evidence. He shall be governed in such rulings by the law as laid down in the Code of Civil Procedure of the State of California and all amendments thereto in effect at the time of the hearing. Said hearing shall be within ten (10) days after said suspended subordinate has filed his written notice of appeal. A reasonable continuance of such time of hearing shall be granted by the Commission upon good cause being shown therefore either by the suspended subordinate or his attorney.

The subordinate suspended shall be entitled to appear personally and have a right to counsel at all times throughout the entire proceedings and shall be allowed to produce such competent evidence in his own defense and in rebuttal of said charges as he or his counsel may deem fit to offer.

At all hearings before the Civil Service Commission the Commission shall supply a phonographic reporter to take down and transcribe all testimony adduced at the hearing.

After the matter is submitted to the Civil Service Commission the said Commission shall render its findings and decisions in writing. A copy of said findings and said decisions shall be served upon the suspended subordinate and the appointing power within five (5) days after said hearing. If the order of suspension be not sustained by the Civil Service Commission the suspended person shall be returned to his position and receive his pay from the time of his suspension. All such suspensions shall be for a reasonable period, not exceeding thirty (30) days with loss of salary. The Commission, in lieu of affirming the suspension, may modify the same by decreasing the time of suspension. No subordinate officers, superintendent, or foreman shall be authorized to suspend the same subordinate more than twice or for a total of more than forty-five (45) days during any one year. An appeal from the decision of the Commission shall be taken as specified under Demotion—Removal—Discharge.

Sub-section 2. Demotion—Removal—Discharge.

No person in the classified civil service who shall have been permanently appointed or inducted into the classified civil service under the provisions of this Article shall be demoted, removed or discharged except for cause and only upon the written accusation of the head of the department under whose jurisdiction the person accused is employed, or any taxpayer in the City of San Jose may file charges and request the demotion or discharge of any classified civil service employee. A written statement of accusation shall be served upon the accused and a duplicate filed with the commission by the appointing power within twenty-four hours after such request of demotion or discharge is filed with the appointing power. Any person so demoted, removed or discharged may, within ten days from the time of his demotion, removal or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation within ten days after receiving said written demand. All investigations shall be conducted as specified under Suspensions.

The investigation shall be confined to the determination of the question of whether such demotion, removal or discharge was or was not prompted by political reasons and was or was not made in good faith for cause.

After such investigation the commission may affirm the demotion, removal or discharge, or if it shall find that the demotion, removal or discharge was prompted by political reasons or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, position or employment from which such person was demoted, removed or discharged, which reinstatement shall entitle such person to full pay or compensation from the time of such demotion, removal or discharge. The commission upon such investigation, in lieu of affirming the demotion, removal or discharge, may modify the removal or discharge by directing a suspension without pay for a given period and subsequent restoration to duty or remotion in classification, grade or pay. The findings of the commission shall be certified in writing within five days to the appointing power and the accused or his attorney and shall be forthwith enforced by said appointing power.

All investigations made by the commission pursuant to the provisions of this section, shall be by public hearing in the City Council Chambers, after notice to the accused of the time and place of such hearing as provided under Suspensions. At said hearing the accused shall be entitled to appear personally and have a right of counsel at all times throughout the entire investigation and shall be allowed to produce such competent evidence in his own defense and in rebuttal of said charges as he or his counsel may deem fit to offer.

In all its investigations the Commission is herewith clothed with all such power as is granted by the Charter of the City of San Jose to the City Council in the conducting of investigations before the said Council.

Sub-section 3. Appeal to Courts.

If an accused is dissatisfied with the judgment or order made by the commission or a majority thereof, the said accused may appeal therefrom to the Superior Court of the State of California, in and for the County of Santa Clara. Such appeal shall be taken by serving the commission within thirty days after the entry of such judgment or order by the commission, a written notice of appeal, stating the grounds thereof, and demanding a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order be filed by the commission with such Court, a certified copy to be served upon the accused party or his attorney. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such Court and deliver said certified copy to the accused party or his attorney.

When a party appeals to said Superior Court from a judgment or order of demotion, removal or discharge, the action of complaint or accusation must be tried anew in said Superior Court. The said Superior Court shall thereupon proceed to hear and determine such appeal and the hearing before said Superior Court shall be conducted in the same manner and for the same purpose and reasons as the hearing and investigation before the commission and the said Superior Court shall have and is hereby given the same authority to make any order, judgment or decision which the said commission is authorized to make. The findings of the said Superior Court shall be certified in writing to the appointing power of the City of San Jose and shall be forthwith enforced by such officer. Within forty-eight hours after the appointing power has received the findings of the Superior Court, he shall serve upon the accused party and the Secretary of the Civil Service Commission, certified copies of the findings of the Superior Court.

Nothing herein contained shall be construed to prevent a suit in the proper Court or Courts in California to protect or enforce any of the provisions hereof or to prevent a suit to review decisions or findings of the Commission in the event that the method of appeal herein provided to the Superior Court should be held to be illegal.

SECTION 111

## PROHIBITION OF IMPROPER POLITICAL ACTIVITY

Prohibition of political activity

No person in the classified service or upon any civil service list, shall be appointed, reduced in rating, removed, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color or religious belief No employee of the City in the classified service or in the unclassified service on leave of absence shall directly or indirectly solicit or receive or be in any matter concerned in soliciting or receiving any assessment, subscription, or contribution for any Municipal political party or for any political purposes whatever.

No person holding a position in the classified service, or in the unclassified service on leave of absence shall take part in political management or affairs or in municipal political campaigns farther than to cast his vote or express privately his opinions provided, however, that nothing in this section shall be construed to prevent any such officer or employee from seeking signatures to any initiative or referendum petition directly affecting rates of pay, hours of work, retirement, civil service or other working conditions of such officer or employee, or from distributing badges or pamphlets, handbills, or other participation in any campaign in connection with such petition, providing such activity is not carried on during hours of work, or when such officer or employee is dressed in the uniform, if any required in any department of the City Government. Any wilful violation of this section or violation through culpable negligence, shall be sufficient grounds to authorize the discharge, after hearing, of any officer or employee.

SECTION 112

Section 112 of Article XVI is hereby repealed in its entirety.

CONSTITUTIONALITY—VALIDITY

Constitutionality

(1) All sections or parts of sections of the City Charter in conflict with these amendments are hereby repealed.

(2) If any section or sub-section of this Charter Amendment is found unconstitutional, it will in no way affect the validity of other portions of this Charter Amendment.

CHARTER AMENDMENT NO. 3

ARTICLE VI

SECTION 52

MAYOR OF THE COUNCIL

Mayor of the Council

The Council shall elect a Mayor from among its members. The first election shall be held on the first Monday subsequent to the effective date of this amendment, and after approval of the same by the State Legislature. The Mayor so elected shall hold office until the first regular meeting in July, 1948. At the first regular meeting in July, 1948, and every two years thereafter, the Council shall elect a Mayor from among its members. He shall preside over the council and may speak and vote as any other member. In case of his absence from a meeting of the Council, the Council shall elect from among its members a Mayor pro tempore. If at any time the office of Mayor becomes vacant by resignation or because, for any reason, the person holding said office ceases to be a member of the Council, the Council shall elect from its members a Mayor for the unexpired balance of the term. Wherever the term President of the Council is used in this Charter or in any law or Ordinance of the City

of San Jose, it shall be deemed to be synonymous with the term Mayor.

That we have compared the foregoing amendments (Charter Amendments Nos. 1, 2 and 3) 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 19th day of July, A.D. 1946.

ALBERT J. RUFFO
President of the Council of the
City of San Jose

[SEAL]

DOROTHY COVILL
City Clerk of said City

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 municipal election held on the twentieth day of May, 1946, 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 Assembly of the State of California, the Senate thereof 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 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.

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## CHAPTER 6

*Assembly Concurrent Resolution No. 6—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the ninth day of July, one thousand nine hundred forty-six.*

[Filed with Secretary of State July 25, 1946.]

City of Long Beach Charter amendments

WHEREAS, The City of Long Beach, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1921, and

now is, organized and acting under and by virtue of 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 a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of April, 1921 (Statutes of 1921, page 2054), and amendments thereto duly ratified by the qualified voters of said city and by resolutions of said Legislature as set out in the certificate of the mayor and city clerk of said City of Long Beach, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Long Beach, as set out in the certificate of the mayor and city clerk of said City of Long Beach, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 9TH DAY OF JULY, ONE THOUSAND NINE HUNDRED FORTY-SIX, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF LONG BEACH.

Certificate

We, HERBERT E. LEWIS, Mayor of the City of Long Beach, and FRANK J. BEGGS, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, 1921, and approved by the legislature of the State of California, on the twenty-sixth day of April, 1921, and amendments thereto duly ratified by the qualified voters of said city, and approved by resolution of said legislature and filed with the Secretary of State of the State of California the 27th day of April, 1923, (Statutes 1923, page 1624), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said

Secretary of State the eighteenth day of April, 1925, (Statutes 1925, page 1330), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fifteenth day of January, 1929, (Statutes 1929, page 1977), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of March, 1929, (Statutes 1929, page 2062), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the second day of March, 1931, (Statutes 1931, page 2780), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the nineteenth day of April, 1933, (Statutes 1933, page 3006), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of April, 1935, (Statutes 1935, page 2565), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the tenth day of June, 1935, (Statutes 1935, page 2677), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twentieth day of June, 1935, (Statutes 1935, page 2698), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fourteenth day of May, 1937, (Statutes 1937, page 2921), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the 9th day of April, 1941, (Statutes 1941, page 3351), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the eleventh day of January, 1943, (Statutes 1943, page 3091), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-seventh day of January, 1945, (Statutes 1945, page 2950), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-third day of May, 1945, (Statutes 1945, page 3090); and

That the legislative body of said city, namely, the City Council of said City, did, by motion duly adopted on the twenty-first day of May, 1946, on its own motion, and pursuant to the provisions of Section Eight, of Article Eleven, of the Constitution of the State of California, duly propose to the qualified electors of said City of Long Beach seven (7) amendments to the charter of said city, numbered Propositions One to Seven, and ordered that said proposed amendments be submitted to said qualified

electors of said city at a special municipal election to be held in said city on the 9th day of July, 1946; and

That said amendments numbered One to Seven inclusive, were, on May twenty-six, 1946, duly published in the Long Beach Independent and in each edition thereof during said day of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said city and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said city, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said city, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by ordinance designated as Ordinance No. C-2512, order the holding of a special municipal election in said City of Long Beach on the 9th day of July, 1946, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and which ordinance was published at least three times in the Long Beach Independent, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the twenty-sixth, twenty-seventh and twenty-eighth days of June, 1946, in the Long Beach Independent, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said city, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That said special municipal election was held in said City of Long Beach on the 9th day of July, 1946, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in the Long Beach Independent, as aforesaid; and

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon, voted in favor of all of said seven proposed charter amendments and duly ratified the same; and

That the City Council of said City of Long Beach did, at the time and in the manner and form provided by law, to wit, on the sixteenth day of July, 1946, regularly canvass the returns of said special municipal election, and did then and there duly find, determine and declare that a majority of the qualified

voters of said City of Long Beach voting thereon had voted in favor of and had ratified all of said seven proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, ratified by the voters of said City, as aforesaid, are in words and figures as follows, to wit:

## PROPOSITION NO. 1

That the Charter of the City of Long Beach be amended by amending subdivision 1 of subsection (c) of Section 229x thereof to read as follows:

"Harbor Bond Redemption and Interest Fund"

1. REVENUE FROM LANDS ACQUIRED BY GRANT FROM STATE OF CALIFORNIA. Whenever there may be outstanding bonds issued by the City of Long Beach for harbor purposes, not less than fifty per centum (50%) of any and all money derived by the City of Long Beach from oil, gas or other hydrocarbon substances, from all tidelands and submerged lands acquired by the City from the State of California, as distinguished from lands acquired by the City through purchase, tax deed, exchange, trade, or gift, shall be paid into a special fund, the "Harbor Bond Redemption and Interest Fund." All moneys placed in such special fund, pursuant to this section, or otherwise, shall be used solely and exclusively to pay the principal and interest on all such bonds issued by the City of Long Beach for harbor purposes. When there shall have been deposited in such fund sufficient of such money to pay the principal and interest on any and all such outstanding bonds, thereafter, and until there may be other such bonds outstanding, the moneys provided herein to be placed in said "Harbor Bond Redemption and Interest Fund", shall be paid into the "Harbor Revenue Fund." The balance of such moneys so derived from all tidelands and submerged lands acquired by the City from the State of California, shall be paid into the "Harbor Revenue Fund."

Transfers: "Harbor Revenue Fund" to "Public Improvement Fund"

The City Treasurer shall from time to time and at least once each calendar month transfer twenty-five per centum (25%) of all moneys hereafter derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath the lands constituting the Harbor District on May 1, 1946, and all of the moneys hereafter derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath those lands which may be added to said Harbor District after said May 1, 1946, as provided by Section 229t of this Charter, which by the provisions of this subdivision are required to be paid into the "Harbor Revenue Fund", from said "Harbor Revenue Fund" to the "Public Improvement Fund", which said fund is hereby created and established; provided said transfer shall be made only in the event that such moneys may be used and expended for the purposes hereinafter stated without violating the provisions

of grants by which the City acquired title to all tide and submerged lands from the State of California, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794. Said "Public Improvement Fund" shall be a continuing fund and not subject to transfer at the close of the fiscal year. The moneys transferred to and placed in the "Public Improvement Fund" shall be used exclusively for the payment of costs and expenses for construction, reconstruction, repair and maintenance of public improvements, including the purchase of such land, rights and properties as may be necessary therefor, as shall have been provided for in the official budget of the City adopted by the City Council.

## PROPOSITION NO. 2

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 260.6, to read as follows:

"Tideland Oil Fund"

Sec. 260.6. Any and all moneys derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from tidelands and submerged lands acquired by the City from the State of California by grants, to wit 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794, except from such lands as are now or may hereafter be located within the Harbor District of the City of Long Beach, shall be paid into a special fund to be designated as "Tideland Oil Fund", which said fund is hereby created and established. Such fund shall be a continuing fund and not subject to transfer at the close of the fiscal year. The moneys placed in the "Tideland Oil Fund" shall be used exclusively for the purposes of establishing, constructing, maintaining and improving public parks, parkways, highways, playgrounds, and the construction, maintenance and operation of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, as shall have been provided for in the official budget of the City adopted by the City Council.

## PROPOSITION NO. 3

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 229y, to read as follows:

"Harbor Operating Fund"

Sec. 229y. That notwithstanding any other provision in this Charter contained, all money received from the operation of the port and its facilities shall be deposited in the City Treasury in a fund which is hereby created to be known as the "Harbor Operating Fund." Said "Harbor Operating Fund" shall be a continuing fund and not subject to transfer at the close of the fiscal year. The moneys paid into said fund shall be used for paying the necessary expenses of conducting the operation of all harbor or port facilities controlled or operated

by the City, subject to the power of the Board to transfer said moneys, or any part thereof, to the general funds of the City, as provided in Section 229g of this Charter.

## PROPOSITION NO 4

That the Charter of the City of Long Beach be amended by amending Section 297 thereof to read as follows:

Faithful performance bonds on contracts

Sec. 297. The City Manager, the Port Manager, and the Board of Water Commissioners shall require such faithful performance bonds as may be required by the City Council, the Board of Harbor Commissioners and the Board of Water Commissioners, respectively, to be filed with contracts entered into by them on behalf of the City, and such other bonds as may be required by law. All such bonds shall have the approval of the City Attorney endorsed thereon before the contract is signed by the City Manager, the Port Manager, on behalf of the Board of Harbor Commissioners, or the Board of Water Commissioners, or other person authorized so to do, and when such contract is so signed, the ten per centum (10%) accompanying the bid shall be returned to the bidder. If the bidder to whom the contract is awarded shall, for ten (10) days after such contract is tendered to him for signature, fail or neglect to enter into such contract and file the required bond or bonds, the City Auditor shall draw the money due on the certified check or bank draft accompanying the bid or declare the bond accompanying the bid forfeited and collect the money due thereon and pay the same into the City Treasury, and under no circumstances shall the check or the proceeds thereon be returned to the defaulting bidder.

## PROPOSITION NO. 5

That the Charter of the City of Long Beach be amended by amending Section 329 thereof to read as follows:

General laws of California applicable

Sec. 329. All general laws of the State of California applicable to municipal corporations now or hereafter enacted and which are not in conflict with the provisions of this Charter or ordinance of the City of Long Beach shall be applicable to the City of Long Beach.

## PROPOSITION NO. 6

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 49.1, to read as follows:

Qualifications for certain positions

Sec. 49.1. Notwithstanding any provision in this Charter to the contrary, any person between the ages of eighteen (18) and twenty-one (21) years who is a citizen of the United States and who has been a bona fide resident of the City of Long Beach or territory legally annexed thereto for at least one (1) year next preceding the date of his employment, may be appointed to and hold any of the following positions: Recreation Leader,

Recreation Department; Page, Library Division of the Department of Public Welfare; and Seasonal Lifeguard, Lifeguard Division of the Department of Public Safety.

PROPOSITION NO. 7

That the Charter of the City of Long Beach be amended by repealing Section 214 thereof.

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, HERBERT E. LEWIS, Mayor, as aforesaid, and FRANK J. BEGGS, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed, on this 19th day of July, 1946.

HERBERT E. LEWIS
Mayor of the City of Long Beach

[SEAL]

FRANK J. BEGGS
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, 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, therefor,

*Be it 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 of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach. Approval

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## CHAPTER 7

*Assembly Concurrent Resolution No. 9—Approving the charter of the City of Vallejo, State of California, ratified by the qualified electors of said city at a special municipal election held on the nineteenth day of February, 1946.*

[Filed with Secretary of State July 25, 1946.]

WHEREAS, The City of Vallejo, in the County of Solano, State of California, now is and was at all times herein referred to, a city maintaining a population of more than 3,500 inhabitants City of Vallejo: New charter adopted

as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, Said City of Vallejo, at all times herein mentioned, was and now is organized and existing under a freeholders' charter adopted under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-first day of February, 1911, and approved and ratified by the Legislature of the State of California on the eleventh day of March, 1911; and

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of a new charter in the said City of Vallejo, as set out in the certificate of the City Clerk of said City of Vallejo, to wit:

CERTIFICATE OF MELVIN F. BROOKS, CITY CLERK OF THE CITY OF VALLEJO, SOLANO COUNTY, CALIFORNIA, AND CHARTER FOR THE GOVERNMENT OF SAID CITY OF VALLEJO.

State of California }
County of Solano } ss.
City of Vallejo }

Certificate

I, MELVIN F. BROOKS, the undersigned, do hereby certify and declare as follows:

That I am the City Clerk and Clerk of the City Council of the City of Vallejo, a municipal corporation of the County of Solano, State of California.

That the City of Vallejo, a municipal corporation of the County of Solano, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3500), but less than fifty thousand (50,000) inhabitants; and

That at a general municipal election duly held in said city on the 3rd day of April, 1945, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the electors thereof, to prepare and propose a charter for the government of said city; and

That said board of freeholders did, within one year after said election, prepare and propose a charter for the government of said City of Vallejo; and

That said charter was on the 3rd day of December, 1945, signed by the members of said board of freeholders and was thereupon duly returned and filed with the City Clerk of said City of Vallejo on the 4th day of December, 1945; and

That said proposed charter was thereafter published in the Vallejo Morning Times Herald, said newspaper being of general circulation in said City of Vallejo, and the said charter being

published as aforesaid for a period of one (1) day, on December 15, 1945, the date of publication thereof being made within fifteen (15) days after the filing thereof; and

That said proposed charter was within sixty (60) days after the completion of said publication submitted by the City Council of the City of Vallejo to the qualified electors of said City of Vallejo at a special municipal election, previously duly called and therein held on the 19th day of February, 1946; and

That at said last mentioned special municipal election a majority of said qualified electors of said City of Vallejo, voting at said special municipal election, voted in favor of the ratification of said charter as proposed as a whole; and

That the said City Council of said City of Vallejo did in the manner provided by law duly and regularly canvass the returns of said election and did duly declare the result of said election insofar as it concerned said proposed charter as determined from the canvass of the returns thereof, which said result was as follows:

| | |
|---|---|
| Total number of votes cast upon ratification of said proposed charter | 3159 |
| In favor of the ratification of said proposed charter | 2692 |
| Against the ratification of said proposed charter | 467 |

That at said special municipal election held on the 19th day of February, 1946, the said proposed charter was ratified by a majority of the electors of said city voting thereon.

That the said charter so ratified by the electors of the City of Vallejo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; and

Whereas, Said charter was ratified in the words and figures following, to-wit:

CHARTER OF THE CITY OF VALLEJO PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED APRIL 3RD, 1945, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER
of the
CITY OF VALLEJO
CALIFORNIA

Charter

We, the people, of the City of Vallejo, State of California, do ordain and establish this charter as the fundamental law of said City under the Constitution of said State.

## ARTICLE I
## NAME OF CITY

Name of city

SECTION 1. NAME. The municipal corporation now existing and known as the City of Vallejo shall remain and continue to exist a body politic and corporate, in fact and in law, by the name of City of Vallejo, and by such name shall have perpetual succession.

## ARTICLE II
## BOUNDARIES

Boundaries

SECTION 2. BOUNDARIES. The boundaries of the City of Vallejo existing at the time this Charter takes effect shall continue as the boundaries of said City until changed in the manner authorized by law.

## ARTICLE III
## RIGHTS AND LIABILITIES

Rights and liabilities

SECTION 3. RIGHTS AND LIABILITIES. The City of Vallejo, as successor in interest of the municipal corporation of the same name, heretofore created and existing under previous charters, shall own, hold, possess, use, control and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation owned, controlled, possessed or claimed, and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

## ARTICLE IV
## POWERS OF CITY

Powers of city

SECTION 4. POWERS. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, or by other lawful authority. The specifications in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

SECTION 5. PROCEDURES. The City shall have the power to act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance.

## ARTICLE V
## MUNICIPAL ELECTIONS

Municipal election

SECTION 6. ELECTIONS, GENERAL AND SPECIAL. General municipal elections shall be held in said City on the

first Tuesday in April in each odd numbered year. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections. A special municipal election may be called by ordinance or by resolution of the Council.

Election procedure

SECTION 7. ELECTION PROCEDURE — GENERALLY. The provisions of the Elections Code and the Constitution of the State of California relating to the qualifications of electors and voters shall govern in all municipal elections. Except as otherwise provided in this Charter or in any ordinance enacted by the vote of five (5) members of the Council, the provisions and procedure provided in the Elections Code and the general law of the State of California, now in effect and as hereafter amended or codified, for elections in cities of the Sixth Class shall govern all elections in this City.

Irregularity

SECTION 8. IRREGULARITY. No election, either general or special, shall be set aside for any error, irregularity or defect in the proceedings leading up to said election or in said election, when the provisions of law governing the same are substantially complied with and a fair expression of the will of the electorate is secured.

Eligibility to vote

SECTION 9. ELIGIBILITY TO VOTE. No person shall be entitled to vote at any City election unless he shall be registered as a voter in the office of the County Clerk of Solano County and unless he would have been entitled to vote in a precinct in this City at a State or County election held on the same day as such City Election.

Affidavits of registration

SECTION 10. AFFIDAVITS OF REGISTRATION. The registers used at all City elections, or in connection with the certification of any petition or paper provided by law, shall be the books of original current affidavits of registration, or copies thereof, kept in the office of the County Clerk of Solano County for voters within this City.

Election precincts

SECTION 11. ELECTION PRECINCTS. At any time not later than twenty days before any election, and without reference to any procedure provided therefor in the Elections Code, the Council may divide the City into election precincts and may change the boundaries of, create new, or consolidate established precincts. In the ordinance or resolution establishing, changing or consolidating precincts the boundaries thereof may be defined by reference to exterior descriptions or delineations on precinct maps or both, or by reference to precincts by number as same were numbered in orders or resolutions of the Board of Supervisors of the County of Solano last theretofore establishing precincts within the City for holding general State and County elections. Unless precincts be established as herein provided, they shall remain as last theretofore established within the City by said Board of Supervisors for holding general State and County elections.

Polling places, precinct officers

SECTION 12. POLLING PLACES—PRECINCT OFFICERS. The Council shall, by ordinance or resolution passed or adopted not later than twenty days before an election, desig-

nate the polling places and appoint the officers of election for each precinct.

Consolidated elections

SECTION 13. CONSOLIDATING ELECTIONS. When two or more municipal elections are consolidated by the Council it shall not be necessary to set forth the precincts, polling places and officers of election in more than one ordinance or resolution, or in more than one notice, calling, or relating to, one of such elections, and as to the other such election or elections it shall be sufficient to make reference, as to any such matters, in any ordinance, resolution or notice calling or relating to such other election or elections, to the ordinance, resolution or notice in which precincts, polling places or election officers were specifically established, designated or set forth.

Precinct boards

SECTION 14. PRECINCT BOARDS. At all municipal elections the election officers for each precinct board shall consist of one inspector, one judge and two clerks, except that the Council may determine that one inspector, one judge and one clerk are sufficient.

Sample ballots

SECTION 15. SAMPLE BALLOTS. Sample ballots shall be printed and mailed to each voter in the manner and at the time provided for the printing and mailing of sample ballots at county elections.

Statement of measure

SECTION 16. STATEMENT OF MEASURE. When any measure is to be submitted to the voters, the Council shall approve the statement of the measure as such statement shall appear on the ballot.

Consolidation of city and State or county election

SECTION 17. CONSOLIDATION OF CITY AND STATE OR COUNTY ELECTION. When any municipal election is consolidated with a State or County election and, within the territory affected by the order of consolidation, the election precincts and polling places are the same, or there is to be only one set of election officers in each precinct, it shall not be necessary to set forth specifically the election precincts, polling places or precinct election officers in any ordinance, resolution or notice calling or relating to such consolidated municipal election, but reference may be made therein, as to any such matters, to any resolution, ordinance or order of the Board of Supervisors of Solano County, establishing precincts, designating polling places or appointing election officers for such State or County election.

When only one form of ballot is to be used at any such consolidated election, mailing of sample ballots by the County Clerk shall be sufficient. If separate ballots are to be used, the sample ballots for the City shall be mailed by the City Clerk, unless the Council authorize such mailing by the County Clerk.

Canvass of election returns

SECTION 18. CANVASS OF ELECTION RETURNS. The Council shall canvass the election returns and declare the result of any municipal election at its first regular meeting, following the election, or at a special meeting held within ten days after such election, unless such election has been consolidated and the canvassing of returns delegated pursuant to general law.

Nomination of candidates

SECTION 19. NOMINATION OF CANDIDATES. No person shall become a candidate for an elective office of the City unless he shall have been nominated as provided in this Article. Every candidate for elective office shall be nominated by written nomination signed by not less than twenty-five (25) voters of the City not earlier than sixty days before the next ensuing general municipal election. Such nomination paper shall be upon a form furnished by the City Clerk and may consist of one or more sections, provided that each such section shall contain a full and accurate copy of the text of the nomination paper. Each signer shall add to his signature the date of his signing and his place of residence, giving street and number, if any, otherwise such designation of his place of residence as will enable its location to be readily ascertained. Each nomination paper or each separate section thereof shall have annexed an affidavit of a voter of the City who has circulated it, to the effect that he saw written all the signatures affixed thereto and knows that they are the signatures of the persons whose names they purport to be. Each nomination paper shall state the residence address of the candidate and the office for which he is nominated. No more than one candidate may be named in any one nomination paper. In case a voter has signed two or more nomination papers for the same office, all such signatures, except the one appearing on the nomination paper first filed, shall be rejected; provided, however, that in case two or more persons are to be elected to the same office at the same election, a voter may sign the nomination papers of as many persons as there are officers to be elected to such office. Signatures on nomination papers shall not be withdrawn.

Statement of candidate

SECTION 20. STATEMENT OF CANDIDATE. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the nomination, setting forth his name, in the manner in which he wishes the same to appear on the ballot, and the designation which he wishes to have under his name on the ballot, which designation shall conform to one of the designations permitted under the provisions of the Elections Code relating to the forms of ballots generally.

Filing of nominating papers

SECTION 21. FILING NOMINATION PAPERS. Every nomination paper must be filed in the office of the City Clerk not later than five o'clock p.m. on the fortieth day before any general municipal election. When a nomination paper is in more than one section, all sections shall be filed at the same time. On receipt of any nomination paper the City Clerk must file the same and thereupon he shall examine and determine whether it conforms to the requirements of this Charter, and from the current affidavits of registration on file in the office of the County Clerk of the County of Solano shall ascertain and determine whether said petition is properly signed by the requisite number of voters. Within five days from such filing he must attach to said nomination paper his certificate showing the result of his examination. If the nomination paper be found insufficient, such certificate shall designate the defects therein, and such nomination

paper may then be amended or supplemented by filing, not less than thirty days before such election, an amended or supplemental nomination paper and the City Clerk shall, within five days from the filing thereof, make like examination of the same and attach his certificate thereto.

Withdrawal of candidates

SECTION 22. WITHDRAWAL OF CANDIDATES. Any person named in a nomination paper filed as herein provided may, not later than twenty-five (25) days before the ensuing general municipal election, cause his name to be withdrawn from nomination by filing with the City Clerk a statement of withdrawal acknowledged before a notary public The names of candidates who have withdrawn, or who have died, twenty-five days or more before said election, shall not be printed upon the ballot nor entered in the list of candidates. If by reason of such withdrawal or death, the number of candidates remaining does not exceed the number of officers to be elected to an office, then other nominations may be made for such office by presenting nomination papers therefor not later than twenty-one (21) days prior to such election, but no amendment or supplement to any such nomination paper shall be allowed.

Clerk's certificate

SECTION 23. CLERK'S CERTIFICATE. After the closing of nominations the City Clerk shall list the names of the candidates who have been nominated as herein provided, together with the offices to be filled, and not later than twenty (20) days before the day of election shall certify such list as being the list of candidates nominated as required by the charter of the City and file the same in his office.

Election proclamation

SECTION 24 ELECTION PROCLAMATION — GENERAL. At least fifteen (15) days before a general municipal election the Mayor must issue under his hand, and the City Clerk must attest, an election proclamation containing a statement of the time of the election, the offices to be filled and the names of the candidates and a statement of the measures to be voted on, if any, as said names and statements shall appear on the ballot. The City Clerk shall cause said proclamation to be published twice in the official newspaper, and the last publication thereof shall be at least ten (10) days before the date of election. No further or other notice of such election need be given.

Election—how determined

SECTION 25. ELECTION—HOW DETERMINED. For the purpose of this Article, all seats or positions for the office of Councilman shall be considered as a single office for which as many persons are to be selected as there are full and unexpired terms to be filled.

In case there is but one person to be elected to an office, the candidate receiving the highest number of votes cast for that office shall be declared elected.

In case there are two or more persons to be elected to the same office, then those candidates, equal in number to the number to be elected, who receive the highest number of votes cast for such office, shall be declared elected Where full and one or more unexpired terms to the same office are to be filled, the candidates, equal in number to the number of officers to be elected for

the full term, who receive the highest number of votes cast for such office, shall be declared elected for the full term; and the candidate who receives, or the candidates equal in number to the number of officers to be elected for unexpired terms who receive the next highest number of votes, shall be declared elected for the unexpired term or terms. If unexpired terms be of different duration, the candidate who receives the higher number of votes shall be declared elected for the longer term.

Tie vote

SECTION 26. TIE VOTE. In case of a tie vote, the City Council shall forthwith summon the candidates who have received such tie votes to appear before the Council at a time and place to be designated, and the Council shall, at such time and place, determine the tie by lot. Such summons shall, in every case, be mailed to the address of the candidate as it appears in his nomination paper or delivered to him personally, at least five days before the date fixed for the determination of such tie vote.

Special election proclamation

SECTION 27. SPECIAL ELECTION PROCLAMATION. At least fifteen (15) days before any special municipal election, the Mayor must issue under his hand, and the City Clerk must attest, an election proclamation containing a statement of the time of such election, the offices to be filled and the names of the candidates, if any, and a statement of the measures to be voted on as the same shall appear on the ballot. Such proclamation shall be published as required for general municipal elections and no further or other notice need be given.

## ARTICLE VI
## ELECTIVE OFFICES

Elective officers

SECTION 28. ELECTIVE OFFICERS. The elective officers of the City shall be a Mayor, seven (7) Councilmen and a City Auditor.

Qualifications

SECTION 29. QUALIFICATIONS. No person shall be eligible to or hold any elective office of the City either by election or appointment unless he be an elector thereof, and unless he shall have been a resident thereof, or of territory lawfully annexed thereto, for at least five years next preceding his election or appointment.

Term of office

SECTION 30. TERM OF OFFICE. The elective officers of the City shall be elected from the City at large and shall hold office for a term of four (4) years from and after 8:00 o'clock P.M. of the first Tuesday in May next succeeding the date of the general municipal election at which said officer was elected and until his successor is elected and qualified.

Filling vacancies

SECTION 31. VACANCIES, FILLING OF. Any vacancy occuring in any of the elective offices provided for in this Charter shall be filled by appointment of the City Council by resolution. Any person appointed to fill any vacancy shall hold office until 8:00 o'clock P.M. of the first Tuesday in May next succeeding the date of the next general municipal election, at which election a successor shall be elected to serve for the remainder of the unexpired term.

What constitutes vacancy

SECTION 32. VACANCY, WHAT CONSTITUTES. A vacancy shall be deemed and considered to exist in any elective office when the person elected or appointed thereto, fails to qualify within fifteen (15) days after his certificate of election or appointment has been handed to him or sent by registered mail to his last known address, dies, resigns, ceases to be a resident of the City, absents himself continuously from the City for a period of more than thirty days without permission from the Council, or if the Mayor of a Councilman absents himself from six (6) consecutive regular meetings of the Council without permission of the Council, is convicted of a felony, or judicially determined to be incompetent, forfeits his office under the provisions of this charter or is removed from office by judicial procedure.

SECTION 33. COMPENSATION

Compensation Mayor

(a) MAYOR. The Mayor shall receive, for his use in the discharge of the duties and obligations of his office, an allowance, to be fixed by ordinance, of not less than three thousand six hundred dollars ($3600.00) per year, payable in equal monthly or semi-monthly installments, for which he need furnish no vouchers.

Same Councilman

(b) Each Councilman shall receive ten dollars ($10.00) for each meeting of the Council which he shall attend, provided that no Councilman shall receive such fees for more than five (5) meetings in any one calendar month.

Same Auditor

(c) AUDITOR. The Auditor shall receive a salary of not less than the sum of four thousand two hundred (4,200.00) dollars per year, payable in equal monthly or semi-monthly installments.

## ARTICLE VII
## CITY COUNCIL—PROCEDURE

City council —created

SECTION 34. CITY COUNCIL—CREATED. There is hereby created a City Council which shall be the governing body of the municipality. It shall exercise the corporate powers of the City and, subject to the express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government, consistent with the Constitution of the State.

Composition

SECTION 35. COUNCIL—COMPOSITION. The Council shall be composed of seven (7) Councilmen and the Mayor, and each of the members thereof, except the Mayor, shall have the right to vote upon all questions before it. The Mayor, however, shall have the right to report on or discuss any matter before the Council. Each member when present must vote upon all propositions, except on matters involving the consideration of his own official conduct or in which his own personal interests are involved.

Quorum

SECTION 36. QUORUM. A majority of the voting members of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time

and compel the attendance of absent members in such manner and under such penalty as may be prescribed by ordinance.

Vote to pass ordinance

SECTION 37. VOTE TO PASS ORDINANCE, ETC. Except as otherwise provided for herein, the vote of a majority of the members of the Council shall be necessary to adopt any ordinance, resolution or motion.

Mayor presiding officer

SECTION 38. MAYOR PRESIDING OFFICER. The Mayor shall be the presiding officer of the Council, but shall not have the right to vote.

Meetings of city council

SECTION 39. MEETINGS OF CITY COUNCIL.

(a) At 8:00 o'clock P.M. on the first Tuesday in May following each regular municipal election, the Council shall meet at the usual place for holding meetings of the legislative body of the City, at which time the newly elected Councilmen shall assume the duties of their office, and proceed to the election of a Vice Mayor.

(b) The Council shall hold regular meetings at least once each week, as fixed by ordinance.

(c) Special meetings may be held on the call of the Mayor, or on the written request of four (4) Councilmen, upon twelve (12) hours written notice to each member of the Council. Such notice shall be personally served or shall be left at such place as may be designated by each member of the Council; provided, however, such notice may be waived by the written consent of all the members of the Council.

Duties of vice mayor

SECTION 40. DUTIES OF VICE MAYOR. The Vice Mayor shall have all the powers and perform all the duties of the Mayor as prescribed by this Charter when the Mayor is absent from the State or unable to perform his duties. In case of the absence of the Mayor, the Vice Mayor shall preside at the meetings of the Council. In case of a vacancy in the office of Mayor, the Vice Mayor shall act as Mayor until a new Mayor has been elected by the Council and duly qualified. In the case of the absence of both the Mayor and Vice Mayor from a meeting of the Council, the Council shall select one of its members to preside at such meeting.

Term of vice mayor

SECTION 41. TERM OF OFFICE OF VICE MAYOR.

(a) The Vice Mayor shall serve for a term of two (2) years from and after 8:00 o'clock P.M. on the first Tuesday in May following each regular municipal election and until his successor is elected and qualified.

(b) The Vice Mayor shall be subject to removal at the discretion of the Council by a vote of four members thereof.

Vice mayor —vacancy

SECTION 42. VICE MAYOR—VACANCY. In case of a vacancy in the office of Vice Mayor, the Council shall elect a successor for the remainder of the term.

Ordinance presented to mayor

SECTION 43. ORDINANCE PRESENTED TO MAYOR. Each ordinance finally adopted by the Council, shall, within twenty-four (24) hours of such action, be presented to the Mayor, or left with the confidential secretary to the Mayor, by the City Clerk with appropriate notation of the action of the Council thereon.

Same Time to act

SECTION 44. TIME WITHIN WHICH MAYOR SHALL ACT. Any ordinance adopted by the Council as an emergency measure shall be acted upon by the Mayor within three (3) days after the same has been presented to him or to his confidential secretary by the City Clerk. All other ordinances shall be acted upon by the Mayor within ten (10) days of such presentation.

Same: Approve or veto

SECTION 45. MAYOR SHALL APPROVE OR VETO ORDINANCES. The Mayor shall either approve each ordinance adopted by the Council by signing and returning the same to the City Clerk within the time limit, or he shall disapprove and veto such ordinance and shall return such ordinance to the City Clerk with his written objections within the time limit. His failure to make such return shall constitute approval of such ordinance and such ordinance shall take effect without the Mayor's signed approval. The City Clerk shall note such fact on the official copy of such ordinance.

Override veto

SECTION 46. OVERRIDE VETO. The Council may reconsider any ordinance vetoed by the Mayor and if after such reconsideration five (5) of the Councilmen shall vote in favor of the passage thereof, it shall become effective notwithstanding the Mayor's veto.

Same, Time

SECTION 47. OVERRIDE VETO—TIME. The vote of reconsideration of such vetoed ordinance shall be taken at the convenience of the Council, provided, however, if the ordinance is not passed over the Mayor's veto within thirty (30) days from the date of the filing of such veto with the City Clerk, the ordinance shall be lost.

Session open to public

SECTION 48. SESSION OPEN TO PUBLIC. All legislative sessions of the Council, whether regular or special, shall be open to the public.

Council action

SECTION 49. COUNCIL ACTION. The Council shall act by ordinance, resolution or motion.

Rules

SECTION 50. COUNCIL RULES. The Council shall establish rules for its procedure.

Vote by ayes and noes

SECTION 51. VOTE BY AYES AND NOES. The "ayes" and "noes" shall be taken on the passage of all ordinances and resolutions and entered upon the journal of proceedings of the Council. Each proposed ordinance or resolution shall be introduced in written or printed form.

Ordinance Enacting clause

SECTION 52 ENACTING CLAUSE. The enacting clause of all ordinances passed by the Council shall be: "Be it Ordained by the City Council of the City of Vallejo as follows:".

Same Confined to one subject

SECTION 53. ORDINANCE CONFINED TO ONE SUBJECT. Every ordinance and resolution, excepting an ordinance making appropriations, shall be confined to one subject; and any ordinance, enacting, or revising or reenacting, a complete municipal code, which code shall supersede or repeal ordinances prior thereto, shall be construed to be confined to a single subject.

Same Publication of

SECTION 54. PUBLICATION OF ORDINANCE. A proposed ordinance must, before final adoption, be passed to print

and published at least once in the Official Newspaper of the City; provided, however, ordinances establishing rules and regulations, and ordinances amendatory thereof, for the construction of buildings, installation of plumbing, the installation of electric wiring or other regulations having to do with the public health, safety or welfare, where such rules and regulations have been printed as a code in book or pamphlet form, or any map or plat incorporated in any zoning ordinance, may be adopted by the Council in whole or in part by reference thereto without further publication thereof; provided, however, that not less than three (3) copies of said code or map or plat shall be filed for use and examination by the public in the office of the City Clerk at or prior to the date of introduction of such ordinance. The recital in the ordinance that three (3) copies have been filed with the City Clerk shall be conclusive evidence of such filing.

Same Amendment to be published

SECTION 55. AMENDMENT TO BE PUBLISHED. If any amendment is made to a proposed ordinance, the proposed ordinance as amended must be published at least once before its final adoption. The correction of typographical or clerical errors shall not constitute the making of an amendment within the meaning of the foregoing sentence.

Same When required

SECTION 56. ORDINANCE REQUIRED, WHEN. No action by the Council providing for the acquisition, sale, or lease for a period longer than one (1) year, of real property, or levying any tax or assessment, or granting any franchise, or imposing any penalty, or for the appropriation of funds in excess of one thousand five hundred (1,500.00) dollars and no legislative action, shall be taken except by ordinance; provided however, that the acquisition of real property, or any interest therein, may be authorized by resolution when the purchase price to be paid, together with any obligation imposed on the City in connection with any such acquisition, does not exceed the sum of one thousand five hundred (1,500.00) dollars or when such acquisition is to be accomplished by condemnation in eminent domain proceedings, or in connection with public improvements proceedings taken under some law.

The provisions of this section shall not apply to the acquisition or transfer of real property when, pursuant to procedure established by ordinance or by any code or general law of the State of California, such property has been acquired, or is transferred or acquired, in satisfaction, foreclosure or enforcement of a lien for taxes or special assessments of any character.

Ordinance Effective when

SECTION 57. ORDINANCE — EFFECTIVE WHEN. Except as provided for in Section 58, no ordinances passes by the Council shall go into effect before thirty (30) days after the date of its final passage. Resolutions and motions shall take effect immediately upon their passage unless otherwise stated therein.

Same Emergency, etc., take effect when

SECTION 58. EMERGENCY ORDINANCE, ETC. TAKE EFFECT WHEN. The preceding Section 57 shall not apply to ordinances making the annual tax levy provided for

in Section 196, the annual appropriations ordinance provided for in Section 193 and preliminary appropriation ordinances provided for in Section 194, ordinances and proceedings under the general law of the State or of ordinances of the City for street work or improvements, or where the proceeding must be or is under special law, to ordinances calling or otherwise relating to an election, nor to any ordinance for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is passed by a vote of five (5) members of the Council. Each such ordinance shall take effect on the date therein provided, except that if the same be subject to the veto of the Mayor, it shall not take effect sooner than three (3) days after the same has been presented to the Mayor or his confidential Secretary; provided however any such ordinance may take effect immediately upon approval thereof by the Mayor.

Amendment to ordinance

SECTION 59. AMENDMENTS TO ORDINANCE. No ordinance shall be revised, reenacted or amended by reference to its title only except as provided for in Section 54, but the ordinance as proposed to be revised or reenacted or the section or sections thereof as proposed to be amended, or the new section or sections to be added thereto, shall be published and adopted in the manner provided in this Article for the adoption of ordinances.

Contract for official advertising

SECTION 60. CONTRACT FOR OFFICIAL ADVERTISING. The Council shall let annually a contract for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise at least once, setting forth generally the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The Council shall let the contract for such official advertising to the lowest responsible bidder publishing a daily newspaper in the City which is a newspaper of general circulation, having a bona fide paid circulation of at least two thousand (2,000) copies, and which newspaper has been regularly published in said City for two (2) successive years prior to the time of awarding the contract; provided, that the Council may reject any or all bids if found excessive, and readvertise for new bids. If all bids are rejected, or no bids are received, the Council shall have power to contract with a newspaper for the printing and publishing of such advertising.

In no case shall the price charged for the publication of such advertising exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

Official newspaper

SECTION 61. OFFICIAL NEWSPAPER. The newspaper to which the award of such advertising is made shall be known and designated as the "Official Newspaper." Except when otherwise provided in this Charter, or by general law, all official publications made by the City shall be made in the Official newspaper only.

SECTION 62. "PUBLISHED"—DEFINED. The term "published" as used in this Charter shall mean publication in the "Official Newspaper" as required by this Charter. "Published"

## ARTICLE VIII
## CITY COUNCIL—POWERS

SECTION 63. POWERS OF COUNCIL. In addition to the powers elsewhere granted by this Charter and the Constitution of the State, the Council is hereby granted the powers hereinafter set forth in this Article. Powers of council

SECTION 64. CREATE BOARDS AND COMMISSIONS. The Council may by ordinance establish other departments, or divisions, and create advisory boards or commissions, and change and abolish the same and prescribe their powers, functions and duties; unless otherwise prescribed in this Charter or the ordinance creating the same, all appointments to such boards and commissions shall be by the Council on nomination of the Mayor. The members of all such boards and commissions shall serve without compensation. Create boards and commissions

SECTION 65. CREATE POSITIONS OF EMPLOYMENT. The Council may by ordinance establish and abolish offices and positions of employment and fix the compensation and duties thereof and fix the compensation of all offices and positions created by this Charter, except as herein otherwise provided. Create positions of employment

SECTION 66. BONDS. (a) The Council shall determine by ordinance which officers and employees shall give bonds for the faithful performance of their official duties and fix the amount of such bonds. The Council may provide for group bonding of officers and employees. Bonds

(b) Each officer and employee required by this Charter, or by ordinance, to post a bond, shall before entering upon his duties deliver to the City a surety bond executed by a reliable surety company authorized to do business in the State of California in the penal sum required, which surety bond shall in case of officers, include other offices of which he may be an ex officio member. Said bonds shall be approved by the Council and the premiums of such bonds shall be paid by the City.

SECTION 67. PUBLIC WORKS—PURCHASES. (a) When the expenditure required for the making of public works or improvements, or for the purchase of equipment, materials or supplies, except supplies or printing in connection with any election, exceeds the sum of one thousand five hundred (1,500) dollars, the same shall be done by contract and let to the responsible bidder who submits the lowest and best bid, after advertising for sealed proposals in the Official Newspaper by at least one (1) insertion made at least five (5) days prior to the time for opening of bids. Advertisements for bids may set forth the general character of the work, equipment, materials or supplies and refer for details to specifications on file in the office of the City Clerk or other designated City office. The Council may reject all bids if deemed excessive Public works —purchases

and may re-advertise in its discretion. In case no bids are received, such public works or improvements may be made by the City with City forces, or such equipment, materials or supplies may be purchased in the open market. The Council may by resolution, either with or without prior advertising, as hereinbefore set forth, declare and determine that in its opinion: (1) the public works or improvements in question may be performed more economically by the City with its own employees, or that such equipment, materials or supplies may be purchased at a lower price in the open market, and thereupon proceed to have such works or improvements done, or such equipment, materials or supplies purchased in the manner stated, or (2) that emergency or urgent necessity requires immediate action to safeguard life, health or property and thereupon proceed to have such works or improvements done with City forces or by contract without call for bids, or purchase such equipment, materials or supplies in the open market. Any such resolution must be adopted by vote of five (5) members of the Council.

Nothing in this section shall prohibit the doing of ordinary maintenance or repair work by the City with its own employees, without first advertising for bids.

(b) The City may acquire in any manner whatsoever and without regard to the provisions of this section, from the United States of America or the State of California, or from any board, department or agency of either, any federal surplus property.

Preference to local bidders

SECTION 68. PREFERENCE TO LOCAL BIDDERS. A preference of not to exceed five (5) percent of the lowest bid may be allowed on all bids for equipment, materials or supplies made by a person who, for more than one year continuously preceding the making of such bid, had an established place of business in the City manufacturing, processing, wholesaling or retailing such equipment, materials or supplies.

Prevailing wage

SECTION 69. (a) PREVAILING WAGE. Every contract for the construction of any public works to be performed within the State of California at the expense of the City must provide that the contractor and all subcontractors under him shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for work of a similar character in the locality in which the public works in performed.

(b) The contractor shall as a penalty forfeit to the City ten (10) dollars for each calendar day, or portion thereof, for each employee paid less than the prevailing salary or wage for any public work done under the contract by him or any subcontractor under him, and the body awarding the contract shall cause to be inserted in the contract a stipulation to this effect.

Award—Federal or State Government

SECTION 70. AWARD—FEDERAL OR STATE GOVERNMENT. Whenever the City shall have received any money or an award of money from the federal government or from the State of California, or from any agency of either, it may,

in the expenditure of such money, conform to all applicable requirements of federal or state laws, and of regulations and orders issued under the authority thereof, with respect to the awarding of contracts, hours of labor, employment preferences and other such matters covered thereby, notwithstanding any provisions of this Charter inconsistent therewith, and any such inconsistent provisions shall yield and be subordinate thereto with respect to such expenditure.

Contract to next lowest bidder

SECTION 71. CONTRACT TO NEXT LOWEST BIDDER. If any contractor fails to enter into any contract awarded to him, the legislative body may readvertise the original proposal or the unfinished portion thereof, as herein provided, or may award the contract to the bidder who submitted the next lowest and best bid to that previously accepted with the consent of such bidder and without readvertising for bids, but no such reaward shall be made more than ninety (90) days after the opening of such bid.

Administering oaths—subpenas

SECTION 72. ADMINISTERING OATHS—SUBPOENAS. All officers of the City, the Executive Secretary of the Civil Service Commission and the Secretary of the Retirement Board shall have the power to administer and certify oaths and affirmations in all matters pertaining to their respective offices and positions. The members of the Council and of all boards and commissions and all officers of the City empowered by this Charter or by ordinance to hear and determine any matter, shall have the power to issue subpoenas and by subpoena to compel the attendance of witnesses and the production of all pertinent books, papers, documents and other evidence, and to take and hear testimony in any hearing or matter pending before such Council, board, commission or officer. If any person so subpoenaed wilfully refuse or neglect to appear, or to produce any such books, papers, documents or other evidence relating to the matter under inquiry and in his possession or under his control, or refuse to be sworn, or unlawfully refuse to answer any material question, he shall be deemed in contempt and be guilty of a misdemeanor. Such person shall be prosecuted in the Police Court and upon conviction may be punished by a fine of not more than five hundred (500) dollars or by imprisonment of not more than six months in the City prison, or by both such fine and imprisonment. When the contempt consists in the omission to perform an act which is yet in the power of the person to perform, he may be imprisoned until he have performed it, and in that case the act must be specified in the warrant of commitment.

Conferring additional duties

SECTION 73. CONFERING ADDITIONAL DUTIES. The Council may confer upon any officer, board or commission powers and duties in addition to those set forth in this Charter.

Certified public accountant

SECTION 74. CERTIFIED PUBLIC ACCOUNTANT. The Council shall contract and fix the compensation for the services of a certified public accountant or firm of certified public accountants, who shall at least quarterly investigate the transactions and audit the accounts of all officers having the collec-

tion, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury. The accountant shall have free access to all records, books, and papers in all departments of the City. The accountant may at any time visit any of the public offices and make examinations and investigations therein without hindrance. At the close of his investigation he shall file with the Council a written report containing his recommendations. If during any examination and audit it shall appear that a public offense has been committed, or that any officer or employee is in default, the accountant shall immediately report to the Council, which shall take such proceedings as are authorized by law.

Initiative and referendum

SECTION 75. MAY SUBMIT INITIATIVE AND REFERENDUM. The Council may, on its own motion, submit to the electorate by initiative or referendum any proposed resolution or ordinance which could be enacted by the Council.

Vacations, sick leave, etc

SECTION 76. PROVIDE FOR VACATIONS, SICK LEAVE, ETC. The Council shall by ordinance provide for annual vacations, sick leave with pay and leaves of absence for all officers and employees.

Law enforcement

SECTION 77. If in the opinion of the Council the enforcement of the law in the City is inadequate, the Council may by resolution so declare and thereupon authorize the Mayor to take command of the Police Department, maintain order and enforce the law, and in such event the Mayor shall be vested with all authority herein vested in the City Manager with respect to the Police Department.

## ARTICLE IX
## THE AUDITOR

The auditor —duties

SECTION 78. DUTIES. The Auditor shall perform all the duties of Auditor prescribed by this Charter and by ordinance and shall devote his entire time to the duties of his office. He shall, subject to Civil Service requirements, have power to appoint, discipline and remove all deputies and employees in his office and shall be responsible for their acts on his official bond.

General accountant

SECTION 79. GENERAL ACCOUNTANT. The Auditor shall be the general accountant of the City and shall have the custody of and preserve in his office all accounts, books, vouchers, documents and papers relating to the debts, revenues and other financial affairs of the City.

Keep accurate accounts

SECTION 80. KEEP ACCURATE ACCOUNTS. The Auditor shall keep an accurate account of all money transactions of the City, and at all times his records shall reflect the exact condition of the treasury and he shall certify the same to the Council at least monthly.

Uniform system of accounts

SECTION 81. UNIFORM SYSTEM OF ACCOUNTS. The Auditor shall establish a uniform system of bookkeeping and accounts for the City and all officers, departments and boards thereof.

Demands

SECTION 82. DEMANDS. Every demand presented to the Auditor shall specify on its face the several items compos ng it, the amounts and the dates thereof and shall be numbered and acted upon in the order of presentation. Every demand shall, before payment, be presented to the Auditor with the allowance thereon of the Council, except that demands for salary need bear the allowance only of the City Manager, executive officer, board or commission under whose jurisdiction the services are rendered. The Auditor shall not allow any demand unless the same is legally due, its payment authorized by law, and in consequence of appropriations made pursuant to this Charter. Upon allowance, the Auditor shall endorse on each demand the word "Allowed," the name of the fund out of which it is payable and the date and consecutive number of its allowance and shall sign his name thereto.

Warrants

SECTION 83. WARRANTS. No warrant shall be drawn by the Auditor unless there are sufficient moneys otherwise unappropriated in the fund against which the warrant is drawn to pay the same.

Endorsement of contracts

SECTION 84. CONTRACTS ENDORSED BY AUDITOR. No contract required to be in writing and imposing any financial obligation upon the City shall be binding or of any force unless the Auditor shall endorse thereon his certificate that there remains an unexpended and unapplied balance of the appropriation or fund applicable thereto sufficient to pay and fully discharge the City's obligation under such contract as certified by the board, commission or officer making the same. All sums of money represented by such endorsements outstanding shall be used for no other purpose except the payment and discharge of the respective contracts so endorsed.

## ARTICLE X
## APPOINTIVE OFFICERS

Appointive officers—by council

SECTION 85. APPOINTIVE BY COUNCIL. The following offices are hereby established:

1. City Manager
2. City Attorney
3. City Clerk
4. Police Judge
5. City Assessor.

The incumbents of said offices shall be appointed by the Council and may be removed or their salaries reduced only by the affirmative vote of five (5) members thereof, except as herein otherwise provided.

Appointive by city manager

SECTION 86. APPOINTIVE BY CITY MANAGER. The following offices are hereby established and the incumbents thereof shall be appointed by and hold office at the pleasure of the City Manager.

1. City Engineer
2. City Treasurer
3. Fire Chief

4. Health Officer
5. Police Chief
6. Superintendent of Streets
7. Superintendent of Transportation Department
8. Superintendent of the Water Department.

Consolidation

SECTION 87. CONSOLIDATION. The City Council may at any time, by ordinance, consolidate the offices of City Engineer and Superintendent of Streets.

Additional duties

SECTION 88. ADDITIONAL DUTIES. Each appointive officer shall perform the duties imposed upon him by this Charter, by ordinance, or resolution and, if under the jurisdiction of the City Manager, shall perform such other duties relating to his office as may be required of him by the City Manager.

City manager

SECTION 89. CITY MANAGER. The City Manager shall be the chief executive and administrative officer of the City. He shall be chosen solely on the basis of his proven executive and administrative qualifications. He need not, when appointed, be a resident of the City or State, but must be a citizen of the United States. He shall, upon the effective date of his appointment, become a resident of the City.

Councilmen eligible, when

SECTION 90. COUNCILMEN ELIGIBLE, WHEN. No member of the Council shall, during the time for which he was elected or appointed, or for one (1) year thereafter, be eligible to hold the position of City Manager.

City manager Appointment and removal

SECTION 91. CITY MANAGER APPOINTMENT AND REMOVAL.

(a) The City Manager may be removed by ordinance adopted by the affirmative vote of five (5) members of the Council. Such ordinance shall take effect as provided in said ordinance and shall not be subject to the veto of the Mayor.

(b) Before the City Manager may be removed, he shall, if he shall so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the ordinance providing for his removal, but pending and during such hearing the Council may suspend him from office. The action of the Council in suspending or removing the City Manager shall be final and conclusive, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. He shall receive a salary to be fixed by the Council, and the same shall not be reduced except upon the adoption of an ordinance and a like opportunity to be heard.

Same: Absence or disability

SECTION 92. ABSENCE OR DISABILITY. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability.

Same Duties

SECTION 93. DUTIES OF CITY MANAGER. The City Manager shall have the power and it shall be his duty:

(a) To supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendation to the Council concerning the affairs

of the City as he may deem desirable; to keep the Council advised of the financial condition and future needs of the City; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council.

(b) To appoint, discipline and remove all officers and employees of the City under his jurisdiction, subject to Civil Service requirements.

(c) To act as purchasing agent for the City and all offices, boards and commissions.

(d) To see that all contracts and franchises made under his jurisdiction or that of the Council are faithfully performed, and to report all violations thereof to the Council.

Department heads responsible to city manager

SECTION 94. DEPARTMENT HEADS RESPONSIBLE TO CITY MANAGER. The heads of the administrative departments under the City Manager shall be immediately responsible to him for the efficient administration of their respective departments. The City Manager may set aside any action taken by the head of a department responsible to him, and may supersede him in authority in the functions of his office or employment. Where no provision has been made by this Charter or by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the City Manager may designate an interim acting head or perform personally the functions of the office. He shall have the power, with the approval of the Council, and without reference to Civil Service provisions to employ experts, or consultants to perform work or give advice connected with the departments of the City when such work or advice is necessary in connection therewith.

Approval of contracts—requisitions

SECTION 95. APPROVAL OF CONTRACTS—REQUISITIONS. The City Manager shall execute all contracts for the making of public works or improvements or the purchase of equipment, materials or supplies. He shall approve all requisitions and vouchers for the departments under his control in person or through such assistants as he may designate for that purpose.

Rules and regulations

SECTION 96. RULES AND REGULATIONS. The City Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative departments under his jurisdiction.

Emergency powers of city manager—mayor

SECTION 97. EMERGENCY POWERS OF CITY MANAGER—MAYOR. In case of general conflagration, rioting, flood, or other emergency menacing life or property, the City Manager shall marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ without reference to civil service such other persons as he may consider necessary for the purpose of protecting the City and its residents. The Council may, however, in any such emergencies authorize the Mayor to take command of the police, maintain order and enforce the law and in such event the City Manager

shall be subordinate to and shall carry out such duties as may be assigned to him by the Mayor.

Interference with city manager

SECTION 98. INTERFERENCE WITH CITY MANAGER.

(a) No member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the City Manager in the execution of his powers and duties, or discuss directly or indirectly with any candidate for City Manager the matter of appointments to City offices or employment, or attempt to exact any promises from such candidate relative to any such appointments.

(b) Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager and not through his subordinates.

(c) A violation of the provisions of this section by any member of the Council shall constitute a misdemeanor for which the offending member may be tried by any court of competent jurisdiction and if found guilty, the sentence imposed shall include removal from office.

City attorney—qualifications

SECTION 99. CITY ATTORNEY—QUALIFICATIONS. The City Attorney shall be the chief executive of the Legal Department and shall have been, at the time of his appointment, admitted to practice and engaged in the practice of law in the State of California for a period of at least five years next preceding such appointment.

Acting city attorney

SECTION 100. ACTING CITY ATTORNEY. In case of the disability of the City Attorney the City Council shall have power to appoint an acting City Attorney to perform the duties of the City Attorney during the continuance of such disability.

City attorney Duties

SECTION 101. DUTIES. The City Attorney shall have the power to prosecute violations of the ordinances of the City. He shall, subject to the general direction of the Council, board, commission or elective officer having jurisdiction of the matter, prosecute and defend for the City and all boards, commissions, officers and employees in their official capacity, all proceedings before judicial and quasijudicial tribunals. He shall not compromise, settle or dismiss any civil action or proceeding for or against the City without permission of the Council. He shall not commence any civil action or proceeding without the permission of the Council or written instruction of the City Manager. He shall be the legal advisor of and attorney and counsel for the City and for all officers, employees, boards and commissions thereof, in all matters relating to their official duties, and whenever requested in writing by any of them, he shall give his legal advice in writing.

Approve contracts—ordinances

SECTION 102. APPROVE CONTRACTS—ORDINANCES. He shall approve the form of all ordinances and of all bonds given to the City, prepare all contracts and legal instruments in which the City is interested, and shall endorse on each his approval of the form thereof. He shall, when required by the City Manager, the Council, or any member thereof, draft

proposed city ordinances, resolutions and amendments thereto. He shall deliver all books, papers, documents and property of every description belonging to his office or to the City, to his successor in office.

Appointment and removal of employees

SECTION 103. APPOINTMENT AND REMOVAL OF EMPLOYEES. The City Attorney shall appoint, discipline or remove, subject to Civil Service provisions, such assistants, deputies and employees as are provided for by ordinance. All assistants and deputies must be duly admitted to practice law in the State of California.

Employment of special counsel, etc

SECTION 104. EMPLOY SPECIAL COUNSEL, ETC. The Council, or any board or commission with the consent of the Council, may empower the City Attorney, at his request, and without regard to Civil Service provisions, to employ special legal counsel, appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter.

City clerk

SECTION 105. CITY CLERK. The City Clerk shall be the chief executive of the office of the City Clerk. The duties of the City Clerk shall be to keep the corporate seal, books, papers, records and other documents belonging to the City, including the custody of the official bonds of city officers and employees, except his own, which shall be in the custody of the Auditor, and all deeds, title papers, contracts, judgments, notes and insurance policies, and any and all other records, the custody of which is not provided for in this Charter; to attend all meetings of the Council and to keep a journal of its proceedings, all its ordinances and resolutions and perform such other duties relating to his office as the Council and this Charter shall direct. He shall file all ordinances and resolutions and properly index the same. He shall be responsible for the publication of ordinances and all other matters acted on by the Council for which publication is required.

(b) He shall have power to administer and certify oaths and affirmations in all matters relating to the business of the City, making no charge therefor, and to appoint, discipline or remove, subject to Civil Service provisions, such subordinate officers and employees as are provided for by ordinance.

Police judge

SECTION 106. POLICE JUDGE. (a) The Police Judge shall be appointed for a term of two (2) years commencing on the first day of July of each odd numbered year and until his successor is appointed and qualified.

(b) He shall be a resident and elector of the City. He shall have been duly admitted to practice and engaged in the practice of law in the State of California for a period of two (2) years next preceding his appointment.

City assessor

SECTION 107. CITY ASSESSOR. The City Assessor shall be the chief executive of the City Assessor's Office and shall make assessments of property as provided by this Charter or by ordinance. He shall be the custodian of all assessment books, maps, plats, and all other records and property appertaining

to his office. The office of City Assessor may be consolidated with that of the City Auditor.

Same: Administer oaths appointment of employees

SECTION 108. ADMINISTER OATHS — APPOINTMENT OF EMPLOYEES.

(a) The City Assessor shall have power to take affidavits and administer oaths in all matters relating to the assessment of property and in matters otherwise appertaining to the duties of his office, and he shall make no charge therefor.

(b) He shall have power to appoint, discipline or remove, subject to Civil Service provisions, such subordinate officers and employees as are provided for by ordinance.

City engineer

SECTION 109. CITY ENGINEER. The City Engineer shall be a registered civil engineer of the State of California with not less than five (5) years' experience as a civil engineer. He shall be the chief executive of the Engineering Department. He shall be the custodian of all engineering records of the City.

City treasurer

SECTION 110. CITY TREASURER. The City Treasurer shall be the chief executive of the office of the City Treasurer and shall be ex-officio Tax Collector. He shall perform all the duties of treasurer and tax collector prescribed by this Charter or by ordinance.

Same Custody and receipt of money

SECTION 111. CUSTODY AND RECEIPT OF MONEY. (a) The Treasurer shall have custody of all moneys belonging to the City, or to any officer of the City in his official capacity. He shall pay out money belonging to the City or in his official custody only upon warrants drawn upon him duly issued by the Auditor.

(b) The Treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the Auditor, stating the amount of the same, to what fund payable and by whom to be paid.

Fire chief

SECTION 112. FIRE CHIEF. The Fire Chief shall be the chief executive of the Fire Department. He shall, under the general direction and supervision of the City Manager, direct and supervise the personnel and have charge of the property and equipment of the department. He shall superintend the prevention and extinguishment of fires

Health officer

SECTION 113. HEALTH OFFICER. (a) The Health Officer shall be the chief executive of the Health Department. He shall be a graduate of a recognized college of medicine and shall be licensed to practice his profession in the State of California for at least five (5) years prior to his appointment.

(b) He shall exercise all powers and perform all duties conferred by the general laws of the State upon health officers of municipal corporations. He shall enforce all ordinances of the City relating to public health.

Police chief

SECTION 114. POLICE CHIEF The Police Chief shall be the chief executive officer of the Police Department. He shall, under the general direction and supervision of the City Manager, direct and supervise the personnel, and have charge of the property and equipment of the department.

Superintendent of streets

SECTION 115. SUPERINTENDENT OF STREETS. The Superintendent of Streets shall be the chief executive of the Street Department. He shall be a registered civil engineer of the State of California with not less than five (5) years' experience as a civil engineer. He shall have charge of the construction, improvement, repair and maintenance of all public highways and rights of way of the City.

Superintendent of transportation department

SECTION 116. SUPERINTENDENT OF THE TRANSPORTATION DEPARTMENT. The Superintendent of the Transportation Department shall be the chief executive of the Transportation Department. He shall have charge of the management, operation and maintenance of all public transportation facilities owned or operated by the City.

Superintendent of water department

SECTION 117. SUPERINTENDENT OF WATER DEPARTMENT. The Superintendent of the Water Department shall be the chief executive of the Water Department. He shall have charge of the City's water supply system and of all matters and things connected with the conveyance and distribution of water to consumers.

Heads of departments exempt from civil service

SECTION 118. HEAD OF EACH DEPARTMENT EXEMPT FROM CIVIL SERVICE. One executive or administrative head of each department or division of the City Government and of each board or commission, created by the Council, shall be subject to appointment and removal by the City Manager, free from Civil Service provisions.

## ARTICLE XI
## POLICE COURT

Police court, judicial power of city

SECTION 119. JUDICIAL POWER OF THE CITY. There is hereby created and established in and for the City of Vallejo a Court which shall be known as the Police Court of the City of Vallejo. The judicial power of the City shall be vested in said Court, which Court shall be presided over by the Police Judge of the City.

Court room

SECTION 120. COURT ROOM. The Council shall furnish the Police Court a suitable courtroom and office, and all necessary office furniture, supplies and equipment, and the dockets, blanks and other papers necessary to the transaction of its business.

Bailiffs, writs, clerk

SECTION 121. BAILIFFS. WRITS, CLERK. The Police Chief when requested by the Police Judge, shall provide a bailiff for the Police Court, and shall in all cases cause its writs and processes to be promptly executed. The Judge shall appoint and remove at his pleasure a Clerk, and appoint and remove subject to Civil Service provisions such other employees as the Council may provide. Except as may be otherwise provided by ordinance, such Clerk shall have the powers and duties of clerks of Class A justices' courts and of city justices' courts of cities of the third class.

Powers of magistrate

SECTION 122. POWERS OF MAGISTRATE. The Police Judge shall have the powers and perform the duties of

a magistrate as provided by the laws of the State of California, and may administer and certify oaths and affirmations.

Exclusive jurisdiction

SECTION 123. EXCLUSIVE JURISDICTION. The Police Court shall have exclusive jurisdiction of all actions and proceedings, civil or criminal, for the violation of any ordinance of the City; of all actions for the recovery of any fine, penalty or forfeiture prescribed or provided for the breach of any ordinance; of all actions founded upon any obligations or liability created by ordinance; and shall have exclusive jurisdiction of all matters and proceedings the jurisdiction of which is now or may hereafter be exclusively vested in Police Courts by general law of the State of California.

Concurrent jurisdiction

SECTION 124. CONCURRENT JURISDICTION. The Police Court shall have jurisdiction concurrently with Class A justices' courts of all matters, actions, and proceedings, both civil and criminal, arising within the limits of the City, of which such justices' courts have now or may hereafter have jurisdiction; and the Police Judge shall have like authority, power and jurisdiction as are now or may hereafter be conferred by general law of the State of California on justices of such courts.

Pleadings and practice

SECTION 125. PLEADINGS AND PRACTICE. In all proceedings in and appeals from the Police Court, the pleadings, practice and procedure now applicable under the laws of the State of California or that may hereafter be made so applicable to Class A Justices' Courts are hereby adopted and made applicable to the Police Court of the City of Vallejo.

Appeals

SECTION 126. APPEALS. Appeals may be taken to the Superior Court of the State of California in and for the County of Solano, from the judgments and orders of the Police Court in all cases in which appeals now are or may hereafter be taken by law to said Superior Court from Class A Justices' Courts.

Court always open

SECTION 127. COURT ALWAYS OPEN. The Police Court shall always be open for the transaction of business except on Sundays and other non-judicial days.

Disqualification of police judge

SECTION 128. DISQUALIFICATION OF POLICE JUDGE. In all cases in which the Police Judge is a party or in which he is interested, or when he is related to any party to an action or proceeding by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the Police Judge shall call a Justice of the Peace presiding in the County of Solano to act in his place and stead, and while so acting said Justice shall be vested with all powers, authority and jurisdiction of the duly qualified judge of the Police Court.

Fines, property of city

SECTION 129. FINES, PROPERTY OF THE CITY. All fines, penalties, forfeitures and other moneys received or collected by the Police Judge, for or on account of the City of Vallejo, shall be immediately paid into the City Treasury for the use of the City.

SECTION 130. RULES. The Police Judge shall adopt all necessary rules and regulations for conducting the business of the Court. Rules

## ARTICLE XII
## BOARDS AND COMMISSIONS

SECTION 131. BOARDS AND COMMISSIONS CREATED—REMOVAL. The following board and commission are hereby established: Library Board and Civil Service Commission. Boards and commissions created —removal

(a) Said Board and Commission shall each consist of five (5) members. Upon nomination of the Mayor, the Council shall appoint on or after the second Tuesday in May and prior to the first day of July of each year one (1) member of each such Board and Commission for a term commencing on the first day of July following such appointment and continuing for five (5) years and thereafter until the successor of such member is appointed and qualified.

(b) All members of such Board and Commission shall at the time of their appointments and continuously during their incumbency be electors of the City.

(c) Any member of any such Board or Commission may be removed at any time by a vote of five members of the Council.

SECTION 132. VACANCY—HOW FILLED. A vacancy in the office of a member of any such Board or Commission shall be filled for the unexpired term by nomination and appointment in the manner hereinabove set forth. Vacancies—how filled

SECTION 133. ELECTION OF OFFICERS. At its first regular meeting on or after the first day of July of each year, each such Board or Commission shall select from among its members a president, vice president, secretary and such other officers as it may desire. Election of officers

SECTION 134. POWER TO ADOPT RULES—APPOINT EMPLOYEES. Each such Board and Commission shall have the power to establish rules for its proceedings, appoint, discipline and remove, subject to Civil Service provisions, such officers and employees as may be provided for by the Council, and exercise all authority and perform all duties prescribed by this Charter or by ordinance. Power to adopt rules —appoint employees

SECTION 135. MEMBERS' COMPENSATION. The members of such Board and Commission shall receive no compensation. Members' compensation

SECTION 136. VOTE NECESSARY FOR ACTION—QUORUM. The vote of a majority of the entire membership of each Board or Commission shall be necessary for action thereof. Three (3) members of such Board or Commission shall constitute a quorum, but a lesser number may adjourn from time to time. Vote necessary for action

## ARTICLE XIII
## PUBLIC LIBRARY SYSTEM

Library board—powers

SECTION 137. LIBRARY BOARD—POWERS. The Library Board shall have the power:

(a) To control and manage the Public Library System of the City.

(b) To expend for library purposes all moneys in the Library Fund, which fund is hereby created.

(c) To make and enforce rules and regulations necessary for the administration, government and protection of the Library System and all property thereof.

(d) To purchase necessary books, journals, publications and other personal property.

(e) To borrow books from, rent books to and exchange the same with other libraries, and to extend library privileges to non-residents upon such conditions as the Board may prescribe.

(f) To appoint and remove at its pleasure a Librarian who shall be the chief executive officer of the Public Library System.

Disposition of moneys

SECTION 138. DISPOSITION OF MONEY. All fines and other money arising out of the administration of the Public Library System of the City shall be deposited in the Library Fund.

## ARTICLE XIV
## CIVIL SERVICE

Civil service Meetings of commission

SECTION 139. MEETINGS OF COMMISSION. The Civil Service Commission shall hold at least one (1) regular meeting every two (2) months, and such special meetings as may be deemed necessary upon call of the President or upon a written request to the President, of any two (2) members of the Commission.

Executive secretary

SECTION 140. EXECUTIVE SECRETARY. The Commission shall appoint and at its pleasure remove an Executive Secretary, who shall be the chief executive officer of the Commission, and who may act in the capacity of secretary for the Commission. He shall be the custodian of all records of the Commission.

Same Salary

SECTION 141. SALARY OF EXECUTIVE SECRETARY. The Commission shall have the power to fix the compensation of the Executive Secretary.

Contracts for service

SECTION 142. CONTRACT FOR SERVICES. The Commission shall have power to contract with the State Personnel Board or any county or municipality for the personnel services required by this Article. The Commission shall have authority to obtain by contract for limited periods of time when necessary, expert, scientific or technical services in preparing, giving or ascertaining the results of a Civil Service Examination.

Classified and unclassified services

SECTION 143. CLASSIFIED AND UNCLASSIFIED SERVICES. The administrative services of the City are hereby divided into classified and unclassified services as follows:

The unclassified service shall include all elective positions and the officers provided for in Sections 85 and 86, and members of all boards and commissions and the following positions:

The Confidential Secretary to the City Manager, the Confidential Secretary to the Mayor, the Clerk of the Police Court, Librarian, Executive Secretary of the Civil Service Commission, the Secretary of the Retirement Board, the executive or administrative heads provided for in Section 118, all positions the compensation for which is fifty (50.00) dollars per month or less, all officers of election, and all employments under contract for special services of a professional, scientific or technical character.

The classified service shall comprise all positions not specifically included by this section in the unclassified service.

Adopt rules

SECTION 144. ADOPT RULES. The Commission shall adopt and may amend rules to carry out the provisions of this Article and any additional powers vested in it by the Council, for examination, appointment and promotion and for the government, supervision and control of the classified service.

Adoption of rules

SECTION 145. ADOPTION OF RULES. No rule or amendment thereto shall become effective unless it shall have been adopted after a public hearing thereon with reasonable notice of said hearing first given and only after such proposed rule or amendment thereto has been published once in the Official Newspaper of the City.

Classification of positions

SECTION 146. CLASSIFICATION OF POSITIONS. The Commission shall provide for the standardization and classification of all positions and employment in the classified service of the City. Such classification may be in groups and subdivisions and may be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotion.

Competitive tests

SECTION 147. COMPETITIVE TESTS. The Commission shall provide for competitive tests to ascertain the relative fitness of all applicants for appointment in the classified service.

Examinations shall be practical

SECTION 148. EXAMINATION SHALL BE PRACTICAL. Examinations of applicants for positions in the classified service shall be practical in their character and shall relate to those matters which fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed. All examination papers shall remain on file in the office of the Commission for at least five (5) years and shall not be open to public inspection except under conditions prescribed by rule of the Commission. Any person shall be entitled to inspect his own examination papers and any record relating to his own services on file with the Commission.

Advertise examinations — qualifications

SECTION 149. ADVERTISE EXAMINATIONS — QUALIFICATIONS. The Commission shall advertise all examinations in such manner as it shall determine. No applicant shall be examined who is not a citizen of the United States or who has not resided in the City for at least one (1) year next preceding the date of such examination; provided that in filling positions requiring technical or scientific training, or in case

there is not a sufficient number of applicants having resided in Vallejo said residence requirement may be waived.

Positions secured by fraud

SECTION 150. POSITION SECURED BY FRAUD. Any person who has been appointed to a position under the provisions of this Article and who secured his place on the eligible list through fraud shall be removed by the Commission from said position. Such person shall not thereafter be eligible for examination for any position in the classified service.

Suspension—fine or removal—appeal—procedure

SECTION 151. SUSPENSION—FINE OR REMOVAL—APPEAL—PROCEDURE. (a) Every person holding a position in the classified service shall be subject to suspension, fine demotion or removal from office or employment by the person, board or commission appointing such person, for misconduct, incompetency, inefficiency, failure to perform the duties or to observe the rules and regulations of such department, office, board or commission or for failure to cooperate reasonably with the department head or with his fellow employees; subject to the right of the employee to appeal to the Civil Service Commission in the manner set forth in this section and the rules of the Commission.

(b) Every employee shall be given a written statement of the reason for such suspension, fine, demotion or removal from office or employment at the time of such suspension, fine, demotion or removal. A copy of such statement shall be filed immediately with the Commission. Such statement shall include in itemized form the specific instances in support of such suspension, fine, demotion or removal from office or employment. A copy of such statement shall be delivered to such person or shall be left at his last known address.

(c) Any employee who has been so disciplined shall have five days after service of such written statement within which to file an appeal to the same A copy of such appeal shall be filed during office hours at the office of the person, board or commission imposing such discipline and the original thereof shall be filed by said employee in the office of the Executive Secretary of the Commission.

(d) Should the last day on which an appeal may be filed fall upon a Sunday or holiday, the time for filing such appeal shall be extended to include the next following business day.

(e) Said Commission may make, or cause to be made, such investigation as it shall deem necessary and thereafter shall hold a hearing; at which time it shall hear evidence for and against such employee. Hearings may be conducted informally and the rules of evidence need not apply. Written findings and conclusions shall be made by the Commission within ten days after the matter has been submitted and thereupon the same shall be certified to the official, board or commission from whose order the appeal had been taken. The findings and conclusions of the Commission also may contain such recommendations as said Commission shall deem proper, and shall include the amount of compensation such employee is entitled to receive,

if any. Said findings and conclusions of the Commission shall be final.

(f) Pending final action by the Commission on any appeal taken pursuant to the provisions of this section, the appointing power may appoint, subject to the other provisions of this Article, a person to fill the position of the person taking such appeal.

Temporary employment

SECTION 152. TEMPORARY EMPLOYMENT. (a) If there is no eligible list from which a position may be filled, the appointing power may temporarily appoint any person to such position without examination. Such appointment shall terminate upon certification by the Civil Service Commission from the eligible list established for the class within which such position is included, and it shall be the duty of the Commission to establish such eligible list and to certify from such list within ninety (90) days after the making of such appointment. No such temporary appointment shall continue for a period of more than ninety (90) days, nor shall any such position be filled by successive appointments extending beyond such ninety day period.

(b) When it is necessary to make a temporary appointment to a position, to temporarily replace an employee who holds permanent civil service status in such position while such employee is on vacation or sick leave regularly granted pursuant to ordinance, and no person on the eligible list for such position is willing to accept such temporary employment, or if no eligible list for such position exists, the appointing power may temporarily appoint any person to such position.

(c) It shall not be obligatory on the Commission to establish an eligible list for a position in civil service within the time prescribed in subdivision (a) of this section, when certification has been requested by the appointing power for the sole purpose of making a temporary appointment to such position for the purposes and under the circumstances set forth in subdivision (b) of this section.

Copy of ordinance creating position

SECTION 153. COPY OF ORDINANCE CREATING POSITION—FILED WITH COMMISSION. A copy of any action creating or abolishing a position shall be filed, on the final adoption thereof, with the Commission by the City Clerk or the executive or administrative officer of the board or commission taking such action.

Certification of title and classification

SECTION 154. CERTIFICATION OF TITLE AND CLASSIFICATION. Before the appointing person, board or commission shall make recommendation or take any action for the creating of any new or additional position, a request shall be made upon the Commission for the proper title and classification of such proposed position based on the duties and responsibilities thereof.

Exception from civil service

SECTION 155. EXCEPTION FROM CIVIL SERVICE. Any position in the classified service may be excepted from the provisions of this Article on the recommendation of the Council, or of the board or commission having power to fill such

position, and the approval by unanimous vote of the Civil Service Commission, upon such terms, conditions and limitations as the Civil Service Commission may impose at the time of its approval. Such exception shall be made only when the position is of a confidential nature or when it is impracticable or impossible to determine fitness by competitive examination.

Appointment from eligible list

SECTION 156. APPOINTMENT FROM ELIGIBLE LIST. (a) All officers or employees shall be chosen or promoted, from a list of eligibles furnished by the Commission, from the three (3) candidates standing highest on the list.

(b) Upon receipt of notice of a vacancy in a position in the classified service, the Commission shall certify to the appointing power the name and address of the three (3) highest candidates on the eligible list, from which said list the vacancy must be filled. No candidate can be certified more than three (3) times for any one classified position.

Eligible list —life of

SECTION 157. ELIGIBLE LIST—LIFE OF. All persons who have been on the eligible list for two (2) years without appointment shall be removed therefrom unless the life of such list is extended prior to the expiration of said two (2) years by the Commission. Eligible lists shall not be extended beyond the period of one (1) year or be in existance after a period of three (3) years from the date of establishment of the list.

Service register

SECTION 158. SERVICE REGISTER. There shall be prepared by the Executive Secretary and maintained in the office of the Commission a list of all persons in the service of the City showing in connection with each name the position held, the salary or wages paid, the date and character of selection or appointment, every subsequent change of status, and whether in the classified or unclassified service. Such list shall be known as the Service Register, and every appointing officer or authority shall promptly transmit to the Commission all information requested for the establishment and maintenance of such register.

In the case of elective officers, such information shall be furnished by the City Clerk.

Certification of pay rolls

SECTION 159. CERTIFICATION OF PAY-ROLLS. The Auditor shall not issue a warrant for the payment of any salary or compensation to any person holding, or claiming to hold, a position in the classified or unclassified service unless the payroll or account of such salary or compensation shall bear the certificate of the Executive Secretary that the persons named therein have been elected, appointed or employed in accordance with the provisions of this Charter and that their names appear upon the Service Register for the time for which such salary or compensation is claimed.

Salary and wage ranges

SECTION 160. SALARY AND WAGE RANGES. (a) The City Council shall establish and adjust salary and wage ranges for each class of position in the City. The salary or wage range shall be based on the principle that like salaries or wages shall be paid for comparable duties and responsibilities.

(b) In establishing or changing such salaries or wage ranges, consideration shall be given to general rates for comparable services in other public employment and private business, improvement of living standards, costs of living and the City's financial condition.

Duration appointments

SECTION 161. DURATION APPOINTMENTS. (a) When in time of war declared by the Congress of the United States, eligibles are not available for appointment from eligible lists through regular examination procedure provided for in this Article, the Commission may qualify applicants for war time appointments to positions by informal and non-competitive tests. Such tests and appointments resulting therefrom shall be governed solely by the provisions of this section, by rules of the Commission adopted pursuant thereto and the tests shall be adequate in the judgment of the Commission to determine the capacity of applicants to perform the duties of the position to be filled pending the creation of a list of eligibles through the regular examining procedure provided in this Article.

(b) Appointments made under the provisions of this section shall be designated "Duration Appointments" and may continue only until an eligible list is established through the regular examination procedure provided for in this Article, but in no event to exceed six months after the cessation of hostilities.

(c) Duration Appointments may be terminated at any time by the appointing power without reference to the provisions herein provided for appeal. Persons serving under Duration Appointments shall by reason of such service acquire no right or preference to permanent Civil Service status.

Employees not to participate in city elections

SECTION 162. EMPLOYEES NOT TO PARTICIPATE IN MUNICIPAL ELECTIONS. No Civil Service employee shall take any part in any municipal political campaign, or in securing, contributing or soliciting the contribution of money towards the nomination or election of any candidate for municipal office. Any persons found guilty of the violation of this section shall immediately forfeit his office or employment. The Commission shall have charge of the enforcement of the provisions of this section and its decision in any case arising thereunder shall be final and conclusive.

Reinstatement after leave of absence

SECTION 163. REINSTATEMENT AFTER LEAVE OF ABSENCE. (a) Any person holding a position in the classified service and who has taken or hereafter takes a leave of absence for the purpose of accepting an appointment in the unclassified service shall upon the termination of such leave of absence be entitled to reinstatement in the position formerly held by him unless he shall have been discharged from such unclassified position for cause as provided for in Section 151, in which case he shall be entitled to appeal as provided for in said section.

(b) Any person who, at the time of taking effect of this Charter, shall hold any unclassified position and who immediately prior to his appointment to such position held another position herein designated as classified, shall upon being dismissed from such unclassified position be entitled to return to and occupy a

position within the class in which such prior position is included, unless he be dismissed as herein provided.

Abolition and re-instatement of positions, reduction in personnel and layoffs

SECTION 164. ABOLITION AND RE-INSTATEMENT OF POSITIONS, REDUCTION IN PERSONNEL AND LAY-OFFS. (a) Whenever it becomes necessary in the interest of economy, or whenever the necessity for a position in the classified service ceases to exist, the Council, board or commission which created such position, may abolish the same and the person holding such position shall be discharged therefrom. Should any such position of employment be reinstated or any position involving substantially the same duties be created within four (4) years, the employee who has been discharged shall be appointed thereto.

(b) Whenever it becomes necessary to reduce the number of employees in a given class, the appointing authority shall so notify the Commission and shall state the name or names of the employees to be laid off. Said appointing authority shall also notify the employee or employees stating the reasons for the lay-off and whether it is temporary or permanent. All reductions in personnel, whether temporary or permanent, shall be governed by seniority in service. The lay-off shall be in the reverse order of employment, i. e., the last one employed shall be the first one laid off. The name of each employee so laid off shall be entered on the re-employment list. Re-employment shall be governed by seniority in service in the reverse order of the layoff.

(c) If the position from which such person is laid off is a promotional position, the person so laid off in addition to being placed upon the re-employment list for such position shall be entitled to reinstatement in the position which he occupied prior to his promotion.

Probationary period

SECTION 165. PROBATIONARY PERIOD. All original and promotional appointments shall be for a probationary period of six (6) months during which the employee may be rejected at any time without right of appeal or hearing in any manner.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as provided in this Article.

Appropriations

SECTION 166. APPROPRIATIONS. (a) The City Council shall include in its annual budget sufficient appropriation of funds for the efficient and proper functioning of the Civil Service System.

(b) If its annual appropriations is insufficient to meet the costs of examinations required to establish eligible lists through the examination procedure provided for in this Article, the Commission shall report to the Council the estimated cost thereof and the Council shall make supplemental appropriation therefor.

## ARTICLE XV
## RETIREMENT SYSTEM AND FUND

Retirement system

SECTION 167. ESTABLISHMENT OF SYSTEM. A Retirement System as set forth herein is hereby established for the officers and employees of the City of Vallejo.

Retirement Fund

SECTION 168. RETIREMENT FUND CREATED. A Retirement Fund is hereby created and shall consist of all money paid into it in accordance with the provisions hereof, whether such money shall take the form of cash, securities or other assets, and of interest earned on the fund. No disbursements shall be made from such fund except in accordance with the terms hereof.

Prior systems and funds abolished

SECTION 169. PRIOR SYSTEMS AND FUNDS ABOLISHED—RIGHTS PRESERVED. All pensions granted prior to the effective date hereof, under the terms of the amendments to the Charter of the City superseded by this Charter, approved by the Legislature of the State of California on April 20, 1933, (Statutes of 1933, page 3024 et seq.) and on April 19, 1937, (Statutes of 1937, page 2821 et seq.) shall continue to be paid in accordance with the terms of said amendments, but in all other respects the retirement system herein provided for shall supersede the retirement system established by said amendment of 1937. Any balance remaining in the Retirement Fund created by said amendment of 1937 shall be transferred to the Retirement Fund hereby created. All amounts credited to "Members' Reserve" and "Pension Reserve" accounts under the retirement system established by said amendment of 1937 shall be transferred and credited, respectively, to the "Members' Reserve" and "Pension Reserve" accounts herein provided for. Any pensions granted under said Charter amendments shall be paid out of the Retirement Fund hereby established.

Retirement board

SECTION 170. RETIREMENT BOARD. (a) There is hereby created and established a Retirement Board, which shall, under the provisions of this Article, administer the Retirement System and the Retirement Fund.

The Retirement Board shall consist of the Mayor of the City and two (2) members to be appointed by the Council, and two (2) members to be elected from the membership of the Retirement System by the members of said system in accordance with rules and regulations prescribed by the Council. Members of the Board, other than the Mayor, shall each be appointed or elected for a term of Four (4) years and until his successor is appointed or elected and qualified. Such terms shall begin on the first day of July and shall alternate so that the term of one (1) member shall expire on the thirtieth day of June of each year. Members appointed by the Council may be removed by five (5) votes of the Council.

(b) The Mayor shall be the president of the Board. At its first regular meeting on or after July 1 of each year, the Board

shall select from its membership a vice-president, who shall act during the absence or disability of the Mayor.

(c) Members of the Board shall serve as such without compensation.

(d) The votes of a majority of the entire membership of the Board shall be necessary for any action thereof.

Duties and powers of retirement board

SECTION 171. DUTIES AND POWERS OF RETIREMENT BOARD. The management and control of the Retirement System shall be vested in the Retirement Board, and in addition to the powers elsewhere herein granted, the Board shall have the following duties and powers:

(a) To make any and all rules necessary to carry out the provisions of this Article.

(b) To establish rules for its proceedings; appoint, discipline and remove, subject to Civil Service requirements, its officers and employees.

(c) To appoint a Secretary from the membership of the Board or, with the approval of the City Manager, from the employees of the City under the City Manager's jurisdiction, or, with the approval of the Council, from the officers under its jurisdiction, or, with the approval of the Civil Service Commission, from the employees under its jurisdiction.

(d) To calculate all pensions and contributions falling due hereunder and determine what constitutes a year of service for retirement purposes. If it shall be impracticable for the Board to determine, from the records or otherwise, the length of service, the compensation, or the age of any member, then the Board may estimate for the purposes hereof such length of service, compensation or age.

(e) Subject to and in accordance with the provisions of this Article, to hear and determine all questions relative to: the eligibility of persons to membership in the Retirement System, the compensation of members and, generally, the establishment of any fact or facts upon which any right or benefit shall accrue or terminate under this Article; and in all such matters the determination of the Board shall be final and conclusive and shall not be subject to review except for fraud or clear abuse of descretion.

(f) To secure such medical services and advice as is necessary to carry out the purposes of this Article, and to pay for such services and advice such compensation as the Board shall deem reasonable.

(g) Before July 31 of each year, the Board shall transmit to the City Council a report showing the financial condition of the Retirement Fund at the close of the preceding fiscal year.

(h) The Board shall within one (1) year from the effective date of this Charter and thereafter at least every five (5) years, employ an actuary who shall make a valuation and report for the information of the Board on the assets and liabilities of the system, the cost of maintaining it on a reserve basis and the rate of contributions necessary to be made by the members and

the City. A copy of such report shall be transmitted forthwith to the Council.

Management of retirement fund

SECTION 172. MANAGEMENT OF RETIREMENT FUND. (a) The Retirement Board shall have exclusive control of the administration, investment and disbursement of the Retirement Fund.

(b) The Board may invest the moneys in the Retirement Fund in bonds of the United States, or for which the United States is pledged to pay principal and interest, or in bonds of the State of California or any political subdivision thereof, including municipal utility bonds.

(c) Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, the Board may deposit cash belonging to the Retirement Fund in any national or state bank.

(d) Interest on any cash and on any investments constituting part of said fund shall be paid into said fund as received.

(e) Except as herein provided, no member and no employee of said Board shall have any interest, direct or indirect, in the making of any of said investments or in the gains or profits accruing therefrom.

Treasurer custodian of fund

SECTION 173. TREASURER CUSTODIAN OF FUND. The Treasurer shall be the custodian of the Retirement Fund, subject to the exclusive control of the Board as to the administration, deposit and investment of said fund. All payments from said fund shall be made by him only upon warrants issued and audited in the same manner as is provided for other city disbursements.

Membership in system

SECTION 174. MEMBERSHIP IN SYSTEM. With the exception of those officers and employees who are excluded from membership as provided in Section 175, all officers and employees of the City shall become members of the Retirement System as follows:

(a) All persons who, on the effective date hereof, were members of the retirement system established under the Charter of the City of Vallejo superseded by this Charter, shall become members of the Retirement System hereby established.

(b) Every person employed by the City after the effective date hereof, upon the completion of six months' continuous service.

(c) Every person who is employed by the City on a temporary basis on the effective date hereof, upon completion of six (6) months' continuous service rendered either before or after such date.

(d) Every member shall be subject to the provisions of this Article and to all the rules and regulations adopted by the Board. When a member is retired on pension, his membership in the system shall cease.

(e) Each member shall file with the Board such information affecting his status as a member of the Retirement System as the Board may require.

Exclusion from membership

SECTION 175. EXCLUSION FROM MEMBERSHIP. The following officers and employees are excluded from membership in the Retirement System:

(a) All elected officials;

(b) Part-time officers and employees;

(c) Officers and employees serving under temporary appointment under Section 152 of this Charter, if they were not members of the Retirement System at the time of such appointment.

(d) Officers or employees in city service during the first six (6) months under original appointment to civil service position, if they were not members of the Retirement System at the beginning of service in such position.

A part-time officer or employee is an officer or employee who is not required to devote his full business time to the work of the city during the period for which he receives compensation.

Service credited

SECTION 176. SERVICE CREDITED. (a) For purposes of retirement under the system, a member shall be credited with all service rendered as an officer or employee of the City subsequent to the date on which he became a member of the system.

(b) All persons who become members of the system on the effective date of this Charter shall receive credit for all service rendered as an officer or employee of the City prior to the effective date hereof; provided, however, that any person who is employed by the city on a temporary basis on the effective date hereof, in order to receive such credit, shall elect within three (3) months from the date he becomes a member of the Retirement System to make contributions to the Retirement Fund for the period of such employment on a temporary basis elapsing after April 19, 1937 with interest at two (2) per cent per annum, compounded annually, and upon such payment he shall receive credit for all services rendered as an officer or employee of the City; provided however, that such members may elect to pay such contributions in one lump sum, or in not to exceed forty-eight (48) semi-monthly or twenty-four (24) monthly installments.

(d) No person shall receive credit for service for any period during which he was not in receipt of compensation from the City for services currently rendered; provided, that a person on regular vacation or sick leave with pay shall be deemed to be in and rendering current service.

Eligibility for retirement

SECTION 177. ELIGIBILITY FOR RETIREMENT. Retirement of a member on pension may occur on the basis of normal retirement, optional retirement, disability retirement or compulsory retirement as follows:

(a) Normal Retirement. Any member with not less than fifteen (15) years of credited service may elect to retire at any time after he has reached the minimum age of normal retirement, which is sixty (60) years for members employed in the Police or Fire Department, and sixty-five (65) years for all other members.

(b) Optional Retirement. Any member with not less than thirty (30) years of credited service may elect to retire at any time after he has reached the minimum age of optional retirement, which is fifty-five (55) years for members employed by the Police or Fire Department, and sixty (60) years for all other members.

(c) Disability Retirement. Any member with not less than ten (10) years of credited service may be retired for total disability as defined herein.

(d) Compulsory Retirement. The age of compulsory retirement is sixty-five (65) years for members employed in the Police or Fire Department, and seventy (70) years for all other members. Each member who attains the age of compulsory retirement subsequent to the effective date hereof, shall thereupon be retired by the Board, and any member who has passed the age of compulsory retirement at the effective date hereof shall be retired by the Board immediately, provided that upon application of any member subject to compulsory retirement, the Council may allow the member an extension of one (1) year, if in its judgment the continuance of employment of such member will be advantageous to the City service, and the Council may renew such extension from year to year but the Council shall not grant extensions under this paragraph to any member for more than an aggregate period of five (5) years.

Disability retirement

SECTION 178. DISABILITY RETIREMENT. Any member with not less than ten (10) years of credited service may be retired by the Board for total disability, either physical or mental and either from sickness or accident, upon examination as follows:

Any such member while in the City service, or within three (3) months after discontinuance of service, shall be examined by one or more physicians or surgeons appointed by the Board, upon application of the appointing power under whose jurisdiction said member is employed, or upon application of said member or of a person acting in his behalf, stating that said member is totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination and such other evidence as the board may require, shows to the satisfaction of the Board that said member is totally incapacitated, either physically or mentally, for the performance of the duties of his office or position, and that such incapacity will presumably be permanent and that the said member ought to be retired, the Board shall retire the said member for disability forthwith.

Same When effective

SECTION 179. DISABILITY RETIREMENT—WHEN EFFECTIVE. Retirement for disability, if granted, shall be effective as follows:

(a) If application for retirement be filed with the Board within thirty (30) days from the date of discontinuance of City service, retirement shall be effective as of the day following discontinuance of city service.

(b) If application for retirement be made after thirty (30) days from the date of discontinuance of city service, retirement shall be effective as of the date on which the application was filed.

Denial of retirement

SECTION 180. DENIAL OF RETIREMENT—WHEN. Retirement for disability shall not be granted if the Board shall determine that the member's incapacity or disability is due to intemperance, wilful misconduct, injury or illness purposely self-inflicted, to disability arising out of or sustained in the course of such member's employment for compensation in other than city service, or is sustained during the commission by such member of a felony or misdemeanor involving moral turpitude.

Workmen's compensation payments reduced

SECTION 181. WORKMEN'S COMPENSATION PAYMENTS DEDUCTED. The monthly pension payable to a person retired for disability shall be reduced by the monthly amount of any benefits, other than medical benefits, paid or payable to him for the same period under any workmen's compensation insurance and safety laws of the State of California because of the disability resulting in his retirement. In case any or all of the benefits to which any such beneficiary may be entitled under such workmen's compensation insurance and safety laws shall be awarded or paid in a lump sum, the monthly pension thereafter payable hereunder to such person shall be reduced, for that portion of the total period of time on which the award was based which remains after retirement was granted, by an amount equal to the monthly rate on which such lump sum award was computed.

Safeguards on disability retirement

SECTION 182. SAFEGUARDS ON DISABILITY RETIREMENT. (a) The Retirement Board may, at its pleasure, require any disability beneficiary under age of normal retirement to undergo medical examination, such examination to be made by one or more physicians or surgeons appointed by the Board, at a time and place to be designated by the Board. Following such examination and the receipt of such other evidence relative to the matter as the board may require, the Board shall determine whether such person is still totally incapacitated, physically or mentally, for the performance of the duties of the office or position formerly held by him or of any other position in the City service within the same Civil Service class as the office or position held by him on retirement. If the Board shall determine that said person is not so incapacitated his pension shall be cancelled forthwith and he shall be reinstated forthwith in the service of the City, and he shall immediately be re-instated as a member of the Retirement System and his service credits previously earned shall likewise be reinstated.

(b) Should any persons retired for disability and prior to attaining the age of normal retirement, engage in gainful occupation, his monthly pension shall be reduced to an amount which, when added to the monthly rate of compensation earned by him in such occupation, shall not exceed the average monthly compensation on which his pension was based. Should the earning capacity of such person be further altered, the Board may

further alter his monthly pension to conform to the preceding provisions of this subsection. When said retired person reaches the minimum age of normal retirement, his pension shall be made equal to the pension upon which he was originally retired and shall not again be modified.

(c) Any person retired for disability who engages in gainful occupation not in the service of the City shall, within such time thereafter as the Board may prescribe by rule and from time to time as the Board may require, file with the Board written reports giving such information relative to such occupation as the Board may require.

(d) Should any person retired for disability and under the age of normal retirement refuse to submit to medical examination or to file the reports required by subsection (c) of this section, his pension may be discontinued until his withdrawal of such refusal, and should such refusal continue for one (1) year his pension may be permanently cancelled.

Amount of pension

SECTION 183. AMOUNT OF PENSION. (a) Upon normal retirement, or compulsory retirement, the member shall receive a pension for life, payable monthly, determined as follows:

The "average monthly compensation" of the member, as defined herein, shall be multiplied by the number of years of credited service up to the date of retirement, not to exceed thirty (30) years, and the product so obtained shall be divided by sixty (60) to determine the monthly pension. "Average monthly compensation" means the total compensation received by the member during the last five (5) years of credited service prior to retirement, divided by sixty (60).

(b) Upon optional retirement, the member shall receive a pension for life, payable monthly, equal to a percentage of the "average monthly compensation," as follows:

If optional retirement takes place more than four (4) years before the age of normal retirement, forty (40) per cent; if optional retirement takes place more than three years, but less than four (4) years, before the age of normal retirement, forty-two (42) per cent; if optional retirement takes place more than two (2) years, but less than three (3) years, before the age of normal retirement, forty-four (44) per cent; if optional retirement takes place more than one (1) year, but less than two (2) years before the age of normal retirement, forty-six (46 per cent; if optional retirement takes place one (1) year or less before the age of normal retirement, forty-eight (48) per cent.

(c) Upon disability retirement the member shall receive a pension for life, except as herein otherwise provided, payable monthly in an amount equal to the monthly pension for normal retirement.

Members' contributions

SECTION 184 MEMBERS' CONTRIBUTIONS. (a) Beginning as of the date when membership commences, and until the rate of contributions of each member shall be revised from time to time as provided in subdivision (b) of this section,

there shall be deducted and withheld from the salary or compensation of each member a sum equal to three and one-half (3½) per centum of such salary or compensation. Every person who becomes a member of the retirement system created hereby shall be deemed to consent and agree to the deductions from salary or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all services rendered by such person during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions hereof. The said deductions from salary or compensation shall continue until membership in the system ceases or until the member retires on a pension.

(b) On the basis of the valuation and report required to be made pursuant to the provisions of subdivision (h) of Section 171, the Council, following receipt of each such report, shall by ordinance revise and change the rate of contributions by members of the system to the end that the contributions of the members, together with the contributions of the City shall be sufficient to pay the pensions herein provided for and that the cost thereof shall be borne in the following proportions:

(1) The cost of paying that portion of the pension which is attributable to a member's current service shall be borne equally by the City and the member;

(2) The cost of paying that portion of the pension which is attributable to a member's prior service shall be borne by the City.

For the purposes of this section, "current service" shall mean the credited service of a member rendered on and after April 19, 1937, and "prior service" shall mean the credited service of a member rendered prior to April 19, 1937.

Allocation of contributions

SECTION 185. ALLOCATION OF CONTRIBUTIONS. Contributions of members shall be placed in the Retirement Fund and shall be credited to the account "Members' Reserve," which shall also be credited with its due proportion of interest earnings of the Fund. No withdrawals shall be made from the "Members' Reserve" account except for refunds to members or beneficiaries or for transfer to the Pension Reserve. Upon retirement of a member, his contributions, with accumulated interest, shall be transferred to the "Pension Reserve."

Refund of members' contributions

SECTION 186. REFUND OF MEMBERS' CONTRIBUTIONS. Refund of contributions received from members in accordance with the provisions hereof, shall be made to a member or to the beneficiary nominated by him in writing, or to his estate, as follows:

(a) When the City service of a member terminates for any cause before retirement, his membership in the system shall terminate, and all contributions made by him shall be refunded with interest at two (2) per cent per annum; in the event that termination of City service is caused by death, refund shall be made to the beneficiary or estate of the member.

(b) Upon death of a member after retirement, any excess of contributions made by him, with interest at two (2) per cent per annum to the date of retirement, over the amount received by him as a pension, shall be refunded to his beneficiary or estate.

Re-deposit at reinstatement

SECTION 187. RE-DEPOSIT AT REINSTATEMENT. If any member re-enters the service of the City within five (5) years after his membership has been terminated, he may repay to the Fund the contributions which he previously withdrew, with interest at the rate of two (2) per cent per annum compounded annually, to the time of repayment, in which event his service credits previously earned shall be reinstated. Re-deposit must be made within ninety (90) days after re-employment in order to secure reinstatement of service credits.

Payments required from city

SECTION 188. PAYMENTS REQUIRED FROM CITY. All pensions and benefits provided by the terms hereof, are hereby made obligations of the City, and the Council shall annually appropriate and include in the budget and tax levy such sums as in its judgment are necessary to meet these obligations. All funds received from the City, except for necessary expenses of administration, shall be placed in the Retirement Fund to the credit of the Pension Reserve, from which reserve all pension payments, and refunds to members who die after retirement, shall be made. Appropriations made by the Council for credit to the Pension Reserve for any year shall be at least equal to the amount contributed by the members to the "Members' Reserve." Any necessary operating expenses of the system shall be a charge against the City.

Exemption from execution

SECTION 189. EXEMPTION FROM EXECUTION. The right of a person to a pension, to the return of contributions, the pension itself, any optional benefit, any other right accrued or accruing to any person under the provisions hereof, and the moneys in the fund created hereunder, shall not be subject to execution, garnishment, attachment or any other legal process whatsoever and shall be non-assignable except as herein otherwise specifically provided; and provided, however, that the Board shall have the right to retain out of any future pension payments such amount as it may in its discretion set aside for the purpose of repaying into the retirement fund any moneys paid to a person on pension through fraud, misrepresentation or mistake.

## ARTICLE XVI
## FINANCE AND TAXATION

Fiscal year

SECTION 190. FISCAL YEAR. The fiscal year of the City shall commence on the first day of July of each year and shall end on the thirtieth day of June of the succeeding year.

Departmental budget estimates

SECTION 191. DEPARTMENTAL BUDGET ESTIMATES. On or before the third Tuesday in May of each year, the heads of all departments and offices and all boards and commissions shall transmit to the City Manager detailed estimates

of revenues and proposed expenditures of their respective departments, offices, boards and commissions for the ensuing fiscal year.

City manager's proposed budget

SECTION 192. CITY MANAGER'S PROPOSED BUDGET. On or before the third Monday in August of each year, the City Manager shall transmit to the Council a proposed budget showing the estimated revenues and expenditures of the City and all departments, offices, boards and commissions thereof for the current fiscal year. Such budget shall set forth a detailed estimate of the expenses of conducting each department, office, board and commission; the amount required to meet the interest and sinking funds for any outstanding funded indebtedness of the City; an estimate of the amount which should be reserved for contingent or emergency purposes; the amount necessary to be apportioned to each fund in the treasury; an itemization of all anticipated revenues of the City, exclusive of taxes upon property; an estimate of the amount of money to be raised by taxation; a recommendation as to such funds as should be deposited in, or withdrawn from, any capital outlay fund, and such other information as the City Council may require.

Annual appropriation ordinance

SECTION 193. ANNUAL APPROPRIATION ORDINANCE. The City Manager shall submit to the Council, at the time he submits the proposed budget, the draft of an appropriation ordinance providing for the expenditures proposed for the current fiscal year of the various departments, offices, boards and commissions of the City.

Preliminary appropriations

SECTION 194. PRELIMINARY APPROPRIATIONS. Near the beginning of the fiscal year and before the annual appropriation ordinance has been passed, the Council may make temporary appropriations for current expenses, chargeable to the appropriations of the year when passed, sufficient to cover the necessary expenses of the various departments, offices, boards and commissions until the annual appropriation ordinance is in force.

Council budget

SECTION 195. COUNCIL BUDGET. On or before the fifteenth day of September of each year, the Council shall make and by resolution adopt a budget of the amounts estimated to be required to pay the expenses of conducting the business of the City for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the Council may determine. It is not intended that any act of the Council with respect to the preparation or adoption of the budget shall constitute the appropriation of City funds for the purposes therein enumerated.

After the adoption of the budget, the Council may, from time to time, authorize the expenditure of funds as proposed in said budget, or if circumstances have changed, making it advisable to deviate therefrom, it may do so without the necessity of taking action to amend the budget.

Fixing tax rate

SECTION 196. FIXING TAX RATE. Not later than the fifteenth day of September of each year, the Council shall by ordinance fix the rate of taxes to be levied, and levy the tax upon all taxable property in the City. The rate shall be fixed by designating the the number of cents levied on each one hundred dollars of assessed valuation of taxable property as shown on the City's assessment rolls for the current fiscal year. Such rate shall yield at least sufficient revenue for the financial needs of the City for the current fiscal year. Such ordinance shall not be subject to the veto of the Mayor.

Allocation of tax

SECTION 197. ALLOCATION OF TAX. Except as to such portion thereof as may be appropriated to a particular fund, such tax levy and the proceeds thereof shall be appropriated to and placed in the general fund of the City and the moneys in said general fund shall be apportioned by the Council, except as otherwise provided in this Charter.

Failure to levy tax

SECTION 198. FAILURE TO LEVY TAX. If the Council shall fail to fix the rate and levy taxes within the time prescribed herein, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Limit of tax levy

SECTION 199. LIMIT OF TAX LEVY. Except when authorized by a majority vote of the people, the annual tax levy, exclusive of sums necessary to provide for payment of principal and interest on the City's bonded indebtedness, to provide for the establishment, maintenance and support of the City's Public Library System and to provide for the payment of pensions and the maintenance of the retirement system established under Article XV of this Charter, shall not exceed the rate of one (1) dollar on each one hundred (100) dollars of assessed valuation of taxable property within the City.

Tax procedure

SECTION 200. TAX PROCEDURE. Unless and except as otherwise provided by this Charter or by ordinance, the assessment of property and the collection of taxes for municipal purposes, the sale of property for unpaid taxes and the redemption of property sold for taxes shall be made and had at the same time and manner and in all respects and with like effect as provided in Sections 2 to 28, inclusive, and Division 1, of the Revenue and Taxation Code of the State of California, now in effect or as the same may be hereafter amended, for assessment of property, collection of taxes, sale and redemption of property for County purposes and to that end, and while such County system of taxation is in force in the City:

(a) All powers and duties by the Revenue and Taxation Code conferred or imposed upon the County Board or Supervisors, the County Assessor, the County Auditor, the County Clerk, the District Attorney, the County Tax Collector and the County Treasurer are hereby conferred and imposed upon the City Council, City Assessor, City Auditor, City Clerk, City Attorney, City Treasurer and Tax Collector, respectively, of the City of Vallejo.

(b) Unless it is clearly evident from the context that a different meaning is required, the following words and phrases in said Revenue and Taxation Code shall be construed to mean as follows: the words, "Board of Supervisors," "Assessor," "Auditor," "Clerk," "District Attorney," "Tax Collector" and "Treasurer," whether appearing with or without the word "County" prefixed thereto, shall mean, respectively, the City Council, City Assessor, City Auditor, City Clerk, City Attorney, City Treasurer and Tax Collector, of the City of Vallejo, and the words "County" or "State" shall mean the City of Vallejo.

(c) No City officer shall be required to send or transmit any statement or report to any State officer or board by reason of anything contained in said Revenue and Taxation Code, unless such statement or report is specifically required by law of city officers generally. All papers and instruments required to be filed with the County Recorder, but not required to be recorded by him, shall be filed with the City Clerk.

(d) The tax rate to be used in collecting the taxes on unsecured personal property in the City shall be the rate for property of the same kind on the secured roll last fixed before the lien date for the taxes to be collected.

Lien of taxes

SECTION 201. LIEN OF TAXES. Every tax levied pursuant to this Charter or any tax ordinance of the City shall be a personal obligation of the person to whom the property or the tax is assessed.

The lien of City taxes shall attach to property in the City in all respects as provided in Sections 2187 to 2190, both inclusive, of said Revenue and Taxation Code. The time when taxes for any fiscal year become a lien is at noon on the first Monday in March preceding the fiscal year for which the taxes are levied.

Except as otherwise provided in this section, the personal obligation is satisfied and the tax lien removed when, but not before,

(a) The tax is paid or legally cancelled in the manner and under the circumstances specified in said Revenue and Taxation Code or in any tax ordinance of the City, or

(b) For non-payment of any taxes, the property is sold to a private purchaser or deeded to the City.

After thirty (30) years succeeding the time, heretofore or hereafter, when any tax becomes a lien, if the lien has not been otherwise removed, the lien ceases to exist and the tax is conclusively presumed to be paid.

Capital outlays funds

SECTION 202. CAPITAL OUTLAYS FUNDS. A fund for capital outlays, generally, is hereby created and established for the City, to be known as the "General Capital Outlays Fund." The Council may by ordinance create a special fund, or funds, for a special capital outlay purpose. The Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes and apportion and appropriate to any such fund or funds the moneys derived

from such levy. The moneys so apportioned and collected from such taxes shall be placed in the fund for which the levy was made. In making a levy for any such purpose under this Charter, the Council shall not exceed the maximum tax rate provided for in this Charter, without the assent of a majority of the voters of the City voting on such proposition at any general or special election at which such proposition may be submitted. The Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Same: Limitations on use

SECTION 203. CAPITAL OUTLAYS FUNDS—LIMITATION ON USE. The General Capital Outlays Fund, hereby created, shall remain inviolate for the making of such capital outlays as the Council shall direct to be made from such fund. Whenever a special capital outlay fund is created, it shall remain inviolate for the making of the specific capital outlay for which such fund was established. No money shall be disbursed from any capital outlays fund except for the purposes for which such fund was established; provided however, that the Council may submit a proposition to the electors of the City to obtain the consent of such electors to the use of the moneys in any such fund, or any portion thereof, for some other specific purpose. Such proposition may be submitted at any election. It shall require a majority vote of all the voters voting on any such proposition to authorize the expenditure of the moneys in such fund, or any portion thereof, for such other purpose as aforesaid; and provided further that in making any capital outlay from the General Capital Outlays Fund, when the overall cost of a specific project, including the cost of land or interest in land to be acquired for the same, exceeds the sum of one hundred thousand (100.00) dollars, such capital outlay must be authorized by the vote of five (5) councilmen.

Cash basis fund

SECTION 204. CASH BASIS FUND. For the purpose of placing the business of the City on a cash basis, there is hereby created and established a permanent revolving fund to be known as the "Cash Basis Fund."

The Council may apportion to and place in the cash Basis Fund such portion of the revenues derived from the annual tax levy and of moneys received from other sources as it may determine to be necessary, until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury of the City for the first five (5) months or other necessary period of the succeeding fiscal year. Any unincumbered surplus funds remaining in the treasury of the City at the end of any fiscal year may be transferred to such fund.

The Council may transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such other fund or funds, as nearly as possible, on a cash basis. All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Emergency revolving fund

SECTION 205. EMERGENCY REVOLVING FUND. An emergency Revolving Fund, the unexpended balance of which shall at no time exceed five hundred (500) dollars, is hereby established. The Council shall appropriate to such fund from time to time such amounts as it deems proper. Such fund shall be expended for emergency purposes only, upon demands signed by both the City Manager and the City Auditor, but not otherwise appropriated, audited, allowed or approved. Said officers shall take receipts for all money expended out of such fund and at least quarterly shall file with the Council a detailed statement of such expenditures.

Police secret fund

SECTION 206. POLICE SECRET FUND. A Police Secret Fund in such amount as the Council may from time to time appropriate, but not exceeding five hundred (500) dollars at any one time, is hereby established under the sole control of the City Manager. It shall be withdrawable by him without reference to the auditing provisions of this Charter. Such fund shall be expended by the City Manager and the Police Chief under the direction of the City Manager for investigation and police work of a secret character and for no other purpose. Semi-annually and at such other times as the Council may require, the City Manager shall file with the Council his affidavit and the affidavit of the Police Chief that all moneys expended out of the Fund have been used for the purposes hereinabove set forth. The Auditor and the Certified Public Accountant referred to in Section 74, shall have access to the records of the fund.

Petty cash funds

SECTION 207. PETTY CASH FUNDS. The Council may by ordinance provide for petty cash funds in any department, board or commission of not more than one hundred (100) dollars each, to be used in the making of cash expenditures that cannot conveniently be paid otherwise. The officer under whose jurisdiction any such fund is established shall account to the Council for all moneys paid by him out of such fund, when making demand for the replenishment of the same and at such other times as the Council may require, and such expenditures shall thereupon be charged against the proper accounts. The Council may impose such further restrictions on expenditures from such funds as it may deem proper.

Deposit of moneys in treasury

SECTION 208. DEPOSIT OF MONEYS IN TREASURY. All moneys received by any officer or employee of the City in his official capacity or belonging to the City, and all moneys directed by general law or by this Charter to be paid or deposited in the City Treasury shall be paid into the treasury daily by the officer or employee receiving the same.

Fees property of city

SECTION 209. FEES, PROPERTY OF CITY. All charges, fees, commissions and percentages collected or received by any officer or employee of the City in the performance of any official duty as such officer or employee, or in the performance of the duties of any office held ex-officio, shall be the property of the City.

Count of money

SECTION 210. COUNT OF MONEY. The Mayor, Auditor and City Manager shall together count the money in the City Treasury at least once in every three (3) months and ascertain the amount of money on hand and make a written report thereof to the Council within five (5) days thereafter showing whether the money in the City Treasury corresponds to the amount shown by the fiscal records of the City.

## ARTICLE XVII
## INITIATIVE, REFERENDUM AND RECALL

Initiative, referendum and recall—state law adopted

SECTION 211. STATE LAW ADOPTED. The Initiative, Referendum and Recall may be exercised by the qualified electors of the City in the manner provided by the Elections Code of the State of California.

City clerk's certificate

SECTION 212. CITY CLERK'S CERTIFICATE. The City Clerk shall at the time of filing his certificate of examination of any initiative, referendum or recall petition or supplemental petition, prepare and attach to such petition and to each separate section thereof, if the same be in sections, a statement signed by himself showing the name of each person whose signature on such petition or section was rejected and the reason or reasons for such rejection. On request of any proponent or of any person who filed the petition, the City Clerk must deliver to such person a copy of all such statements, certified to by him to be a true copy of the original, together with a certified copy of his certificate.

Initiative ordinance for expenditure of money

SECTION 213. INITIATIVE ORDINANCE FOR EXPENDITURE OF MONEY. No initiative ordinance for the expenditure or disposal of public money or for an increase in salary of any public officer or employee shall take effect until the beginning of the fiscal year next following the date of its adoption. The provisions of this section shall not apply to an ordinance originally submitted to the people by the Council on its own motion.

## ARTICLE XVIII
## FRANCHISES

Franchises· Procedure, terms

SECTION 214. PROCEDURE—TERMS. The Council may by ordinance provide a procedure for the granting of franchises or grant franchises pursuant to procedure provided for by state law. Franchises may be granted for the use by any public utility of the streets, public places or property of the City upon such terms, conditions, restrictions and limitations as may by prescribed by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred; nor for a longer period than twenty (20) years unless there by reserved to the City the right to take over at any time the portion of such utility located within the City without compensation for the value of the franchise granted.

## ARTICLE XIX
## MISCELLANEOUS

Ordinance, etc., continued in effect

SECTION 215. ORDINANCES, ETC., CONTINUED IN EFFECT. All ordinances, resolutions and other regulations or portions thereof in force at the time this Charter takes effect and not inconsistent with this Charter, shall be and remain in full force after this Charter takes effect and until the same shall be amended or repealed by proper authority.

Continuance of contracts

SECTION 216. CONTINUANCE OF CONTRACTS. All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued thereunder. Public improvements for which legislative steps shall have been taken under the laws or charter provisions existing prior to the time this Charter takes effect may be carried to completion in accordance with the provisions of such pre-existing laws and charter provisions.

Continuance of present officers and employees

SECTION 217. CONTINUATION OF PRESENT OFFICERS AND EMPLOYEES. Except as herein otherwise provided, all officers and employees of the City at the time that this Charter takes effect shall continue in office for the remainder of their respective terms, if fixed, or until removed as herein provided, if for an indefinite term, subject to the provisions of this Charter.

Reservation of rights

SECTION 218. RESERVATION OF RIGHTS. The adoption of this Charter shall not affect any right accruing or accrued or any suit, prosecution or other legal proceeding pending at the time it shall take effect and no penalty or forfeiture previously occurred shall be affected thereby.

Suits against city

SECTION 219. SUITS AGAINST CITY. (a) No suit shall be brought on any claim for money or damages against the City or any board or commission of the City until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the City must be presented within six months after the occurrence, event or transaction from which the damages arose, and all other claims or demands shall be presented within six (6) months after the last item of the account or claim accrued.

(b) Every claim for money or damages against the City or any board or commission thereof shall be filed with the City Clerk who shall thereupon present the same to the Council, officer, board or commission authorized by this Charter to incur or pay the expenditure or alleged indebtedness or liability represented thereby. In all cases, such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the date the same is filed with the City Clerk, shall be deemed to be a rejection thereof.

(c) The provisions of this section shall not apply in the case of interest upon, or principal, or installments of principal, of bonds or other evidence of indebtedness, issued by the City, or any board or commission thereof, pursuant to authorization by this Charter or by ordinance or by general law of the State of California.

Forfeiture of office for fraud

SECTION 220. FORFEITURE OF OFFICE FOR FRAUD. Every officer who shall wilfully approve, allow, or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on his official bond, for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever debarred and disqualified from holding any position in the service of the City. A wilful violation of the provisions of this section shall constitute misconduct in office.

Financial interest in city contract

SECTION 221. FINANCIAL INTEREST IN CITY CONTRACTS. No officer or employee of the City shall become financially interested except by testate or intestate succession, either directly or indirectly, in any contract or sale, purchase, lease or transfer of real or personal property to which the City is a party or be employed by any public service corporation regulated by or holding franchises in the City; provided however, any member of a board or commission serving without compensation may sell or contract to sell personal property to the City to be used by a department of the City, board or commission other than the board or commission on which he serves. No officer or employee shall be deemed to be financially interested by the ownership of less than five (5) per cent of the outstanding capital stock of a corporation. A willful violation of any of the foregoing provisions shall constitute misconduct.

Voidable contracts

SECTION 222. VOIDABLE CONTRACTS. Any contract or sale, purchase, lease or transfer of real or personal property to which the City is a party and in which any officer or employee of the City is financially interested, directly or indirectly, except as provided in Section 221, shall be voidable at the election of the Council.

Forfeiture of office

SECTION 223. FORFEITURE OF OFFICE. Any person convicted of a felony or of a misdemeanor involving moral turpitude or misconduct in office shall forfeit his office or position of employment. No person who shall have been convicted of a felony or a misdemeanor involving moral turpitude shall ever hold any office or position of employment in the service of the City.

No favoritism in public contracts

SECTION 224. NO FAVORITISM IN PUBLIC CONTRACTS. No officer or employee of the City shall favor one bidder over another, by giving or withholding information, or shall wilfully mislead any bidder in regard to the character of the equipment, material or supplies called for, or shall knowingly accept equipment, materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually

been performed, or to the receipt of a greater amount of equipment, material or supplies than has actually been received. A willful violation of the foregoing provisions shall constitute misconduct.

Collusion in bidding

SECTION 225. COLLUSION IN BIDDING. If at any time it shall be found that any party to whom a contract has been awarded has, in presenting any bid or bids, been guilty of collusion with any party in the submission of any bid or for the purpose of preventing any other bid being made, then the contract so awarded may be declared null and void by the Council and the Council shall thereupon re-advertise for new bids for said work or the incompleted portion thereof. The Council shall debar from future bidding all persons, firms and corporations found to be in violation of this section, or any future firm or corporation in which such person is financially interested.

Oath of office

SECTION 226. OATH OF OFFICE. Every officer of the City before entering upon the duties of his office shall take the oath of office as provided by the Constitution of this State and file the same with the City Clerk.

Traveling expenses

SECTION 227. TRAVELING EXPENSES. Traveling expenses shall not exceed actual cost of transportation plus a reasonable per diem allowance, the latter to be fixed by the Council for all officers and employees. Traveling expenses, except for routine duties, shall be allowed only when previously authorized by the Council. The Council may determine what constitutes routine duties.

Publicity of records

SECTION 228. PUBLICITY OF RECORDS. All financial records and papers in the office of the Auditor, and all books and records of every office, board or commission of the City which are by this Charter or by ordinance or general law required to be made or kept, shall be open to public inspection at all reasonable times and under reasonable regulations established by the Council; but the records of the police department shall not be subject to such inspection when secrecy of the contents thereof is necessary in the public interest except when specifically permitted by law.

Copies of public records

SECTION 229. COPIES OF PUBLIC RECORDS. Copies or extracts of public records shall be given upon demand for the same and paying ten (10) cents per folio of one hundred (100) words for each copy or extract, and the additional sum of twenty-five (25) cents for each certification.

Officers: Defined

SECTION 230. OFFICERS—DEFINED. The persons occupying the offices set forth in Sections 28, 85, 86, 118, their assistants and deputies, and the members of all boards and commissions shall be the officers of the City.

Vacancy Who shall act

SECTION 231. VACANCY—WHO SHALL ACT. In the event of a vacancy in the office of City Auditor, City Assessor, City Attorney or City Clerk, the ranking deputy or assistant shall, during such vacancy, perform the duties of such office.

Residence

SECTION 232. RESIDENCE. Every officer and employee of the City shall, upon his appointment, become a resident of the City and shall continue to be a resident thereof during his

incumbency, unless such residence requirement is waived by the Civil Service Commission.

Public entertainment, etc.

SECTION 233. PUBLIC ENTERTAINMENT, ETC. The Council shall have power to appropriate and spend money from the funds of the City for any or all of the following purposes:

(a) For reception and entertainment of public guests;

(b) The assistance of public celebrations held by the City at large;

(c) To aid in or carry on the work of inducing immigration to the City;

(d) To exhibit manufactured and other products of the City;

(e) Generally for the purpose of advertising the City, and the promotion of industry.

Gifts in trust

SECTION 234. GIFTS IN TRUST. The Council and all boards and commissions of the City shall have power to accept gifts in trust and control, manage, dispose of and otherwise administer the same, in accordance with the terms thereof.

"Shall" and "may"

SECTION 235. "SHALL" AND "MAY". Whenever used in this Charter "shall" is mandatory and "may" is permissive.

Definitions

SECTION 236. DEFINITIONS. When used herein, and unless it be apparent from the context that a different meaning is intended, the word "City" shall mean the City of Vallejo, and the words "Council," "Auditor," "Assessor" or "Treasurer" shall mean the City Council, City Auditor, City Assessor and City Treasurer, respectively, of the City of Vallejo.

Headings

SECTION 237. HEADINGS Article and section headings do not in any manner affect the scope, meaning or intent of the provisions of this Charter.

## ARTICLE XX
## SCHEDULE

Schedule

SECTION 238. For the purpose of holding the first election, for nominating and electing officers, canvassing the votes and declaring the results of such election and in all matters incidental thereto or necessary therefor, this Charter shall take effect and become operative upon its approval by the legislature; and for all other purposes this Charter shall take effect and become operative at 8:00 o'clock P.M. on the first Tuesday after the results of the first municipal election provided for in this Charter are officially declared.

SECTION 39. If this Charter shall be approved by the legislature during its regular session in the year 1947, and before February 15, 1947, the first election under this Charter shall be held as herein provided on the first Tuesday of April, 1947.

SECTION 240. If this Charter be approved by a special session of the legislature during the year 1946, or at the regular session thereof during the year 1947, and after February 14, 1947, it shall be mandatory upon the City Council in office under the Charter superseded by this Charter to call and hold

an election for the election of the elective officers herein provided for. Said Council shall call an election to be held not more than sixty (60) days and not less than forty-five (45) days after the approval of this Charter by the legislature Said election shall be held and conducted in all respects as provided for in this Charter. Nomination papers as provided for in this Charter shall be filed with the City Clerk not more than fifteen (15) days after the date of the Council's action calling such election.

SECTION 241. The three (3) candidates for Councilman receiving the highest votes at such election and the candidate receiving the highest vote for Mayor at such election shall be deemed to be elected for a term beginning at 8:00 o'clock P.M on the first Tuesday after the date of the declaration of the results of such election, and ending at 8:00 o'clock P.M. on the first Tuesday in May, 1951, and the candidates for Councilman receiving the next four (4) highest votes shall be deemed to be elected for a term beginning at 8:00 o'clock P.M. on the first Tuesday after the date of the declaration of the results of such election and ending at 8:00 o'clock P.M. on the first Tuesday in May, 1949.

SECTION 242. Within five (5) days from the beginning of such terms the newly elected Council shall meet at the usual place for the holding of meetings of the legislative body of the City and shall proceed to the election of a Vice Mayor, who shall hold such office until the election and qualification of his successor.

SECTION 243. If the first election under this Charter be held before the first Tuesday in April, 1947, the general municipal election scheduled to be held on the last named date under the provisions of Article V of this Charter, shall not be held.

SECTION 244. The members of the Civil Service Commission under the Charter superseded by this Charter shall remain in office, subject to the provisions of this Charter, for the following terms:

The member whose term expires May 1, 1947, shall hold his office until July 1, 1947.

The two (2) members whose terms expire May 1, 1949, shall by lot determine that one shall hold his office until July 1, 1948, and one until July 1, 1949.

The two (2) members whose terms expire May 1, 1951, shall by lot determine that one shall hold his office until July 1, 1950, and one until July 1, 1951.

SECTION 245. The members of the Library Board under the Charter superseded by this Charter shall hold office until July 1 next succeeding the adoption of this Charter. Upon the effective date of this Charter, the Council, upon nomination of the Mayor, shall appoint five (5) members to the Library Board and the five (5) members so selected, shall by lot determine that two (2) of their number shall take office immediately and one (1) of them shall hold office until July 1, 1947, and one (1) until July 1, 1948. The remaining three (3) members shall take office

on July 1 next succeeding the adoption of this Charter, and shall by lot determine that one (1) shall hold office until July 1, 1949, one (1) until July 1, 1950, and one (1) until July 1, 1951. Such members shall be subject to removal as provided in this Charter.

SECTION 246. The term of office of the members of the Retirement Board under the Charter superseded by this Charter shall terminate on the effective date of this Charter and the Council elected under this Charter shall appoint two (2) members and the members of the Retirement System shall select two (2) members to the Retirement Board created by this Charter. The four (4) members so appointed and selected shall by lot determine that the term of one (1) member appointed by the Council shall expire July 1, 1947, and of the other member so appointed shall expire July 1, 1949, and the term of one (1) member selected by the members of the system shall expire July 1, 1948, and of the other member so selected shall expire July 1, 1950. The members appointed by the Council shall be subject to removal as provided in this Charter.

SECTION 247. Subject to removal as provided in this Charter, the Auditor in office at the effective date of this Charter shall hold office until 8:00 P.M. on the first Tuesday in May, 1949, and the Police Judge in office on such effective date shall hold office until July 1, 1947.

## CERTIFICATE

Certificate

WHEREAS, the City of Vallejo, for years last past, has been and now is a city containing more than 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the 3rd day of April, 1945, at a general municipal election duly and regularly held on that day in that City under and in accordance with provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect

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|---|---|
| Frank O. Bell | William Herbert |
| Joseph Bentley | Frank H. Holloway |
| Edward H. Case | E. W. Martinez |
| Persis A. David | J. P. Millott |
| Kenneth R. Dick | Dr. H. R. Quinney |
| Timothy P. Dineen | William J. Tormey |
| Charles B. Dunham | Harold I. Trumbull |
| C. F. Hatch | |

who are all electors of said City and eligible as candidates under said section, a Board of 15 Freeholders to prepare a Charter for the government of said City; and

WHEREAS, the results of said election of Freeholders was duly declared by the legislative body of the City of Vallejo on the 10th day of April, 1945, and said electors thereafter qualified as such Freeholders in accordance with law;

BE IT KNOWN that in pursuance of the provisions of said Constitution and within the period of one year after the results

of said election were so declared, the Board of Freeholders has prepared and does now propose the foregoing as and for the Charter of the City of Vallejo; and

BE IT FURTHER KNOWN that said Board of Freeholders hereby request said legislative body of the City of Vallejo to cause the publication of the said proposed Charter as provided in said Constitution and fixes Tuesday, the 19th day of February, 1946, as the date fixed by the said Freeholders for the election upon which said proposed Charter and at which said special election such Charter shall be submitted to the qualified electors of the City of Vallejo for their ratification and adoption;

If the legislature of the State of California approve this Charter, it shall thereupon become the Charter and organic law of the City of Vallejo at the time therein specified;

IN WITNESS WHEREOF, we, the duly elected, qualified and undersigned Freeholders of the City of Vallejo, County of Solano, State of California, have here unto set our hands at the City of Vallejo, County of Solano, State of California, on this 3rd day of December, 1945.

WILLIAM J. TORMEY
Chairman
PERSIS A. DAVID
Secretary

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|---|---|
| FRANK O. BELL | CHARLES B. DUNHAM |
| JOSEPH BENTLEY | C. F. HATCH |
| EDWARD H. CASE | WILLIAM HERBERT |
| TIMOTHY P. DINEEN | FRANK H. HOLLOWAY |
| KENNETH R. DICK | E. W. MARTINEZ |
| DR. H. R. QUINNEY | HAROLD I. TRUMBULL |

Freeholders of the City of Vallejo, County of Solano, State of California.

ATTEST: PERSIS A. DAVID
Secretary of the Board
of Freeholders

That the foregoing contains a full, true and correct statement of all proceedings affecting, relating to or in anywise appertaining to the ratification of the proposed charter for the government of the City of Vallejo by the qualified electors of said City of Vallejo.

That the City Council of said City of Vallejo did heretofore by Resolution No. 32137 N. S., duly and regularly authorize and direct me as such City Clerk to certify hereto and for and on behalf of said City Council and said City of Vallejo, to cause to be submitted to the Legislature of the State of California the said proposed charter as ratified by the qualified electors of said City of Vallejo at the special municipal election held therein for that purpose on the 19th day of February, 1946

MELVIN F. BROOKS,
(SEAL) City Clerk and Clerk of the City Council of said City of Vallejo.

STATE OF CALIFORNIA }
} ss.
COUNTY OF SOLANO }

MELVIN F. BROOKS being first duly sworn, deposes and says:

That the City of Vallejo is a municipal corporation and affiant is the City Clerk thereof and makes this affidavit on behalf of said corporation and as an officer thereof.

That affiant has read the foregoing and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters stated therein on his information and belief, and as to those matters he believes it to be true.

MELVIN F. BROOKS

Subscribed and sworn to before me this 20th day of July, 1946.

ROLLAND L. POPE
(SEAL) Notary Public in and for the County of Solano, State of California.

and

WHEREAS, Said charter of the City of Vallejo has been submitted to the Legislature of the State of California for approval or rejection without 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 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 charter as presented to, adopted and ratified by the qualified electors of said city and as hereinabove fully set forth, be and the same is hereby approved as a whole as and for the charter of the City of Vallejo. Approval

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## CHAPTER 8

Allowance of veterans' preference credits in state civil service examinations

*Assembly Concurrent Resolution No. 5—Relative to the allowance of veterans' preference credits in State civil service examinations.*

[Filed with Secretary of State July 25, 1946.]

WHEREAS, The Attorney General of California has ruled in Opinion 46-147, dated July 18, 1946, and directed to the State Personnel Board, that, in cases where the number of names on a list of persons eligible for employment after passing a State civil service examination is to be limited to a specified number, veterans' preference points shall be applied only after the names to be placed on the eligible list have been determined; and Attorney General's opinion

WHEREAS, The result of this opinion will be that the allowance of additional credits will not be uniform, that a great number of veterans will be deprived of the advantage of their preference when the State Personnel Board decides that eligible lists shall be limited to a specific number of names, and will not be so deprived when the eligible lists are not so limited; and

WHEREAS, The Legislature of the State of California when it convened in extraordinary session in January, 1946, did so under a proclamation of the Governor the first and foremost item of which was to consider and act upon legislation relating to veterans and when at that session it amended Section 18973 of the Government Code to increase the amount of additional credits to be allowed to veterans and widows of veterans, the Legislature intended that all such veterans and widows should receive such credits on the same basis and the Legislature did not then intend, and never has intended, that the application of veterans' preference credits should be dependent upon the decision of the State Personnel Board as to whether or not the number of names on an eligible list should be limited or unlimited, but rather that the application thereof should be uniform as to all veterans and widows entitled to preference under the law; and

Intent of Legislature

WHEREAS, In the case where the eligible list is not to be limited there is only one way to apply the veterans' preference and that is before the eligible list is determined and this is the inevitable conclusion from the following considerations:

1. Section 18973 of the Government Code provides for additional credits to veterans and widows of veterans who "become eligible for certification from eligible lists by attaining the passing mark established for the examination."

2. Section 18974 of the same code provides that the credit shall be added to "the percentage attained in the examination" by the veteran or widow and that the "name of each shall be placed on the eligible list and he is eligible for appointment in the order and on the basis of the percentage attained in examination after the appropriate credit has been added."

Percentage attained is final earned rating

3. The "percentage attained in the examination" by a veteran or widow is the final and earned rating which Section 18936 of the code requires to be determined by the weighted average of earned ratings in all phases of the examination according to weights established by the board prior to the examination, and under Section 18937 of the code it is this earned rating which establishes the order of names on the eligible list except as such order is modified by the application of veterans preferences; and

No limitation on eligible list

WHEREAS, It is clear that in cases where there is to be no limitation on the eligible list that the following must occur:

1. The establishment by the State Personnel Board of the passing mark and the weights to be applied to each phase of the examination.

2. The determination of which contestants, veteran or otherwise, attained the passing mark as determined by such weights, and the earned average of each.

3. The addition to the earned average of each veteran or widow who attained the passing mark of the appropriate number of additional points.

4. The establishment of a list whereon the names of veterans and widows appear in the order of the percentage attained after the appropriate veterans' credit have been added; and

WHEREAS, Under the opinion of the Attorney General when the board decides to limit the size of the eligible list resulting from an examination an entirely different procedure is to be followed: Limit on size of eligible list

1. The percentage attained by all contestants is to be ascertained as in ordinary cases.

2. The percentages are to be arranged in numerical order from the highest down only to the number required to supply the number of names to be on the eligible list.

3. Veterans preference credits are to be applied only among the contestants within such limited number, regardless of the actual percentage attained by the others; and

WHEREAS, The law requires that the board establish a passing mark for each examination and under the Attorney General's opinion the passing mark is to be determined only after the examination has been completed and then not by the board but by the contestants; and Passing mark

WHEREAS, Under the Attorney General's opinion veterans' preference credits will be applied only as to contestants with the higher earned ratings who do not particularly need them rather than in accordance with the principle upon which veterans' preference is based, namely, the equalization of opportunities for public employment between those who because of military service have lost time, opportunity for education or experience, or, perhaps, their very blood with those who, by force of circumstances or perhaps of their own volition, have not suffered such handicaps; and

WHEREAS, The same procedure can be followed in the case of an eligible list on which the number of names is to be limited as in other cases and there is nothing in the provision relating to limitation of eligible lists to indicate that such procedure should not be followed as is apparent from the following considerations:

1. Section 18936 of the Government Code provides that the "board may limit to suit the needs of the service the number of candidates passing the examination and the number of names to be placed on the eligible list."

2. The provision above quoted is a codification without substantial change of the last sentence of Section 89 of the State Civil Service Act (Chapter 753, Statutes of 1937) which read "The board may limit to suit the needs of the service the number of candidates passing the examination who shall be placed on the eligible list in the order in which such candidates passed such examinations"; and

WHEREAS, There is nothing in said provisions to indicate any intent that the procedure for applying veterans' credits was to be affected by such limitation; there is no conflict between the application of such provisions and the application of veterans' credits as in ordinary cases; and, furthermore, if there is any conflict it should be resolved in favor of applying veterans' credits in accordance with the terms of the statute because in both the Government Code and in the State Civil Service Act

the provisions as to veterans' preference appear subsequent to the provisions for limiting eligible lists; and

Rule of statutory interpretation

WHEREAS, The cardinal rule of statutory interpretation is that the intention of the Legislature should be given effect; and

WHEREAS, To assume that the Legislature intended that veterans should be treated in a different manner depending upon the decision of the State Personnel Board as to the desirable length of the eligible list for an examination is to impute an intent to delegate to the board a power concerning a privilege of great value to veterans and widows of veterans, with no standard other than "the needs of the service" to guide the board's determination as to whether the credits should be given or, for most practical purposes, withheld, and there is nothing in the statute nor in the history thereof to warrant any such assumption; and

WHEREAS, The intent of the Legislature that the State Personnel Board should have no control over the application of veterans' preference credits should have been made clear forever when, in 1939, the Legislature amended Section 224 of the State Civil Service Act to provide that applications for preference should be made to the Veterans Welfare Board and proof of eligibility therefor should be delivered to the State Personnel Board only upon its certification that all parts of the examination had been completed and the relative standings of the candidates were ready to be computed; and

WHEREAS, The construction of the civil service provisions in the light of the quite evident intent of the Legislature and the applicable rules of statutory construction would lead to a conclusion quite different from that reached in said opinion of the Attorney General; now, therefore, be it

Attorney General requested to reconsider opinion

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Attorney General of the State of California is hereby requested to reconsider his opinion to the State Personnel Board, dated July 18, 1946, and numbered 46-147 and to render a further opinion after consideration of the foregoing and the applicable provisions of law in accordance with established rules of statutory interpretation; and be it further

*Resolved,* That the State Personnel Board is hereby requested to refrain from applying veterans' preferences in accordance with said opinion until the Attorney General has had an opportunity to reconsider said opinion; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Governor, the Attorney General, and the State Personnel Board.

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## CHAPTER 9

*Assembly Concurrent Resolution No. 8—Approving a certain amendment to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of Cali-*

*fornia, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of June, 1946.*

[Filed with Secretary of State July 25, 1946.]

City of Oakland Charter amendments

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 Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND.

Certificate

We the undersigned, Herbert L. Beach, Mayor of the City of Oakland, State of California, and Charles M. Don, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, 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, and has been ever since the first day of July, 1911, 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 a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551.)

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 15841 C.M.S. passed April 9, 1946, duly and regularly proposed and submitted to the qualified electors of said City, a certain proposal designated as Proposition No. 1, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 4th day of June, 1946. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned resolution. That the said Council of said City of Oakland by its Resolution No. 15943 C.M.S. passed April 25, 1946, consolidated said special municipal election with the special county election to be held in said City on the 4th day of June, 1946, requested the Board of Supervisors of the County of Alameda to adopt an order for the consolidation of said special municipal election and said special county election in conformity with

the provisions of law authorizing such consolidations, and authorized said Board of Supervisors to canvass the returns of such special municipal election and declare the results and make a return thereof to said Council. That said consolidated special municipal election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in the manner provided by law, after due notice given and published, with the said special county election on the 4th day of June, 1946, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendment in the "Oakland Tribune," the official newspaper of said City.

That such 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, and in accordance with the provisions of the Charter of the City of Oakland, on the 23rd day of April, 1946, in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed 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 in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 1st day of May, 1946, and on each day thereafter to and including the 4th day of June, 1946, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposal to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the County Clerk of said County of Alameda to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendment.

That as to the said amendment to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Board of Supervisors of the County of Alameda, State of California, met on the 6th day of June, 1946, and on various dates between said 6th day of June, 1946, and the 1st day of July, 1946, at its usual time and place of meeting, and did duly and regularly canvass the returns of said election, and on the 1st day of July, 1946, duly and regularly canvassed the returns of said special municipal election, and did duly find, determine and declare the result of said special municipal 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 Proposition No. 1, had voted for, and adopted said amendment; and said Board of Supervisors of the County of Alameda, State of California, by its Resolution No. 46146½ adopted on the 1st day of July, 1946, declared said Charter amendment adopted by the electors of said City of Oakland.

That the proposed amendment to the Charter of the City of Oakland which was so ratified by a majority of the electors of said City, is in words and figures as follows:

## PROPOSITION NO. 1

Amend Sections 91, 96½ and 97 of the Charter to read as follows:

SALARIES.

Sec. 91. The officers and members of the Police Department shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to wit: Police department Salaries

| | |
|---|---|
| Chief of Police | $7,970.00 |
| Captain of Inspectors | 6,382.00 |
| Captain of Police, each | 5,589.00 |
| Lieutenants of Police, each | 4,104.00 |
| Inspectors of Police, each | 3,780.00 |
| Assistant Inspectors, each | 3,636.00 |
| Sergeants of Police, each | 3,636.00 |
| Corporals of Police, each | 3,552.00 |
| Patrolmen, third year of employment, each | 3,312.00 |
| Patrolmen, second year of employment, each | 3,156.00 |
| Patrolmen, first year of employment, each | 3,000.00 |

Said compensations shall be paid in equal monthly installments.

No compensation or salary less than those herein specified shall be paid to any officer or member of the Police Department except as provided herein and in Section 91a and no rank or grade other than those herein specified shall be created or exist in the said Department.

Any increases in salary or compensation granted for any rank or grade shall apply to all officers or members in such rank or

grade; provided, however, that the City Council shall have the power to provide compensation, in addition to that hereinabove provided for, for the following members of the Police Department: Members of the Department assigned or detailed to duty as motorcycle officers, Lieutenants of Police assigned or detailed for duty under the direction of the Captain of Inspectors, and the member of the Department assigned or detailed for duty in charge of the City Jail.

City prison matrons Number, etc.

Sec. 96½. There shall be employed in the Department of Public Health and Safety such number of matrons and substitute matrons of the City Prison as the Council shall from time to time prescribe by ordinance; providing, that such number of matrons shall be not less than three and that such number of substitute matrons shall not be less than one. All appointments of matrons and substitute matrons shall be made by the City Manager from the eligible list of the Civil Service Board. The compensation of said matrons shall not be less than $2676.00 per annum each. Such compensation shall be paid in equal monthly installments. The compensation of said substitute matrons shall be at the rate of not less than $2676.00 per annum each, to be paid only for the time during which said substitute matrons shall actually perform the services of matrons. There shall be deducted from each monthly installment of salary due pursuant to the provisions of this article, a sum equal to five per cent of such monthly installment, which sum so deducted shall be retained by the Treasurer of the City and forthwith paid by him into the Police Relief and Pension Fund. Such matrons and substitute matrons shall be entitled as if officers or members of the Police Department to all of the rights, privileges and benefits conferred by Sections 92, 92½, 93, 93½, 94, 95 and 96 of the Charter upon officers or members of the Police Department.

POSITIONS AND SALARIES.

Fire department Organization and salaries

Sec. 97. The Fire Department shall consist of the officers and members of the respective ranks in the order as in this section enumerated and they shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

| | |
|---|---|
| Chief of the Fire Department | $7,970.00 |
| First Assistant Chief of Fire Department | 6,382.00 |
| Second Assistant Chief of Fire Department | 6,382.00 |
| Battalion Chiefs, each | 5,592.00 |
| Superintendent of Engines | 5,905.00 |
| Captains, each | 3,876.00 |
| Lieutenants, each | 3,672.00 |
| Engineers, each | 3,636.00 |
| Chiefs' Operators, each | 3,480.00 |
| Hoseman, third year of employment | 3,312.00 |
| Hoseman, second year of employment | 3,156.00 |
| Hoseman, first year of employment | 3,000.00 |

Said compensations shall be paid in equal monthly nstallments.

Persons holding the position of Stoker in the Fire Department at the time this amendment to the Charter takes effect shall be ranked as Hosemen and shall receive the same compensation as other Hosemen in the Department.

No compensation or salary less than those herein specified shall be paid to any officer or member of the Fire Department except as provided herein and in Section 97b and no rank or grade other than those herein specified shall be created or exist in the said Department. Any increases in salary or compensation granted for any rank or grade shall apply to all officers or members in such rank or grade; provided, however, that the City Council shall have the power to provide compensation, in addition to that hereinabove provided for, for the members of the Fire Department assigned or detailed to duty in the Fire Prevention Bureau.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Oakland with the original proposal 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 said City of Oakland to be affixed hereto this 19th day of July, 1946.

HERBERT L. BEACH
Mayor of the City
of Oakland

[SEAL]

CHARLES M. DON
City Clerk of the City
of Oakland

WHEREAS, The vote upon the said amendment hereinabove set forth is shown in the certificate of G. E. Wade, County Clerk of the County of Alameda, and ex officio clerk of the board of supervisors of said county, which certificate certifies that a majority of the qualified electors of said city voting upon said amendment voted in favor thereof, and duly ratified the same, said certificate being in words and figures as follows, to wit:

I, G. E. WADE, County Clerk of the County of Alameda, and Ex-Officio Clerk of the Board of Supervisors of said County, do hereby certify:

That by virtue of Resolution No. 15943 C.M.S. duly adopted by the Council of the City of Oakland on the 25th day of April, 1946, the said Board of Supervisors did, by resolution duly adopted on the 30th day of April, 1946, consolidate said special municipal election with the special county election to be held in the City of Oakland on the 4th day of June, 1946, ordered that the returns of said special municipal election be canvassed by said Board of Supervisors, and directed that said Charter amendment be placed upon the regular ballot for the June 4,

1946, special county election, for all precincts lying wholly within the incorporated limits of the City of Oakland in the following form, to-wit:

PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF OAKLAND

| | |
|---|---|
| Proposition No. 1. Amends Sections 91, 96½ and 97 of the Charter of the City of Oakland to provide for a 15% increase in the minimum compensation to be paid to officers and members of the Police and Fire Departments, and matrons and substitute matrons employed in the City prison; eliminates the power of the City Council to decrease the minimum compensation paid members of the Police and Fire Departments when required by economic conditions; and authorizes the City Council to provide additional compensation for members of the Fire Department assigned to duty in the Fire Prevention Bureau. | For the Amendment<br>---<br>Against the Amendment<br>--- |

That in accordance with the foregoing resolution of the Council of the City of Oakland, and the foregoing resolution of said Board of Supervisors, and the provisions of law governing elections and the consolidation thereof, the Board of Supervisors of the County of Alameda, State of California, met on the 6th day of June, 1946, and on various dates between said 6th day of June, 1946, and the 1st day of July, 1946, at its usual time and place of meeting, and did duly and regularly canvass the returns of said election, and on the 1st day of July, 1946, duly and regularly canvassed the returns of said special municipal election, and did duly find, determine and declare the result of said special municipal election, as determined from the canvass of the returns thereof, to be as follows:

On Proposition No. 1:

For the amendment, 49,044 votes were cast.

Against the amendment, 33,593 votes were cast.

That thereupon said Board of Supervisors, in accordance with the result of said canvass, did duly find, determine and declare that a majority of the qualified electors of said City voting on said Charter amendment hereinabove set forth, and designated as Proposition No. 1, had voted for and ratified said amendment, and that said amendment was duly ratified and adopted by the electors of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the said County of Alameda, this 19th day of July, 1946.

---

G. E. WADE
County Clerk of the County of Alameda, State of California, and Ex-officio Clerk of the Board of Supervisors of said County.

[SEAL]

WHEREAS, The said proposed amendment as ratified as hereinabove set forth has been and is now 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

*Resolved by the Assembly of the State of California, the Senate 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 Oakland as proposed to, and adopted and ratified by the electors of the said City 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 part of the charter of the said City of Oakland. Approval

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## CHAPTER 10

*Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature.*

[Filed with Secretary of State July 25, 1946.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Rules of the Legislature of the Fifty-sixth (First Extraordinary) Session, as such rules appear in Senate Concurrent Resolution No. 1 of that session, are hereby adopted as the Joint Rules of the Legislature for this Fifty-sixth (Second Extraordinary) Session. Joint rules

### JOINT RULES OF THE SENATE AND ASSEMBLY COMMITTEES AND COMMITTEE MEETINGS

#### Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the Rules of each house. Standing committees

#### Joint Committees

2. The Rules Committees of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly. Joint committees

#### Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill. Joint meeting of committees

## BILLS AND RESOLUTIONS

### Definition of Word Bill

"Bill" 4. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

### Concurrent and Joint Resolutions

Resolutions: Concurrent, joint 5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the Federal Government.

### Resolutions Treated as Bills

Resolutions, etc. as bills 6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

## PREPARATION AND INTRODUCTION OF BILLS

### Title of Bill

Title 7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

### Division of Bill Into Sections

Sections 8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

### Restrictions as to Amendments

Amendments 9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

## Changes in Existing Law to Be Marked by Author

"Strike-out" and italic type

10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

## Printing of Amendments

Printing of amendments

11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

## Printing and Distribution of Bills—Manner of Printing Bills

Printing of bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

## Distribution of Legislative Publications

Legislative publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Each Member of the Senate and Assembly shall be permitted to submit a list of 10 libraries, chambers of commerce or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements.

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of fifty-five dollars ($55), nor shall more than two copies of bills or other legislative publications be distributed free to any person, office or organization except to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

## OTHER LEGISLATIVE PRINTING

### Printing of the Daily Journal

Journals

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the *Journal* of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the *Journal* of the respective houses of the Legislature.

### What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of each house:

Contents

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

### Printing of the Daily File

Daily file

16. A daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

### Printing of History

Histories

17. Each house shall cause to be printed once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

### Authority for Printing Orders

Printing orders

18. The Superintendent of State Printing shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the Rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

## RECORD OF BILLS

### Secretary and Chief Clerk to Keep Records

Registers of bills

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

### Secretary and Chief Clerk Shall Indorse Bills

Indorsement

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall indorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

## ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

### After a Bill Has Been Passed by the Senate or Assembly

Bills from other house

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

### Messages to Be in Writing Under Proper Signatures

Messages

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

## PASSAGE AND ENROLLING OF BILLS

### Passage of Bills Preceding Final Adjournment

Passage preceding final adjournment

23. No Senate bill shall be passed by the Senate, and no Assembly bill shall be passed by the Assembly within the time specified in the resolution prior to the adjournment sine die of the two houses of the Legislature at a regular session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

### Enrollment of Bill After Passage

Enrollment

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in

the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

## AMENDMENTS AND CONFERENCES

### Amendments to Amended Bills Must Be Attached

Amendments

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

### To Concur or Refuse to Concur in Amendments

Concurrence in amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

### Concurring in Amendments Adding Urgency Section

Same: Urgency section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

Free conference committee

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairmen thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Conference shall report to both the Senate and Assembly.

Report of Committee on Conference

Same: Report

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

When Conference Committee Report Is in Order

Same

30. The presentation of the report of a Committee on Conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS

Authority When Rules Do Not Govern

Mason's Manual

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual.

## Press Rules

Press rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 94 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privileges of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the standing committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

## Dispensing With Joint Rules

Dispensing with rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dis-

pensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Conference Committee.

Violation of rules

## Opinions of Legislative Counsel

Legislative counsel

34. Whenever the Legislative Counsel issues, to a person other than the author, an opinion as to the constitutionality, operation or effect of a pending bill, constitutional amendment, resolution or other legislative measure, he is hereby authorized and instructed to deliver a copy of the opinion to the author of such measure contemporaneously with the issuance and delivery of the original opinion.

## Expense of Members

Expenses of members

35. As provided in Section 23b of Article IV of the Constitution, each member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance of ten dollars ($10) per day.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and a copy of the certificates shall be printed in Journals of the respective houses. Upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

## Investigating Committees

Investigating committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out

the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or to accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of five and one-half cents ($0.05½) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twelve dollars ($12) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The

chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Legislative Budget Committee

Legislative budget committee

37. In addition to any other committee provided for by these Rules, there shall be a Joint Committee to be known and called the Legislative Budget Committee.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro tempore of the Senate and one member each from the Committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, selected by the respective committees. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolu-

tion of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to an allowance of twelve dollars ($12) per day and travel expenses which shall be deemed to be five and one-half cents ($0.05½) per mile. The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Auditor for use and custody, available to the members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Auditor shall assist any member of the Legislature or any committee thereof in any matter, and to that end shall make available to such members or committees any records, documents, or other data under his control; but except as hereinabove provided, neither the Legislative Auditor nor any employee of the committee shall reveal to any person not a member of, or employed by the committee, or a member or

employee of a legislative committee in conjunction with which the Legislative Budget Committee is operating, the contents or nature of any matter, except under the express direction of the Legislative Budget Committee.

Vacancies in Budget Committee

37.5. Any vacancies occurring between sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

Adjournment

Adjournment

38. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

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## CHAPTER 11

*Senate Concurrent Resolution No. 2—Approving an amendment 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 electors of said city at the special municipal election held therein on the twenty-eighth day of May, 1946.*

[Filed with Secretary of State July 25, 1946.]

City of Napa: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as set out in the certificate of the mayor and the city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF NAPA } ss.
CITY OF NAPA }

CERTIFICATE OF RATIFICATION OF TWO AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA

Certificate

We, the undersigned S. J. CINNAMOND, Mayor of the City of Napa, and CHARLES E. MARTIN, 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 April 10, 1946, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa two proposed amendments to the Charter of said City of Napa, said charter amendments being designated as Proposal No. 1 and Proposal No. 2, respectively, filed in the office of the Clerk of said City of Napa on said April 10, 1946, 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 28th day of May, 1946;

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 11th day of April, 1946, 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 28, 1946, 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 Proposal No. 1 and Proposal No. 2, 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 70 of the Charter of the City of Napa, as follows:

"Bonded Indebtedness.

"Sec. 70. Whenever the city council shall determine that the public interest or necessity demands the acquisition construction or completion of any municipal improvement or other works, property or structures necessary or convenient to carry out the objects, purposes, or powers of the municipality, the costs of which will be too great to be paid out of the ordinary

Bonded indebtedness

annual income and revenue of the municipality, the city of Napa may incur a bonded indebtedness therefor; and the general laws of the State of California relative to the procedure for authorizing the incurring of such bonded indebtedness and for the issuance and redemption of such bonds now in force, or which may hereafter be adopted, shall govern and control and all proceedings shall be in conformity therewith;

"Provided that, notwithstanding any provision of the general laws of the State of California, or any other provision of this charter, no bonded indebtedness shall be incurred by the city which, together with the amount of bonded indebtedness outstanding, shall exceed fifteen per cent. of the assessed value of all real and personal property in the city subject to taxation for city purposes; except that bonded indebtedness heretofore or hereafter created for water supply, storage or distribution purposes or facilities shall be exclusive of the limitation on the amount of bonded indebtedness of the city contained in this section or otherwise provided by law, and bonded indebtedness may be incurred for such purposes without limitation as to amount."

PROPOSAL NO. 2

To amend Section 95 of the Charter of the City of Napa, as follows:

"Limit of tax levy.

Limit of tax levy

"Sec. 95. The tax levy authorized by the city council to meet the municipal expenses for each fiscal year shall not exceed, except as in this charter otherwise provided, the rate of one dollar and fifty cents on each one hundred dollars of the assessed value of all real and personal property within the city. The city council in making said levy shall apportion (a) not less than ten cents to the library fund, unless the estimate of the board of library trustees calls for a less a nount, and (b) not less than four cents to the recreation fund to be used and applied to the cost and expense of maintaining and operating public parks, playgrounds and recreational facilities of the city."

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 18th day of July, 1946.

S. J. CINNAMOND
Mayor of the City of Napa,
State of California.

(SEAL)

CHARLES E. MARTIN
City Clerk of the City of Napa,
State of California

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 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 thereof concurring,* A majority of all members elected to each house voting therefor and concurring therein, that said amendment to the charter of the City of Napa as presented 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 part of the charter of said City of Napa.

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## CHAPTER 12

*Senate Concurrent Resolution No. 3—Relative to distribution of legislative printing.*

[Filed with Secretary of State July 25, 1946.]

Distribution of legislative printing

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the mailing and distribution of bills and legislative publications of the extraordinary session of the Legislature commencing upon the twenty-second day of July, 1946 shall be governed by provisions of Rule 13 of the Joint Rules of the Legislature, except that the price for the delivery of a complete set of bills and resolutions covering this extraordinary session shall be the sum of seven and 50/100 dollars ($7.50).

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## CHAPTER 13

*Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the County of Alameda voted for and ratified by the electors of said county at a special county election held therein on the fourth day of June, 1946.*

[Filed with Secretary of State July 25, 1946.]

County of Alameda Charter amendments

WHEREAS, The County of Alameda, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the eighteenth day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California on the eighteenth day of January, 1927, and filed in the

office of the Secretary of State on the eighteenth day of January, 1927 (Stats. 1927 pp. 2029); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the County of Alameda, to wit:

Certificate

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 4TH DAY OF JUNE, 1946.

PREAMBLE

BE IT KNOWN THAT:

WHEREAS, The County of Alameda, State of California, has, at all times mentioned herein, been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January 1927; and

WHEREAS, the Board of Supervisors of said County of Alameda, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, on the 23rd day of April, 1946 duly enacted Ordinance No. 414 calling and ordering the holding of a special county election throughout the County of Alameda, State of California, for the purpose of submitting to the qualified electors thereof certain proposals to amend the charter of said County of Alameda, specifying the time of such election, establishing the special election precincts for same and designating the polling places therein and the names of the election officers for each precinct, and directing the Clerk of said board to supply ballots, materials, equipment and all other things necessary for the conduct of said special county election, and to publish said ordinance five (5) times in the Berkeley Daily Gazette, a daily newspaper printed, published and circulated in the County of Alameda, the last of said publications to be made before June 4, 1946; and

WHEREAS, thereafter said Ordinance No. 414 ordering and calling said special election was duly published in full and at length in said newspaper for five (5) times and on the following dates, to-wit: May 6, 9, 18, 22 and 25th, 1946; and

WHEREAS, the Board of Supervisors, pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, by its Resolution No. 45706 adopted April 18, 1946 duly proposed and ordered submitted to the qualified electors of said County of Alameda at the special election to be held in said county on the 4th day of June, 1946, eight (8) proposed amendments to the Charter of the County of Alameda, and duly ordered that said proposals should be forthwith published for ten (10) times in the Oakland Post-Enquirer, a daily newspaper of general circulation, printed, published and circulated in said County of Alameda, which said proposals were set forth in full and at length, and were, and are in words and figures hereinafter set forth; and

WHEREAS, thereafter the said eight (8) proposed amendments to the Charter of said County of Alameda were duly published in full and at length in said newspaper for ten (10) times, and on the following dates, to-wit: April 22, 23, 24, 25, 26, 27, 29, 30, and May 1 and 2, 1946, and said special election at which said proposals were submitted to the vote of qualified electors of said county was not less than thirty (30) days nor more than sixty (60) days after publication of said proposals as aforesaid; and

WHEREAS, immediately subsequent to said publication, said Board of Supervisors, by Resolution No. 45811 adopted May 7, 1946, duly prescribed the form and titles to be printed on the special county election ballot to be used at said special county election on June 4, 1946 for the submission of said proposals which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS subsequent to said publication the county clerk of Alameda County caused to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there were voters therein, said copies being designated "Sample Ballot" upon their face, and mailed one sample ballot, postage prepaid, to each voter in the County of Alameda, not more than forty (40) nor less than ten (10) days before June 4, 1946, the day fixed for said special County election, and completed the mailing of said sample ballots at least ten (10) whole days before said election; and

WHEREAS, at said special county election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county and appeared on the special county election ballot at said election in the following form, to-wit:

## AMENDMENTS TO THE CHARTER OF THE COUNTY OF ALAMEDA

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|---|---|---|
| 1. | Shall the Charter of the County of Alameda be amended to expressly provide that the members of the Board of Supervisors shall have such executive, legislative and other powers as are now or may be hereafter specified by the Constitution or laws of the State of California or by said Charter, and to provide that each member of the Board of Supervisors shall receive as compensation for his services as such supervisor, the salary fixed by general law, by repealing Section 5 of said Charter and amending Section 4 of said Charter. | YES<br>———<br>NO |
| 2. | Shall Section 10 of the Charter of the County of Alameda, which now provides that in case of the absence or inability of the Chairman of the Board of Supervisors to act the members present must select one of their number to act as Chairman pro tem, be amended to provide that in case of the absence or inability of the Chairman of the Board of Supervisors to act, the members present must select one of their number to act as Chairman temporarily. | YES<br>———<br>NO |
| 3. | Shall the Charter of the County of Alameda be amended by repealing subdivision (j) of Section 12 of said Charter, which now provides that it shall be the duty of the Board of Supervisors to provide in every contract for the performance of labor that eight hours shall constitute a day's work, and by adding a new section to said Charter to be numbered 12¼ providing that it shall be the duty of the Board of Supervisors to provide in every contract for the performance of labor that the prevailing schedule of hours in private employment, but not to exceed eight hours, shall constitute a day's work. | YES<br>———<br>NO |

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|---|---|---|
| 4. | Shall the Charter of the County of Alameda be amended by adding a new section to be numbered 14¾ to said Charter authorizing the Board of Supervisors by a four-fifths vote of its members to provide for the participation in the State Employees' Retirement System or in any other retirement system now or hereafter authorized or established by the laws of the State of California, of the County of Alameda and all persons in the present County Retirement System and all other persons in the service of the County who are eligible to membership in such state or other retirement system, and to authorize the Board of Supervisors to thereupon provide by a like vote for dissolution of the present County Retirement System, and also for the transfer of moneys and other assets in the present County Retirement System to such state or other retirement system. | YES<br>——<br>NO |
| 5. | Shall Section 35 of the Charter of the County of Alameda, relating to civil service, be amended to provide that the unclassified civil service shall include not to exceed two confidential employees in the office of the Board of Supervisors. | YES<br>——<br>NO |
| 6. | Shall Section 39 of the Charter of the County of Alameda, relating to preferential credit on competitive examinations, be amended to provide that the same preferential credit as is now granted to Veterans of previous wars taking civil service examinations, be granted to persons who have served in the military or naval service of the United States during any war in which the United States has been or is engaged subsequent to December 6, 1941, and have been honorably discharged or released from active duty under honorable conditions. | YES<br>——<br>NO |
| 7. | Shall Section 47 of the Charter of the County of Alameda, which now provides that eight hours shall constitute a day's work for mechanics and others engaged in manual labor in the service of the County, be amended to provide that the Board of Supervisors shall provide the number of hours, but not to exceed eight hours, that shall constitute a day's work for mechanics and others engaged in manual labor in the service of the County, said number of hours to be the prevailing number of hours constituting a day's work for such service rendered in private employment. | YES<br>——<br>NO |

| | | |
|---|---|---|
| 8. | Shall the Charter of the County of Alameda be amended by repealing Section 64 of said Charter, which now purports to provide that no compensation for any position under the classified civil service shall be increased or diminished without the consent of the Civil Service Commission specifically given thereto in writing. | YES<br>——<br>NO |

and,

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals and each of them, were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, said special county election was held in said County of Alameda on the 4th day of June, 1946, which day was not less than thirty (30) days nor more than sixty (60) days from the completion of the publication of said proposed amendments as hereinafter set forth; and that said special county election was held and conducted in the same manner as provided by law for general elections; and

WHEREAS, the returns of said special county election held in the County of Alameda on the 4th day of June, 1946, at which election said proposals and each of them were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the Board of Supervisors of the County of Alameda and said Board caused to be entered in the records of said Board in Appendix No. 1 in Minute Book No. 79 a statement of the result of said special county election which statement shows the propositions voted upon, the number of votes given in each precinct for and against each of such propositions and the number of votes given in the County of Alameda for and against each of such propositions voted upon; and

WHEREAS, a majority of the qualified electors voting thereon at said special county election voted in favor of the adoption of each of said eight (8) amendments to the charter of the County of Alameda, and the Board of Supervisors of the County of Alameda did by Resolution 46146½, adopted July 1, 1946, declare each of said eight (8) amendments duly adopted by the electors of the County of Alameda; and

WHEREAS, said amendments so ratified by the electors of said County of Alameda at said special county election held on June 4, 1946, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW THEREFORE, the undersigned, Thomas E. Caldecott, Chairman of the Board of Supervisors of the County of Alameda, State of California, and G. E. Wade, County Clerk and

Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said charter of said County, and each of them, so ratified by the majority of the electors voting thereon at said special county election held on the 4th day of June, 1946, as submitted to said electors, are in words and figures as follows, and are and shall, if so approved by said legislature be in the words and figures following, to-wit:

FIRST PROPOSAL

TO AMEND THE CHARTER OF THE COUNTY OF ALAMEDA TO EXPRESSLY PROVIDE THAT THE MEMBERS OF THE BOARD OF SUPERVISORS SHALL HAVE SUCH EXECUTIVE, LEGISLATIVE AND OTHER POWERS AS ARE NOW OR MAY BE HEREAFTER SPECIFIED BY THE CONSTITUTION OR LAWS OF THE STATE OF CALIFORNIA OR BY SAID CHARTER, AND TO PROVIDE THAT EACH MEMBER OF THE BOARD OF SUPERVISORS SHALL RECEIVE AS COMPENSATION FOR HIS SERVICES AS SUCH SUPERVISOR, THE SALARY AS FIXED BY GENERAL LAW;

by repealing Section 5 and amending Section 4 of said Charter of the County of Alameda to read as follows, to-wit:

"Sec. 4: The County of Alameda shall have a Board of Supervisors consisting of five members who shall have such executive, legislative and other powers as are now or may be hereafter specified by the Constitution or laws of the State of California or by this Charter. Each member must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least one year immediately preceding his election, and shall be nominated and elected at the time and in the manner and for the term now or hereafter provided by general law. Each member of the Board of Supervisors shall receive as compensation for his services as such supervisor the salary fixed by general law. Section 5 of this Charter is hereby repealed."

Board of supervisors: Organization, powers

SECOND PROPOSAL

TO AMEND SECTION 10 OF THE CHARTER OF THE COUNTY OF ALAMEDA, WHICH NOW PROVIDES THAT IN CASE OF THE ABSENCE OR INABILITY OF THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ACT THE MEMBERS PRESENT MUST SELECT ONE OF THEIR NUMBER TO ACT AS CHAIRMAN PRO TEM, TO PROVIDE THAT IN CASE OF THE ABSENCE OR INABILITY OF THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ACT, THE MEM-

BERS PRESENT MUST SELECT ONE OF THEIR NUMBER TO ACT AS CHAIRMAN TEMPORARILY;

by amending Section 10 of the Charter of the County of Alameda to read as follows, to-wit:

Temporary chairman of board

"Sec. 10: The Board of Supervisors shall elect a Chairman, who shall preside at all meetings. In case of his absence or inability to act, the members present must select one of their number to act as Chairman temporarily. Any member of the Board may administer oaths when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein."

THIRD PROPOSAL

TO AMEND THE CHARTER OF THE SAID COUNTY OF ALAMEDA BY REPEALING SUBDIVISION (j) OF SECTION 12 OF SAID CHARTER, WHICH NOW PROVIDES THAT IT SHALL BE THE DUTY OF THE BOARD OF SUPERVISORS TO PROVIDE IN EVERY CONTRACT FOR THE PERFORMANCE OF LABOR, THAT EIGHT HOURS SHALL CONSTITUTE A DAY'S WORK, AND BY ADDING A NEW SECTION TO SAID CHARTER TO BE NUMBERED 12¼ PROVIDING THAT IT SHALL BE THE DUTY OF THE BOARD OF SUPERVISORS TO PROVIDE IN EVERY CONTRACT FOR THE PERFORMANCE OF LABOR THAT THE PREVAILING SCHEDULE OF HOURS IN PRIVATE EMPLOYMENT, BUT NOT TO EXCEED EIGHT HOURS, SHALL CONSTITUTE A DAY'S WORK;

by repealing subdivision (j) of Section 12 of said Charter and by adding Section 12¼ to the Charter of the County of Alameda, to read as follows, to-wit:

Board contracts: Working hours

"Sec. 12¼: It shall be the duty of the Board of Supervisors to provide in every contract for the performance of labor, that the prevailing schedule of hours in private employment, but not to exceed eight hours, shall constitute a day's work, that the contractor and all subcontractors under him shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment; and that preference shall be given in the employment of labor to persons who shall have resided in Alameda County for at least six months prior to employment. Subdivision (j) of Section 12 of this Charter is hereby repealed."

FOURTH PROPOSAL

TO AMEND THE CHARTER OF THE COUNTY OF ALAMEDA BY ADDING A NEW SECTION TO SAID CHARTER TO BE NUMBERED 14¾ AUTHORIZING THE BOARD OF SUPERVISORS, BY A FOUR-FIFTHS VOTE OF ITS MEMBERS, TO PROVIDE FOR THE PARTICI-

PATION IN THE STATE EMPLOYEES' RETIREMENT SYSTEM, OR IN ANY OTHER RETIREMENT SYSTEM NOW OR HEREAFTER AUTHORIZED OR ESTABLISHED BY THE LAWS OF THE STATE OF CALIFORNIA, OF THE COUNTY OF ALAMEDA AND ALL PERSONS IN THE PRESENT COUNTY RETIREMENT SYSTEM AND ALL OTHER PERSONS IN THE SERVICE OF THE COUNTY WHO ARE ELIGIBLE TO MEMBERSHIP IN SUCH STATE OR OTHER RETIREMENT SYSTEM, AND TO AUTHORIZE THE BOARD OF SUPERVISORS TO THEREUPON PROVIDE BY A LIKE VOTE FOR DISSOLUTION OF THE PRESENT COUNTY RETIREMENT SYSTEM, AND ALSO FOR THE TRANSFER OF MONEYS AND OTHER ASSETS OF THE PRESENT COUNTY RETIREMENT SYSTEM TO SUCH STATE OR OTHER RETIREMENT SYSTEM;

by adding Section 14¾ to the Charter of the County of Alameda to read as follows, to-wit:

State Retirement System, etc

"Sec. 14¾: Notwithstanding any other provision of this Charter, or any ordinance adopted pursuant to the provisions thereof, the Board of Supervisors shall have the authority, by a four-fifths vote of its members, to provide for the participation in the State Employees' Retirement System, or in any other retirement system now or hereafter authorized or established by the Laws of the State of California, of the County of Alameda and all persons in the present County Retirement System and all other persons in the service of the County who are eligible to membership in such state or other retirement system The Board of Supervisors shall thereupon have authority to provide, by a like vote of its members, for the dissolution of the present County Retirement System, and also to provide, by a like vote of its members, for the transfer of moneys and other assets of the present County Retirement System to such state or other retirement system in accordance with the laws of the State of California in effect at the time of such transfer."

FIFTH PROPOSAL

Classification

TO AMEND SECTION 35 OF THE CHARTER OF THE COUNTY OF ALAMEDA, RELATING TO CIVIL SERVICE, TO PROVIDE THAT THE UNCLASSIFIED CIVIL SERVICE SHALL INCLUDE NOT TO EXCEED TWO CONFIDENTIAL EMPLOYEES IN THE OFFICE OF THE BOARD OF SUPERVISORS;

by amending Section 35 of the Charter of the County of Alameda to read as follows, to-wit:

"Sec. 35: The Civil Service of the County is hereby divided into the unclassified and the classified service. The unclassified service shall include:

"(a) All officers elected by the people, and their Chief Deputies.

"(b) All assistants, deputies and other employees in the office of the District Attorney.

"(c) Not to exceed six confidential deputies in the office of the Sheriff.

"(d) All appointive boards and commissions.

"(e) Members of the County Board of Education.

"(f) Law Library Trustees.

"(g) Members of the Civil Service Commission.

"(h) All persons serving the County without compensation.

"(i) Not to exceed two confidential employees in the office of the Board of Supervisors.

"The classified service shall comprise all positions not specifically included by this Charter in the unclassified service, provided that in the case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported by the Commission, together with the reasons therefor, to the Board of Supervisors."

SIXTH PROPOSAL

TO AMEND SECTION 39 OF THE CHARTER OF THE COUNTY OF ALAMEDA, RELATING TO PREFERENTIAL CREDIT ON COMPETITIVE EXAMINATIONS, TO PROVIDE THAT THE SAME PREFERENTIAL CREDIT AS IS NOW GRANTED TO VETERANS OF PREVIOUS WARS, TAKING CIVIL SERVICE EXAMINATIONS, BE GRANTED TO PERSONS WHO HAVE SERVED IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES DURING ANY WAR IN WHICH THE UNITED STATES HAS BEEN OR IS ENGAGED SUBSEQUENT TO DECEMBER 6, 1941, AND HAVE BEEN HONORABLY DISCHARGED OR RELEASED FROM ACTIVE DUTY UNDER HONORABLE CONDITIONS;

by amending Section 39 of the Charter of the County of Alameda to read as follows, to-wit:

Veteran's preferential credit

"Sec. 39: Any person who has served in the Army, Navy, Marine Corps, Coast Guard, or any other military or naval service of the United States during a war as defined by Section 205 of the Revenue and Taxation Code of the State of California or any war in which the United States has been or is engaged subsequent to December 6, 1941, and who has been honorably discharged from such service or has been released from active duty under honorable conditions, who shall enter a competitive examination shall be given a preferential credit of five per centum of the maximum rating for such examination, which added to his rating on such examination shall constitute his total rating."

SEVENTH PROPOSAL

TO AMEND SECTION 47 OF THE CHARTER OF THE COUNTY OF ALAMEDA, WHICH NOW PROVIDES THAT EIGHT HOURS SHALL CONSTITUTE A DAY'S WORK FOR MECHANICS AND OTHERS ENGAGED IN MANUAL LABOR IN THE SERVICE OF THE COUNTY, TO PROVIDE THAT THE BOARD OF SUPERVISORS SHALL PROVIDE THE NUMBER OF HOURS, BUT NOT TO EXCEED EIGHT HOURS, THAT SHALL CONSTITUTE A DAY'S WORK FOR MECHANICS AND OTHERS ENGAGED IN MANUAL LABOR IN THE SERVICE OF THE COUNTY, SAID NUMBER OF HOURS TO BE THE PREVAILING NUMBER OF HOURS CONSTITUTING A DAY'S WORK FOR SUCH SERVICE RENDERED IN PRIVATE EMPLOYMENT;

by amending Section 47 of the Charter of the County of Alameda to read as follows, to-wit:

"Sec. 47: The Board of Supervisors shall provide the number of hours, but not to exceed eight hours, that shall constitute a day's work for mechanics and others engaged in manual labor in the service of the county; said number of hours to be the prevailing number of hours constituting a day's work for such service rendered in private employment." Manual labor: Working hours

EIGHTH PROPOSAL

THAT THE CHARTER OF THE COUNTY OF ALAMEDA BE AMENDED BY REPEALING SECTION 64 OF SAID CHARTER WHICH NOW PURPORTS TO PROVIDE THAT NO COMPENSATION FOR ANY POSITION UNDER THE CLASSIFIED CIVIL SERVICE SHALL BE INCREASED OR DIMINISHED WITHOUT THE CONSENT OF THE CIVIL SERVICE COMMISSION SPECIFICALLY GIVEN THERETO IN WRITING;

and which reads as follows, to-wit:

"Sec. 64: No compensation for any position under the classified civil service, shall be increased or diminished without the consent of the Civil Service Commission specifically given thereto in writing." Compensation

We hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter are, and each of them is, true; and for and on behalf of said County of Alameda we being duly authorized, do hereby request the Legislature of the State of California to approve said amendments to said Charter, and each of them, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the

County of Alameda, State of California, this 19th day of July, 1946.

THOMAS E. CALDECOTT
Chairman of the Board of Supervisors of the County of Alameda, State of California.

[SEAL]

G. E. WADE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

ATTEST:
G. E. WADE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

WHEREAS, Said proposed amendments to the charter of the County of Alameda, so ratified by the majority of the electors voting thereon at said special county election held on the fourth day of June, 1946, and each of them, 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 7½ 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 the members elected to each house voting for the adoption of this resolution and concurring therein, that said amendments to the charter of the County of Alameda, and each of them, as proposed, adopted and ratified by the electors of the said County of Alameda 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 County of Alameda.

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## CHAPTER 14

*Senate Concurrent Resolution No. 5—Relative to the inclusion of certain lands within the State Park System.*

[Filed with Secretary of State July 25, 1946]

State Park System: Inyo County

WHEREAS, There are in Inyo County certain lands which contain hot springs of remarkable medicinal value which, if the land were acquired and the facilities were improved and maintained, could be operated as a part of the State Park System and would be beneficial to the people of the State who might desire to visit such hot springs; and

WHEREAS, Said lands are particularly described as the Southeast quarter of the Southwest quarter of Section 33, Township

21 North, Range 7 East, San Bernardino Base and Meridian (SE. ¼, SW. ¼, Sec. 33, T. 21 N., R. 7 E., S. B. B. & M.); and

WHEREAS, Said lands are owned by the United States of America and if such lands can be acquired and the hot springs operated at reasonable charges a valuable natural resource will be made available to the people; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Lands Commission is hereby requested to investigate the situation and to enter negotiations with the appropriate offices of the United States to determine if and on what terms said land can be acquired; and be it further

*Resolved,* That the State Park Commission investigate the possibility and desirability of acquiring such lands and operating such hot springs for the use of the public; and be it further

*Resolved,* That if said lands can be acquired and operated as hereinabove set forth through the activities of the State Lands Commission and the State Park Commission, or either of them, said agencies are requested to do so if that is legally feasible; and be it further

*Resolved,* That the State Lands Commission and the State Park Commission are directed to report to the Legislature at the next regular session concerning their activities pursuant to this resolution, together with their recommendations as to any changes in the law necessary to permit or facilitate such acquisition and operation; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit copies of this resolution to the Secretary of the Interior of the United States and to the State Lands Commission and the State Park Commission.

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## CHAPTER 15

*Assembly Joint Resolution No. 2—Relative to urging the President of the United States to approve legislation relinquishing the claim of the United States to certain tide and submerged lands.*

[Filed with Secretary of State July 25, 1946.]

Tide lands

WHEREAS, Both Houses of the Congress of the United States have passed legislation relinquishing to the States and their grantees any pretended claim of the United States to the tide, submerged, and reclaimed lands within the boundaries of the several States; and

WHEREAS, This legislation is of the utmost importance to the State of California and to every State within which such lands lie; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature hereby urgently requests the President of the United States to sign the legislation accom-

plishing this purpose which the houses of Congress have transmitted to him and thereby terminate forever the doubts which have been from time to time raised concerning the right of the States and their grantees to these valuable properties; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit immediately a copy of this resolution to the President of the United States.

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## CHAPTER 16

*Assembly Joint Resolution No. 4—Relative to memorializing the President and the Secretary of State of the United States in relation to the importation of almonds.*

[Filed with Secretary of State July 25, 1946.]

Importation of almonds

WHEREAS, The almond industry of California occupies an important place in the economy of the State and represents an investment of approximately one hundred millions of dollars in more than 100,000 acres of California land and in processing plants, warehouses, and equipment; and

WHEREAS, California's 1946 crop is estimated at 18,000 shelled tons, will considerably exceed the peak wartime average consumption in the United States and will be nearly double the normal prewar average of the period 1935 to 1939, inclusive, which was 9,259 tons; and

WHEREAS, Despite the abundant domestic supply, almond importations since September, 1945, have been more than 327 per cent above the average for the prewar period of 1935 to 1939, inclusive, said increase being due largely to the disruption of normal outlets for the Mediterranean production and the instability of the currency in certain European countries; and

WHEREAS, This abnormal volume of imported almonds has seriously affected the market for the California production and has jeopardized the interests of thousands of California almond producers; and

WHEREAS, The people of the United States are bending every effort to save on foodstuffs in order that they may be utilized to relieve the sufferings of hordes of hungry Europeans, while at the same time thousands of tons of almonds, a rich and readily transportable food, are being shipped from Europe to the United States where they are not needed, with the consequence that an equal amount of food has to be shipped back to Europe again to make up this additional deficiency in Europe's overall deficiency in the production of foodstuffs; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the President and the Secretary of State of the United States are hereby urged to take such steps as may be necessary to secure such quantitative restrictions on the export of almonds from the principal almond producing countries as will limit the importation of almonds into the United States to not more than the annual average during the

period from 1935 to 1939, inclusive, and to provide for such quarterly or other periodic review of such quantitative restrictions and such modification thereof as may be found desirable and in the public interest; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the Secretary of State of the United States, and to each Senator or Representative from California in the Congress of the United States.

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## CHAPTER 17

*Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to the inundation of State Highways 77 and 192 by the waters impounded by Prado Dam in Riverside County, California, and remedial legislation in connection with this and similar situations.*

[Filed with Secretary of State July 25, 1946]

Flood control: Highways

WHEREAS, State Highway Route 77 comprises the inland route between the Cities of Los Angeles and San Diego via Pomona and Temecula; and

WHEREAS, State Highway Route 192 runs from State Highway Route 77 to Upland in San Bernardino County and connects the State Highway System within said county with said inland route between Los Angeles and San Diego; and

WHEREAS, The United States of America, acting through the Secretary of War and the Chief of Engineers, has caused to be constructed a flood control project known as the Prado Dam in the Santa Ana River; and

WHEREAS, The operation of Prado Flood Control Project subjects portions of State Highways 77 and 192 lying near the juncture thereof, in Riverside and San Bernardino Counties, to periodic inundation and renders such portions unusable for considerable periods at a time and destroys their value and usability as a part of the State Highway System and causes great inconvenience to many thousands of people residing in Los Angeles, San Bernardino, Riverside and Orange Counties, and other adjacent areas in the State of California; and

WHEREAS, Pursuant to State law requiring the State Department of Public Works to maintain any traversable route between the termini of, and approximately on, any route included in the State Highway System, said department took over the roads in question from Riverside and San Bernardino Counties, respectively, in 1931 and 1933, and said roads have at all times since been under the full possession and control of said department as State highways and at State expense; and

WHEREAS, The Legislature by Section 24 of the Streets and Highways Code has defined "State highway" to be any highway that is maintained as a State highway pursuant to legislative authorization and has, since the year 1925, considered, dealt with, and appropriated funds for the maintenance of such traversable highways as State highways; and

WHEREAS, The District Court of the United States, Southern District of California, Central Division, has rendered a decision affecting said highways, which decision appears to have the effect, on technical grounds, of relieving the United States of its obligation to relocate said highways or to reimburse the State of California for the relocation thereof; and

WHEREAS, Said highways, Routes 77 and 192, within said Prado Flood Control Project, have, in fact, been treated as State highways, maintained as such, and considered as such by all parties concerned, including the State of California and said counties and Federal engineers; and

WHEREAS, Unless the United States assumes its obligation in the premises, the State of California is faced with an expenditure that may exceed a million dollars for relocation of said highways which have been rendered unusable by the construction of said Prado Dam by the United States, which expenditure, as a matter of policy and of justice, the State of California should not be called upon to bear, particularly in view of the fact that the Federal flood control policy contemplates and the law provides that the United States shall bear all of the cost of the lands, easements, flowage rights, and highway, railway, and utility relocation involved in the construction of such a flood control project (Section 701c-1, Title 33, United States Code); and

WHEREAS, The United States of America should be far above any action which even remotely resembles an attempt to avoid, on technical grounds, an obligation to one of its constituent States to save it harmless from any damage caused to its highways by reason of flood control works under a statute which contemplates that the entire expense and burden shall be borne by the United States; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the President and the Congress of the United States are hereby respectfully memorialized and requested to take such steps as may be necessary:

Relocation of highways

1. To provide for the relocation of those portions of State Highways 77 and 192 of the State of California which are within said Prado Flood Control Basin below the elevation of said Prado Dam, in San Bernardino and Riverside Counties, California, or to provide for the reimbursement of the State of California for the cost of such relocation; and

Reimbursement of State

2. To provide specifically by law that, whenever, because of the construction of works for flood control, it becomes necessary to relocate a road or highway, the United States will relocate said road or highway or will reimburse the State or local agency

for such relocation, in accordance with the express policy heretofore enunciated by Congress in the Flood Control Acts of June 22, 1936 and June 28, 1938; and

3. That such legislation further provide that proper and adequate arrangements for such relocation of public highways be made by the United States prior to commencement of construction of any such flood control works; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate, and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in the Congress of the United States from California; and be it further

*Resolved,* That nothing in this resolution contained shall be deemed to have altered the meaning or effect of any statute of the State of California relating to highways, and any and all such statutes shall be deemed to have the same meaning and effect as they had prior to the adoption of this resolution.

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## CHAPTER 18

*Assembly Joint Resolution No. 6—Relative to fixed base air carriers.*

[Filed with Secretary of State July 25, 1946.]

Civil Aeronautics Board. Fixed base air carriers.

WHEREAS, Fixed base air carriers (also called "nonscheduled carriers") are now engaged in the transportation of passengers and freight under existing Federal regulations, giving employment to 7,000 pilots, veterans of World War II; and

WHEREAS, More than 20,000 returned veterans are employed by said carriers as ground crew personnel, and the officials of said enterprises are, for the most part veterans, and a large part of the capital invested represents the savings of returned servicemen; and

WHEREAS, The officials, pilots, and other personnel of the said carriers constitute a trained reserve force for the protection of the country and its future security; and

WHEREAS, There exists a need for the services supplied by such fixed-base carriers in the transportation of passengers and freight to a vast number of points, both in United States and in foreign countries; and

WHEREAS, The Civil Aeronautics Board has indicated that a regulation will be issued on August 1, 1946, which would restrict such carriers to 10 flights per month and prohibit advertising and the solicitation of business, and would prevent over-water international flights; and

WHEREAS, Such restrictions would encourage monopoly and would so seriously hamper the operations of said carriers, as to require most of them to cease operations, thus depriving thousands of veterans of a livelihood in the field for which they have been trained; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Civil Aeronautics Board is respectfully requested to reconsider its decision with regard to the proposed restrictive regulation, and instead, grant full operational rights to nonscheduled operators, in the interests of aviation development and National security in the United States; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Civil Aeronautics Board, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 19

*Assembly Concurrent Resolution No. 11—Relative to the establishment of a 40-hour work week for public employees.*

[Filed with Secretary of State July 25, 1945.]

40-hour work week · Public employees

WHEREAS, In this period of reconversion from a wartime to a peacetime economy an effort is being made to establish a 40-hour work week in private industry throughout the State and Nation; and

WHEREAS, Some State employees at present have a normal work week of 40 hours, while others have a normal work week of 44 or 48 hours and others have an even more excessive basic week; and

WHEREAS, The Federal Government has already inaugurated a 40-hour basic work week for all Federal employees and has provided compensation increases for time over the standard 40-hour week generally paying time and half time for overtime; and

WHEREAS, The State of California is experiencing increasing difficulty in securing and keeping competent personnel in the face of the 40-hour basic work week of the Federal Government and of private industry; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That each State department head prepare a supplemental budget, at the time he submits his regular budget estimate for the 1947-49 Biennium, indicating the additional estimated costs of operating his department on a 40-hour individual work week base. The additional estimated cost should include estimate for extra employees to effect the 40-hour week and estimate for such overtime pay as would be expected, where necessary, to compensate employees at the rate of time and half over the 40-hour base week; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Governor, the Department of Finance, each department head and each member of the State Personnel Board.

## CHAPTER 20

*Assembly Concurrent Resolution No. 12—Approving a certain amendment to the charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the ninth day of April, 1946.*

[Filed with Secretary of State July 25, 1946.]

City of Redwood City: Charter amendments

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 Redwood City, a municipal corporation in the County of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK
CITY OF REDWOOD CITY, COUNTY OF SAN MATEO
STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } ss.
CITY OF REDWOOD CITY }

Certificate

We, the undersigned, WALTER W. HILTON, Mayor, and RALPH S. DODGE, City Clerk of the City of Redwood City, do hereby certify and declare as follows:

The City of Redwood City in the County of San Mateo, State of California, is now and at all times herein mentioned has been a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has been ever since April 30, 1929 and is now organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8 of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 9th day of April, 1929 in the manner, form and substance as required by law and was thereafter duly approved by concurrent resolution of the legislature of the State of California on the 30th day of April, 1929 (Stats 1929, p. 2176).

The legislative body having authority of said City being the Council thereof, did, on its motion and by resolution adopted on the 18th day of February, 1946, duly propose to the qualified electors of said City of Redwood City a certain amendment to Section 17 of the Charter of said City, which amendment is herein set forth as proposition (c).

Said City Council did, by said resolution of February 18, 1946, proclaim and fix the 9th day of April, 1946, the date of the general municipal election in said City as the date upon which said amendment so proposed be submitted to and acted upon by the qualified electors of said City of Redwood City.

Said proposed amendment was published on the 1st day of March, 1946 in Redwood City Tribune, a newspaper of general circulation, printed and published in said City of Redwood City and having a general circulation therein, said newspaper being the official newspaper of said City, and said publication was made at the time and in the manner prescribed in Article XI, Section 8 of the Constitution of the State of California.

Said City Council caused copies of said amendment to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City of Redwood City, and did, on March 1 and March 8, 1946, advertise notice in said Redwood City Tribune that said copies might be had upon application therefor at the office of the City Clerk of said City of Redwood City, which said copies were duly provided.

Said general municipal election held on April 9, 1946, was not less than forty and not more than sixty days after the expiration of the advertising in said official newspaper. At said election said proposed charter amendment was voted upon by the qualified electors of the City of Redwood City. A Majority of the qualified electors voting thereon voted in favor of and did ratify said proposed charter amendment.

Said City Council of said City, in accordance with the law in such cases made and provided, did meet at its usual place of meeting at the time and in the manner provided by law and duly canvassed the returns of said election as certified by the election boards, and duly found, determined and declared by resolution that a majority of the qualified electors of said City voting thereon had voted in favor of and had ratified said amendment to said charter of the City of Redwood City as hereinafter set forth.

Said charter amendment so ratified by the qualified electors of said City of Redwood City at said election is

(c) The proposition or proposal to amend Section 17 of the Charter of the City of Redwood City to read as follows, to-wit:

City planning commission

Section 17. CITY PLANNING COMMISSION: There shall be a city planning commission consisting of the Mayor as an ex-officio member without vote except in case of a tie, and six citizens to be appointed by the council to serve for six years each, without compensation. Neither the City Attorney, the City Engineer nor any deputy or assistant of either of them shall have the right to vote or enter in deliberations but shall be present in an advisory capacity only.

This commission shall be governed by the general laws of the state relating to planning commissions, and shall have and exercise all powers and duties which are now or may hereafter be granted to or imposed upon said commission, or department, and such additional powers and duties as may be granted or imposed by ordinance.

IN WITNESS WHEREOF we have hereunto set our signatures and caused the official seal of the City of Redwood City to be affixed hereto this 20th day of July, 1946.

WALTER W. HILTON
Mayor of the City
of Redwood City.

(SEAL)

RALPH S. DODGE
Clerk of the City
of Redwood City.

WHEREAS, The said proposed amendment as ratified as hereinabove set forth has been and is now 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

*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 amendment to the Charter of the City of Redwood City as proposed to, and adopted and ratified by the electors of the said City 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 part of the charter of the said City of Redwood City. Approval

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## CHAPTER 21

*Senate Concurrent Resolution No. 6—Relative to adjournment sine die of the Fifty-sixth (Second Extraordinary) Session of the Legislature of the State of California.*

[Filed with Secretary of State July 26, 1946.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Second Extraordinary Session of the Fifty-sixth Legislature of the State of California, which convened at 10.30 a.m. on the twenty-second day of July, 1946, pursuant to a proclamation issued by the Governor of the State of California under date of July 18, 1946, shall adjourn sine die at 2 p.m., July 25, 1946. Adjournment